~~Revenue~~ Pension (1899) Department.

CURRENT No. 154

G. NO-142

From

The Board of Revenue, Land Revenue, Madras.

Order 25th Feb.y 1899 Re 142

Hm 22-2-99

GOVERNMENT OF MADRAS 16 FEB 1899 PENSION DEPARTMENT

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

Ref.E, No. 5

Dated 14th February 1899

Received 16/2

Registered 16/2

Enclosures

Spare copies

Hm 18/2/99

SJ 17.2.99

To

The Petitioner
thro' The Board of Rv.
L.R.

Note

For the circumstances under which the petitioner's pension was reduced from Rs. 46-10-6 (the full amount admissible) to Rs 25/-, please see the notes under G.O. No 151 Pension, d/ 25-2-98 - flagged G. The Board now makes no recommendation on his behalf.

SJ 17.2.99

Levy Hm 18/2/99

SUBJECT

Submitting to Government memorial from A.Ramaswami Aiyar, late Taluk Head Accountant, Shiyali, Tanjore Dt., praying for an increased pension.

Recd from R.D on 1/3/99 Smt

G 22/2/99

Hm 23/2/99

BACK PAPERS.

G.O.	No.	Department.	Date.
"	151	Pen	25-2-98
"	194	do	9-3-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.
	389	Pen.	28-6-98

ENCLOSURE A.

Service of A. Ramaswami Aiyar.

Appointments.	Pay.	Date of Appointment.	Date of Termination.	
Ag. Dufterbund Tanjore Taluk. ...	3–8	13th August 1868	12th October 68	
2nd Clerk, L. F. Dept. Collector's Office Tanjore. ...	20	1st June 69	30th November 71	
Clerk L. F. Board's Office Tanjore. ...	25	1st December 71	31st January 74	
Do. ...	40	1st February 74	31st October 75	
Ag. Eng. 2nd Clerk Collectors Office Tanjore. ...	50	1st November 75	4th January 76	
Clerk L. F. Board Tanjore. ...	40	5th January 76	3rd June 77	
Ag. Eng. 3rd Clerk Collector's Office....	45	4th June 77	5th August 77	
Clerk L. F. Board Tanjore. ...	40	6th August 77	12th September 77	
Accountant for famine duties Collector's Office Tanjore. ...	60	13th September 77	31st October 77	
Clerk L. F. Board's Office ...	40	1st November 77	31st March 80	
Head Clerk Do. ...	50	1st April 80	12th May 81	
Manager Gandharvacotta Estate. ...	70	13th May 81	14th November 83	Substantive L.F. Board clerk on Rs. 50.
Do. ...	70	15th November 83	15th January 85	Do. Ver. 2nd clerk Collector's Office Rs. 60.
Do. ...	93-5-4	16th January 85	13th February 86	Do. do.
Do. Vadapadimangalam Estate. ...	80	14th February 86	8th August 86	Do. do.
Do. ..	80	9th August 86	2nd December 86	Do. Taluq Sheristadar Pattucotta Rs. 60.
Do. Ramasetuswami Estate. ...	85	3rd December 86	17th December 86	Do. do.
Do. ...	85	18th December 86	7th March 88	Do. do. Shially Rs. 60.
Dy. Tahsildar & Sub-Magistrate Vallam.	70	8th March 88	20th October 90	
Do. Vedaraniam. ...	70	21st October 90	30th September 92	
Do. ...	100	1st October 92	18th November 92	
Ag. Do. & Stationary Sub-Magistrate Tiruturaipundi ...	100	19th November 92	25th August 93	
Dy. Tahsildar & Sub-Magistrate Vedaraniam. ...	100	26th August 93	10th June 96	
Do. Do. Tranquebar. ...	100	11th June 96	22d Sept 96.	
Suspension pending Enquiry		23d Sept 196	29th Augt 197	
Taluq Sd accts Shijaly	50	30th Augt 197	17th Oct 197.	

A. Ramaswamy Iyer

ENCLOSURE. A.

TO

PETITION OF

A. RAMASWAMY IYER,

Late Taluq Head Accountant

Shiyali, Tanjore District.

TESTIMONIALS.

I. A Ramasamy Aiyar Local Fund Clerk—a very careful and hard working servant and performed the duties entrusted to him to my entire satisfaction.

March 1873. (Signed) W. M. CADELL.
Collector.

II. Good character, knows his work well, hard working and useful, good accountant.

Tanjore
24th Septemper 1874 (Signed) D. ARBUTHNOTT,
Collector.

III. I exactly endorse every particular of Mr. Arbuthnott's accurate description.

1st December 1875 (Signed) H. S. THOMAS,
Collector.

IV. A Ramasamy Aiyar, Local Fund Head Clerk, served under me while I had charge of the Treasury for a year and half. He knew his work remarkably well and gave me satisfaction. He is a well behaved young man.

6th December 1876 (Signed) P. SESHAGIRY,
Dy. Collector.

V. Extract from a letter from C. A. Bird Esq. Ag. Collector of Tanjore to the secretary to the Court of Wards Madras dated 19th July 1881 No. 41.

As the Ganderkotta Zemindary committed to the Management of the Court of wards in G. O. No. 493 dated 9th March 1881. J. D. was, and is, in a most disorganised state, it was found necessary to place it under a competent Manager and Mr. Webster had accordingly appointed one A Ramasamy Aiyar, Head Clerk L. F. Board Tanjore Circle, on a monthly salary of Rs. 60 plus Rs. 15 contribution towards pension.

(2) I beg to solicit Court's sanction for this appointment and request Government may be moved to sanction the transfer of A. Ramasamy Aiyar to the service of the Court of wards in view to enable him to count his service for pension.

(Signed) C. A. BIRD,
Ag. Collector.

VI. Extract from a letter from J. B. Pennington Esq. Collector of Tanjore to the secretary to the Court of wards Madras dated 2nd January 1885 No. 1

The Court are already aware of the arduous and complicated nature of the work connected with the management of the Gandercotta Estate. The manager is quite equal to the work and is doing well, but is under paid considering his service. He is the 2nd Vernacular Clerk in the Collectors Office and his pay is Rs. 60. His net pay as manager is also Rs. 60. Since the assumption of the management a considerable number of Civil and summary suits have been filed and there has been an enormous correspondence about the settlement of debts and the conduct of suits. He is now thoroughly familiar with the business of the Estate and it would be difficult to find any one on the same pay who will be equally useful for some time at least.

(2) I think therefore that it is desirable to raise his pay (net) to Rs. 80 notwithstanding the very desperate condition of the Estate. The amount now debited to the Estate is Rs. 70. A further sum of Rs. 23½ will be required to pay the Manager Rs. 80 net. For the past six months or more the question of increasing his salary has been engaging my attention, but for want of funds I have desisted from making any proposals on the subject.

* * *

(Signed) J. B. PENNINGTON,
Collector.

VII. The bearer Ramasamy Aiyar was Manager of the Vadapadimangalam Estate under the Court of Wards. He gave satisfaction and was regarded as honest by the Estate family who feel sorry for his removal to another Estate. He knows his work well and has passed his Examinations and is fit for higher posts than that of an Estate Clerk or Manager.

2—3—87. (Signed) N. GOPALAKRISHNAMA CHETTY,
Dy. Collector.

VIII. A man of very good character deserving of promotion as opportunity offers.

(Signed) J. B. PENNINGTON,
Collector.

IX. A Ramasami Aiyar, Manager Ramasetuswamiar's Estate, served me during the past one year since the Estate came under my charge. I always found him very hard working, honest and zealous in the discharge of his duties. I will always be glad to hear of his success in life.

(Signed) SYED KHADER PADSHAH,
Temp. Dy. Collector.

ENCLOSURE B

TO

PETITION OF

A. RAMASWAMY IYER,

Late Taluq Head Accountant

Shiyali, Tanjore District.

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ENCLOSURE C.

CHARGE I. *"He allowed the said woman or her relatives to cut down and remove a poramboke tamarind tree worth Rs. 50 and when the matter was reported to him shelved the papers."*

COLLECTOR'S OBSERVATIONS. (In his Memo accompanying his report to Board No. 1301 Dated 31—3—1897.)	REV. BOARD'S FINDING. (In their Proceedings No. 1597 Mis. (Confl. No. 62) dated 14—9—97.)
(*Para 6 in extenso*). Balasubramanian, Velamuthu's brother, cut a tree in the village, and the question was whether it belonged to him, or to the temple, or to Government. Some how or other, the Deputy Tahsildar (perhaps because he had received a report, perhaps with an honest intention of deciding rightly) directed the Karnam (inimical to him) to enquire as to the ownership of the tree. The Deputy Tahsildar examined the Temple Paimash accounts, but not being satisfied, he addressed the Tahsildar for Taluq Paimash accounts. The Tahsildar replied on the 13th April 92 that they were missing for that village. This report, the Deputy Tahsildar "Recorded and took no further action and let Velamuthu's brother keep the tree. The tree according to the Temple accounts stood in a poramboke lane through which the temple car ropes were dragged. Up to the close of Fusli 1305, Vedaraniam was treated as "minor Inam" and included in a Government village. In Fusli 1306, it was for the first time treated as a whole Inam village. I here refer to the Deputy Tahsildar's statement to me on the 16th Instant as well as to his printed explanation. He urges that as the tree stood on Poramboke and as the village was a whole Inam village, and as trees in such villages do not belong to Government and as it has been proved that Balasubramanian was in long enjoyment of the tree, there was no donbt that the tree was not Government property and that he therefore took no further action. But as for the long enjoyment which he now alleges, that has only been elicited from witnesses examined during the course of the present enquiry, and that evidence, whether true or false, was not before the Deputy Tahsildar when he "recorded" the Tahsildar's arzi. The important question is not whether an examination of evidence, oral and documentary, would *now* shew that the tree was Government or not, but whether on the *evidence then* before the Deputy Tahsildar he was justified in allowing Balasubaramanian to keep the tree and in recording the Tahsildar's report. The Deputy Tahsildar says he knew it was a whole Inam village because the Temple people had shewn him the Title Deed, though he does not remember the contents. But as a fact, Vedaraniam, as above stated, was treated in the accounts as a minor Inam until Fusli 1306 and it is ridiculous for the Deputy Tahsildar to pretend ignorance of the fact, Vedaraniam being his own head quarters. The fact of his having in the first instance referred the matter to the Tahsildar shewed he had his doubts and when the Tahsildar replied, instead of making further enquiries instead of referring to the Tahsildar and asking him if the tree should be considered as belonging to the Temple, he quietly "recorded" the Tahsildar's report and allowed the cut tree to remain with Balasubramanian without even passing any formal order to the effect that he had established his claim—which in fact he had not. The Deputy Tahsildar, no doubt, began the proceedings honestly when he wrote to the Tahsildar but I am satisfied that dishonest motives began to operate at a latter stage, and this conviction is strengthened by the consideration that the man in whose possession he allowed tree to remain was Velamuthu's brother. * * *	Nil.

PETITIONER'S EXPLANATION.

The words of the Collector "perhaps because he (Petitioner) had received a report" would make the reader suppose that the case was taken up by Petitioner on a report from the Karnam or other persons. Such was not the case. Petitioner started the enquiry *suo-moto*. Having accidentally noticed the cutting of some branches of the tree (an old and stunted tree worth about Rs. 15) in the course of his street inspection in December 1891, Petitioner wished to ascertain whether the Government or the Union had any interest in the tree and called on the cutter to prove his title to it. Petitioner ascertained that neither the Government nor the Union had any interest in the tree and dropped the matter.

2. The Collector remarks that he is satisfied that Petitioner's action in the matter was right up to the stage when he wrote to the Tahshildar for Taluq Paimash account but that dishonest motive began to operate when Petitioner recorded the reply of the Tahsildar in which it was stated that Paimash account for that Village was not available in the Taluq. Petitioner begs to submit that, in recording the Tahsildar's reply, Petitioner was not actuated by *any* dishonest motive. After Petitioner wrote to the Tahsildar but before he received his reply, the pagoda authorities produced the Inam Commissioner's Title Deed, which conferred on the pagoda the right to *all Poramboke* which lay with in the limits of the Inam. The cutter proved by a sale deed that he derived his right to the enjoyment of the Tree from the pagoda authorities. They both appeared before Petitioner and satisfied him that there was no case for Petitioner to interfere in the matter either in his capacity of Chairman or that of Deputy Tahsildar or that of Sub-Magistrate.

3. The question whether the grant was treated in the Revenue accounts as a "whole Inam Village" or as a "minor Inam" was not material for the purposes of Petitioner's enquiry as observed by the Collector. The point which appeared to the Petitioner to be material was whether, under the terms of the Inam Commissioners Title Deed, Government could assert a claim to the land on which the tree stood, but Petitioner found that the Title Deed which the Pagoda authorities produced to Petitioner did not vest such right in Government.

4. Had Petitioner seen the Inam Title Deed *before* he wrote to the Tahsildar he would not have written to him at all.

5. There was thus nothing for Petitioner to do in the matter after the Tahsildar's Arzi was received nor was there any necessity to make a reference to the Tahsildar again on the subject. Petitioner therefore recorded that paper.

6. The Collector, however, seriously finds fault with Petitioner for recording no final order on the merits of the case. The Collector questioned Petitioner on this very point at the time of his enquiry and the Petitioner's reply to his question was as follows:

"As there was no complaint and as no one asked me for an order I considered none necessary." As this answer does not appear to have satisfied the Collector, Petitioner begs leave to explain himself further on the subject: There was in fact, no petition nor call for a report pending before Petitioner about the tree, nor did Petitioner's enquiry establish any necessity for Petitioner's interference in the matter either on behalf of Government or the Union.

7. Under such circumstances nothing would have been gained by Petitioner's recording a formal order on the subject.

8. An itenerating official meets with several cases of this kind in which some enquiry becomes necessary to remove a suspicion that strikes him. The suspicion is removed and it is found that no further action is necessary. Petitioner thought that, to record a formal order invariably in every such case setting out all that had been done, would be a mere waste of time. For instance, a Revenue Inspector or Deputy Tahsildar or a Tahsildar checks several fields with the Paimash account on suspicion that there is excess, but he finds there is no excess. Is he expected to record his conclusion with details in every such case ?

9. With reference to the last sentence of the Collector's observations, Petitioner submits that Petitioner fails to see in what way the non-recording of a formal order in this case could have benefited Velamuthu's divided brother. If Petitioner had, in the face of the documents produced by her brother and the pagoda authorities, recorded an order declaring the tree as belonging to Government or Union, the result might have been a Civil Suit.

CHARGE 2. "In like manner he connived at an encroachment on the public street made by the said Velamuthu in front of her house."

COLLECTOR'S OBSERVATIONS.	REV. BOARD'S FINDING.
(*Para 7 Substance*) In August 1895 the Depty Tahsildar (as Union Chairman,) received a report from maistry about this encroachment but instead of promptly enquiring into it, he allowed the matter to drag on till May 1896 and then managed to get it mixed up with a large number of other cases so that it may easily escape attention. He did not take steps to get the Karnam punished for sending false reports about 2 other encroachments till he left the Taluq in June 1896.	Nil.

PETITIONER'S EXPLANATION.

In this case, Petitioner's action in having ordered the encroachment to be included in a list to be submitted to the Taluq Board President was not favorable to Velamuthu, but the Collector finds fault with the Petitioner for not having disposed of it immediately. No bad motive prompted the delay. The delay occurred in the usual course of business and from causes beyond Petitioner's control. The delay occurred not only in this case but also in a few other cases in which Velamuthu was not concerned. If Petitioner had really wished to favor the woman, he would have passed a final order in her favor as soon as the Union Maistry's report was received. There would have been no reference to the Karnam on receipt of the Maistry's report. The Karnam never made any report to Petitioner on any such encroachments at Vedaraniam of his own motion.

2. In disposing of the above charge, the Collector casually refers to two other cases of encroachments about which there was a difference of opinion between Petitioner and the Karnam, Petitioner holding that they were new and removable and the Karnam holding that they were old and not removable. In regard to these two cases, the Collector takes Petitioner to task for not taking steps to punish the Karnam for making a false report. Petitioner considered it inadvisable to hand up the Karnam for making a false report until it was known that the Tq. Bd. President, who inspected the spot in company with Petitioner on a petition sent by Gnanambal Ammal, concurred with Petitioner in holding that the encroachments were new The Tq. Bd. President then sent an order to Petitioner calling for a detailed report on all encroachments made by the said woman, which Petitioner duly submitted with a clear sketch, sometime before he was transferred from that Range to Tranquebar.

3. Collector says that Petitioner was afraid to punish the Karnam lest the latter might turn round and report all about Velamuthu's encroachments. Petitioner was not in the least afraid to punish the Karnam. He took every necessary step to have him punished or removed as will be seen from what follows. (Vide remarks against charge 5.)

4. Government will please note that the Karnam suffered no punishment for the faults for which Petitioner handed him up, while the poor Petitioner became a victim to vindictive accusation which the Karnam and others at Vedaraniam conspired to bring against Petitioner.

CHARGE 3. *"In like manner he connived at the removal and appropriation by the said Velamuthu or her relatives, of the bricks that formed the supply channel of Theradikulam at Vedaraniam."*

COLLECTOR'S OBSERVATIONS.

(*Para 8 Substance*). There is no evidence that he gave permission to any one to remove the bricks from the Tank. Though the occurrence took place in the time of his predecessor, it was his duty to refer to the registers to see what papers relating to the subject were pending. Bearing in mind his intimacy with Velamuthu, it is not likely that she would have kept him in ignorance of the charge against her sister, even if the Clerk had failed to bring the pendency of the paper to his notice. The Deputy Tashildar adduced evidence to prove that there was no drainage channel as alleged but the Head Assistant Collector says he himself in 1896 saw traces of the channel.

REV. BOARD'S FINDING.

(*Para 3*) (*b*) This charge is not very clearly proved as M. R. Ry. A. Ramasamy Iyer was not in charge of the Sub-Magistrate's place until the final stage of this case.

PETITIONER'S EXPLANATION.

This is a case in which the Board acquit Petitioner, but as the Collector's remarks are likely to create an unfavorable impression against Petitioner, which Petitioner considers it necessary to offer the following further explanation.

2. In this case, the petitions referred to by the Collector relating to the removal of the bricks were received and disposed of by Petitioner's predecessor, Mr. Reghunandana Sastry, but the Collector, nevertheless, charges Petitioner with connivance at the removal of the bricks on the ground that the person who removed them was a sister of Velamuthu. The Collector remarks that "bearing in mind his intimacy with Velamuthu it is not likely that she would have kept him in ignorance of the charge against her sister &c". This is a far-fetched presumption. Petitioner had no knowledge of what had taken place till the present charges were framed against him. The matter did not crop up again in Petitioner's time and there was therefore no occasion for Petitioner knowing anything about i

3. Velamuthu's sister, Ammalu, who is said to have removed the bricks (5 or 6 basket loads of Jellies) does not live in the same house with Velamuthu but far away from her in a different street. It does not follow that because Ammalu is a sister of Velamuthu the latter must be taking an interest in every thing that concerns the former and be talking about it to others. From the evidence taken by the Head Assistant Collector, it will be seen that Mr. Raghunandana Sastry inspected the locality and came to the conclusion that the site from which the bricks were removed belonged to private individuals and that no interference on the part of Government or the Union was necessary; such having been the case, it was the interest of neither Velamuthu nor her sister to have brought the fact to Petitioner's notice.

4. The Collector further observes that the missing of the petitions on the subject from the records of the office is not without suspicion. He does not say whom he suspects. Petitioner hopes that he does not suspect Petitioner who had no motive to cause the petitions to disappear.

5. The tank in question did not vest in the Union or the Taluq Board in 1893, the year in which the bricks are said to have been removed. The Temple authorities had the right to it at that time under the terms of the Inam Commissioner's Title Deed, as already explained by Petitioner in para 2 of his explanation under Charge I in this enclosure. It was only in 1895 that the Taluq Board proposed to take over from the Temple authorities. (Vide Taluq Board President's order to chairman No. 457 dd 23-9-95). It will thus be seen that even if Petitioner had known any thing about what Mr. Reghunandana Sastry had done, Petitioner would have been powerless to do any thing towards claiming the bricks on behalf of Union.

6. With regard to the channel referred by the Head Assistant Collector, Petitioner does not know its where abouts, but, within Petitioner's knowledge, no channel existed in the locality in question. The Head Assistant Collector did not inspect the locality in company with Petitioner.

CHARGE 4. *"He abused his powers,*

In convicting (*a*) *One K. Ramasamy Pillay in C. C. No. 292, 1894 on his file.*
(*b*) *One Nagammal and her son in C. C. No. 425 of 1895 on his file.*
(*c*) *And also one Veerabhadra Pillay; and*
In acquitting (*d*) *the elder brother of the said Velamuthu in C. C. No. 312 of 1895 on his file."*

COLLECTOR'S OBSERVATIONS.

(*a*) (*Para 9 Substance*). In C. C. No. 292 of 1894, the Sub-Magistrate sentenced K. Ramasamy Pillay to 7 days imprisonment without the option of a fine under the Towns Nuisance Act and in a departmental enquiry, ordered he stated he was unjustly convicted because he had refused to oblige Velamuthu in a civil suit. The Sub-Magistrate acted with great irregularity in the trial convicting him on a charge not mentioned in the charge sheet. * * * On the 17th January 1895, Mr. Thomson recorded his "belief that the Sub-Magistrate had acted dishonestly in the matter" and that "if the facts were somewhat less obscure" he "would give effect to this opinion". I quite agree with that view and add that greater probability is now lent to the charge of dishonesty by what has since come to light of the Sub-Magistrate's dealings with Velamuthu. It is to be observed that for the first and last time the Sub-Magistrate inflicted substantive sentence of imprisonment, and though that was a legal sentence and though other Sub-Magistrates have passed substantive sentence of imprisonment, the fact remains that this is the only time he ever did so himself and I entertain no doubt that he acted maliciously and with a view to please Velamuthu in passing such a sentence. * * * *

REV. BOARD'S FINDING.

(*Para 4*) The Sub-Magistrate sentenced a man to a substantial period of imprisonment without option, for a nuisance under the Towns Nuisance Act. The Sub-Magistrate's action was irregular but not illegal. The then District Magistrate, Mr. Thomson, remarked unfavorably on the case which was reversed on appeal and Mr. Andrew now "entertains no doubt that the Magistrate acted maliciously and with a view to please Velamuthu."

* * * *

The first two cases (this is one of them) are doubtless suspicious but there is no absolute proof of "*mala-fides*"

PETITIONER'S EXPLANATION.

In this case, the Board acquit Petitioner of *mala fides* and yet observe that the case is "doubtless suspicious."

2. Petitioner did not abuse his powers at all in this case. It was justice and not malice, that dictated the sentence. The criminal proceedings were instituted in this case by the *Police* and *not* by Velamuthu or her relatives. It is true that the Police charge sheet specified a light offence, viz, laying down rubbish in a public street under section 3, clause 9 of Towns Nuisance Act III of 1889; but, when the trial began, the Police constable who got into the witness box to give evidence for the prosecution deposed not only to the fact of the laying down of the rubbish but added a graver charge, viz, that, subsequent to the date of the Police charge sheet, the accused (Kuppamuthu Ramasamy Pillay) blocked up the street completely by erecting a temporary barrier across it in the *same* place (not in a different locality) which obstructed passengers in the street. The Union street maistry, who was one of the witnesses examined in the case, corroborated the constable's statement regarding the obstruction. The obstruction was inspected by Petitioner and found to be a source of serious inconvenience to the public who used the street. In disposing of the case, Petitioner felt it his duty to award imprisonment.

3. It is true that the punishment generally imposed in petty nuisance cases is fine, but this was a case in which the accused had the audacity of wilfully causing a serious obstruction to passengers in addition to committing a petty nuisance. Nothing short of infliction of imprisonment was therefore, in Petitioner's opinion, likely to induce the accused to remove the obstruction, and Petitioner therefore inflicted imprisonment.

4. The law empowered Petitioner to impose simple or rigorous imprisonment but he did not choose to impose *rigorous*.

5. The Revenue Board's remark on this case is that Petitioner's action was 'irregular' but not 'illegal.' Petitioner fails to see how his action was irregular.

6. No doubt the Collector observes that Petitioner acted with great *irregularity* in the trial in convicting the accused on a charge which had not been mentioned in the Police charge sheet, but Petitioner submits that he had the power to do so. Section 246 C. C. P. gave Petitioner the power to convict the accused not only of the offence mentioned in the charge sheet, viz, laying down rubbish in a public street under clause 9 of section 3 of act III of 1889, but also of the other offence, vizt, causing obstruction to the free passage of a thorough fare etc. under clause 5 of the same section, as, from the facts proved in the trial of the case, the accused appeared to Petitioner to have committed that offence also. Both the offences were punishable under the *same* section of the Act and with the *same* amount of punishment. Petitioner was therefore competent under section 234 C. C. P. to call upon the accused to plead to *both* the charges. The records will shew that Petitioner did not only call on accused to plead to both the charges, but also that the accused *did* plead to both and examined witnesses. It will thus be seen that there was no irregularity of procedure at all in the trial of this case.

7. Petitioner does not see why any suspicion should attach to him in connection with his *bonafide* action in the matter.

8. It is also a question whether the accused really felt himself really aggrieved with the sentence passed. The thought of appealing against it did not occur to him while he was in Sub-Jail, nor immediately after his release, but only 14 days after release. The fact is that it was at the instigation of others (who were rich and influential at Vedaraniam and against whom Petitioner was then taking action for removal of an encroachment) that he presented the appeal, and ever since he presented it, he was a puppet in their hands.

9. Unfortunately, the appellate court did not give the case such careful consideration as it deserved and quashed the sentence without giving notice to the police who were respondents in the appeal. The result was that the obstructon continued to exist to the serious inconvenience to the public.

10. Again the appellate judgment did not set forth the facts of the case correctly and it also contained some unfavorable remark against Petitioner. The result was that when the appeal calendar went up to the District Magistrate, he was obliged to call for a special report. He also directed further enquiry into the matter. Petitioner then submitted an explanation pointing out certain errors and mis-conceptions which crept into the appeal judgment.

11. There is one more point in this case which requires clearing up. Collector says that Petitioner adjudged imprisonment in the case because there was enmity between the accused and Velamuthu. No plea of enmity with Velamuthn was urged by the accused during the trial of the case by the Petitioner. If any such enmity had really existed and if the accused had been afraid that there would be a mis-carriage of justice in the trial of the case by Petitioner, the accused would have applied for a transfer of the case from Petitioner's file while he was being tried by Petitioner, but this he did not do. There was ample time for him to do this as the pendency of the case was so long as 20 days. As a matter of fact, there was no bad feeling whatever between Petitioner and the accused at or before the time of the trial of this case Vide para 15 of the printed Explanation presented by Petitioner to Head Assistant Collector under date 8th January 1897. (Annexure (a) to this enclosure).

12. The plea of enmity was a pure concoction. The appeal judgmet does not shew that any plea of enmity was alleged in appeal.

COLLECTOR'S OBSERVATIONS.	REV. BOARD'S FINDING.
(*b*) (*Para 11*) * * * "In C. C. No. 425 of 1895 the Sub-Magistrate convicted Nagammal and her son under Section 352 I. P. C. Before Head Assistant Collector she stated that Velamuthu, her niece, was at the bottom of the case: afterwards she retracted. * * * This is another instance of relatives of Velamuthu appearing before the Sub-Magistrate or Deputy Thasildar as accused of something or other. The case is open to suspicion."	(*Para 4*). The case is not explained in detail; there seems to be no definite charge against the Sub-Magistrate. It was alleged that Velamuthu had got up the case; but there is nothing to shew that it was wrongly tried.

PETITIONER'S EXPLANATION.

There was no abuse of power whatever in this case, which was one of petty assault. It is true that the accused, Nagammal and her son, were relations of Velamuthu, but they were convicted, not acquitted, by Petitioner. Collector remarks that Velamuthu was at the bottom of the case, but he does not say in what way she interfered or is believed to have interfered in the matter.

2. The case could not have been a concoction as it arose out of a quarrel between her and others, which took place *publicly* in the Temple. Neither of the accused pleaded at the trial that the case was concocted against them by any body, nor did they prefer any appeal against the conviction.

3. Nagammal's deposition before the Head Assistant Collector at the recent enquiry imputed no bad motive to Petitioner in disposing of the case.

4. The Collector says that, before the Head Assistant Collector, she stated that Velamuthu was at the bottom of the case but afterwards she retracted. There is no deposition of Nagammal on record in which she alleged that Velamuthu was at the bottom of the case.

5. The Collector remarks that the case is open to suspicion, but Petitioner does not see what grounds there were even for a *suspision*.

COLLECTOR'S OBSERVATIONS.	REV. BOARD'S FINDING.
(*d*) (*Para 10 substance*). In C. C. No. 312 of 1895, the Sub Magistrate acquitted another brother of Velamuthu and 9 others on a charge of hunting or trespass in a Forest Reserve. It cannot be said that the order was improper as it was a matter of appreciation of evidence and if he disbelieved the prosecution witnesses and believed the *alibe* set up by the accused, it is difficult to say that he was wrong. I regard the *alibe* witnesses with great suspicion. If the charge was utterly false, all I can say is that it is extraordinary how the Forest watchers should have been so intensly stupid as to select a time and place for the alleged trespass when the trespassers could prove an *alibe*. In another similar case, the Forest Department got the case transferred from the file of this Sub Magistrate on the ground that he was prejudiced and the Court to which it was transferred convicted the accused. The Sub Magistrate says in his explanation that there was absolutely no evidence of "hunting". There was about as strong evidence of hunting (whether true or not is another matter) as one could expect. Bearing in mind that one of the accused was Velamuthu's brother, I cannot but look on the Judgment with the greatest suspicion.	(*Para 4*). The Sub Magistrate acquitted 10 persons of whom one was a brother of Velamuthu. The evidence against the accused seems to have been good but the acquittal can only be looked on with suspicion. * * * * * The first two cases (this is one of them) are doubtless suspicious, but there is no absolute proof of "mala-fides"

PETITIONER'S EXPLANATION OR PLEADINGS.

This is a case in which Petitioner, as usual, recorded a full Judgment. In case the Divisional Magistrate or the District Magistrate saw grounds (in reviewing the calendar) to set aside the acquittal he was at liberty to take steps to do so. But neither of them did so; nor did they record any remark against Petitioner in reviewing the calendar, nor did the Forest Dept. take any steps to get the acquittal set aside. The acquittal took place 8 months before the Head Assistant Collector's enquiry began and all this time there was not one whisper against Petitioner to the best of his knowledge, but the moment the Head Assistant Collector began his enquiry, Petitioner's action in the case became a subject of serious comment against him and imagination was carried to the fullest pitch for the purpose of imputing to Petitioner a bad motive.

2. From a perusal of the Judgment, it will be seen that, in this case, Petitioner did his utmost to help the Forest Department. On seeing that the charge of hunting specified in the Forest charge sheet fell through, Petitioner took upon himself to charge the accused for trespass, but even this charge fell through. The plea of the accused (only 4 in number, not 10, as stated by Collector) was *alibe* and they proved it by reliable evidence. Petitioner had therefore no alternative but to acquit the accused.

3. With reference to the Collector's remark — "it is extraordinary how the Forest watchers should have been so intensely stupid as to select a time and place for the alleged trespass when the trespassers could prove that they were at widely different and distant places," Petitioner begs to state that, in this case, the Forest Department did not arrest the accused on the spot. If they had done so, the case would have been clear againt the accused. As the Forest officers did not do so, the identity of the accused became a point in issue and Petitioner had to give consideration to the evidence adduced by the accused to prove an *alibe*.

4. The Collector says "there was about as strong evidence of hunting (whether true or not is another matter) as one could expect, being the presence of the accused with a knife the presence of three dogs, and the presence of a dead pig." If such had been the case, the Forest Department would not have let the acquittal drop. Petitioner submits that,

(*a*) The oral evidence adduced in the case was grossly discrepant on material points.

(*b*) Neither was the knife nor the dead pig produced before the Court.

(*c*) It may be that the pig was perishable property and had to be disposed of immediately after it was found, but there was nothing to prevent the Forest watchers producing the dead pig for the inspection of the Petitioner whose residence was only about 3 or 4 miles from the place where the dead pig was found. Petitioner had, owing to the non-production of the pig, no opportunity to note what injuries the body of the animal bore and what they indicated as the cause of its death. Under Section 46 of the Forest Act, it was incumbent on the Forest watchers to have obtained Petitioner's orders for its sale. This they omitted to do.

(*d*) The Prosecution witnesses (Forest watchers) said they did not actually see the accused in the act of hunting nor could they say by whom and by what means the animal was killed.

(*e*) Nor could they say to whom the dogs which were present near the scene belonged. There was no attempt on their part to secure the dogs for the purpose of ascertaining to whom they belonged or to sieze the knife from the accused.

(*f*) The prosecution did not allege that the accused were in possession of any arm usually employed in killing wild pigs, viz. a gun or a spear.

5. The Collector says that "in another similar case, the Forest Department got the case transferred from the file of this Sub-Magistrate (Petitioner) on the ground that he was prejudiced, and the Court to which it was transferred convicted the accused" Petitioner begs to state that such a case was never on his file and that the Collector was misinformed on the subject. Further more, it cannot be argued that, because the other Court convicted the accused in that case, Petitioner should have done the same thing in the case which he tried. The said two cases did not arise in one and the same transaction.

6. In this case, the Board acquit Petitioner of *malafides* and yet observe that the "case is doubtless suspicious." This is very hard on poor Petitioner.

CHARGE 5. "That, while it was his duty as Chairman to repress all encroachments in streets and public ways in the Town, he took no action in this direction except on paper in spite of the orders of the President Taluq Board and although lists of encroachments were from time to time sent him by the Karnam of the Vattam, and that, further, he himself encroached on the public street in front of the house he occupied at Vedaraniam."

COLLECTOR'S OBSERVATIONS.

(*Para* 12 *Extract*) There were numerous encroachments in Vedaraniam (Deputy Tahsildar's Head quarters) and the charge is that he did practically nothing to have them removed. The matter attracted the attention of President T. B. so far back as 1893 and the Karnam was ordered to prepare a list of encroachments. This he did not do until January 1895 (should be 1896) when he sent in what the Deputy Tahsildar calls "a small shabby list" of 11 cases. The Deputy Tahsildar says he does not remember having taken any steps to punish the Karnam for his persistent disobedience between August 1893 and November 1895, when the Tahsildar fined the Karnam 8 annas. This winking at the Karnam's disobedience was probably due to the fact that the Deputy Tahsildar was afraid to seriously bring the Karnam to task. The Deputy Tahsildar says he did get a number of encroachments removed, but the Head Assistant Collector says the Union and Deputy Tahsildar's Office records do not shew this, and the whole records produced and his (Deputy Tahsildar's) reference to the Karnam's small shabby list shews how he—Deputy Tahsildar—utterly neglected his duty.

REV. BOARD'S FINDING.

Nil.

(*Para 6*). The Sub-Magistrate was also charged with encroaching on the public street but the Head Assistant Collector on inspection was not sure that the encroachment was a new one.

PETITIONER'S EXPLANATION.

On this subject, Petitioner begs to refer Government to paras 17 & 18 of the printed explanation which he gave to the Head Assistant Collector under date 8th January 1897, a copy of which is hereto attached. (Annexure (*a*) to this enclosure).

2. The Collector's remark that Petitioner "utterly neglected his duty" in the matter of removing encroachments is a great deal too sweeping. There was no neglect at all of that duty, but, on the contrary, there was a zealous performance of it.

3. The misfortune is that the records of the case and the oral evidence adduced by Petitioner to prove what he had done did not receive as much attention and consideration as they deserved. The matter of removing encroachments received Petitioner's best possible attention during his tenure of the office of Chairman. A considerable number of encroachments was removed by Petitioner and he has not left behind, for his successor, any heavy arrears of work under this head.

4. The Head Assistant Collector concluded that the town was overrun with encroachments without satisfying himself whether the encroahments which met his eye in the course of his inspection of the 13th June 1896 were such as could be dealt with under the Act. It is true there were projections here and there beyond the average regular line of the sides of some of the streets; but it is a question whether Petitioner had authority to proceed against every one of them.

Under orders issued by Taluq Board President for the guidance of all the Union Chairmen in the division, encroachments which existed from before the date of the establish-

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ment of the Union were to be left unt[o]uched. Th[e] ose of a subsequent date alone were to be proceeded against. Vide Taluq Board President's [ci]rcular order dated 12th November 1892 No. 809.

5. Had the Head Assistant Collector made [i]nquiry, a pending list of encroachment[s] which, under the above circular, were removable by the Union authorities, the list would [h]ave shewn very few cases as pending and he would not have seen cause to make the above [s]weeping remark against Petitioner.

6. The Taluq Board Presidents, who inspec[ted] the streets of the Union several times during their tours, were generally satisfied with [Petitioner's work in the matter of removing encroachments. They never remarked that the t[own] was overrun with encroachments.

7. Again, the Head Assistant Collector did [not] take steps to secure Petitioner's presence when he inspected the streets in the Union on the [13]th June 1896; Nor did he make a further inspection in company with Petitioner when Peti[tioner] subsequently appeared before him for enquiry and proved by several respectable witne[sses] that he had removed a large number of encroachments. The absence of record to prove [the] removal of each encroachment should have been no bar to the Head Assistant Collect[or's] omitting to see the localities in company with Petitioner.

8. The witnesses examined by Petitioner w[ere] persons who had seen the encroachments before they were removed and their evidence was [of] particular value for the reason that they were eye witnesses of the removal, but the Head [Assistant] Collector rejected their evidence without assigning proper grounds. He simply ch[aracterized] their evidence as "indefinite and worthless." Annexure (*b*) to this enclosure co[ntains] extracts from the sworn statements of these witnesses, which speak for themselves.

9. The Head Assistant Collector's remark, t[hat] there were no records in the Union Office or the Deputy Tahsildar's to shew that Petiti[oner] did remove encroachments, is not quite correct. It is true that there were no records in [con]nection with encroachments which Petitioner had removed by amicable arrangements, but [there] were some records to prove what Petitioner had done in connection with other encroach[ments]. Vide Annexure (*c*) to this enclosure.

10. With these preliminary remarks, Petitio[ner] will now proceed to give a brief description of the work actually done by him. It consisted in removing a very large number of encroachments for widening and straightening the 16, out of about 25, streets of Vedaraniam, named in the margin, and in removing or taking steps to remove certain other encroachments as per Annexure (*c*) already noticed in para 9, supra.

1. The 4 Main streets of Vadaraniam [Town].
2. Lane leading towards East from the N[orth East-corner of] the Main streets.
3. Sannadi Road leading to the sea.
4. Lane from Do. along the Muda[liar's Tank].
5. Do. leading towards East from Mun[isw]aran coil.
6. The Southern Madavilagam str[eet] [to] Main street.
7. Lane from the above to the Souther[n] street.
8. Do. from Southern main street to Jaff[nas West].
9. Do. from Southern main street towar[ds West].
10. Street in front of Belly God temple t[o]
11. Madavadial street.
12. Portion of road leading to Toputh[urai and planting] cocoanuts on its sides.
13. Lane from Western Madavilagam to [North main street.
14. Street from Western end of No[rthern main street] towards the Yêri Tank.
15. Lane leading from the middle of [North main street] towards the Yêri Tank.
16. Lane leading to the Sea Customs [office at Toputhurai] from Toputhurai Road.

11. Petitioner assumed charge of the office of Chairman at the end of 1890. There was at that time no call from Tq. Bd. President for any list of encroachments but Petitioner, of his own move, and prompted by a keen sense of duty, began to enquire about encroachments with a view to take such steps as he thought were necessary for their early removal. The Karnam produced no list of pending cases. A search was made by Petitioner in the old records and it shewed that on the 13th April 89 a predecessor of his had addressed an Arzi No. 53 to Tq. Bd. President submitting a list of encroachments in the Union, but no office copy there of was forthcoming for Petitioner's reference. Petitioner at once wrote to Tq. Bd. President his Arzi dated 10th April 91 No. 98, requesting him to return the list, but the President replied in his order No. 708 dated 20th October 91 that the list was not forthcoming in his office. The disappearance of this list deprived Petitioner of the help of a most valuable guide.

12. It was no easy matter for Petitioner to replace the missing list, because it involved the re-inspection of a considerable number of houses (over 2,000). There was not only a good deal of measurement work to be done but there was also an immense lot of evidence to be taken as to the duration &c of each encroachment.

13. Petitioner could find no leisure for the preparation of a new list as he had revenue & magisterial work to do in addition to that of Chairman. He had also under the tour rules to keep out of head quarters for 15 days in every month. Seeing that the work of removing encroachments would be considerably delayed if Petitioner were to await the preparation of such list, he at once adopted the plan of removing encroachments by making amicable arrangements with the residents who were then well disposed towards the Union authorities and were willing to help them as far as practicable.

14. The non-official members of the Union, who had considerable influence with the inhabitants, helped Petitioner greatly in the matter and, in the course of a year and a half, Petitioner was able to widen and straighten 16 streets in this way, but this work came to a stand still in November 92 when Petitioner was temporarily transferred to Tiruturaipundy for 10 months.

15. Petitioner, however, kept no detailed register of the encroachments removed by amicable means, as he thought it was unnecessary. At that time he cared more for the result than for a record of the cases. He never expected that the fact of his having done the work would ever be called in question, as the Tq. Bd. Presidents were inspecting the town frequently during their tours. The streets themselves which have been widened and straightened are a standing monument of Petitioner's labours.

16. In one of the streets Petitioner has planted an avenue of cocoanuts on both sides which serve as a sort of boundary mark to prevent future encroachments. There is record to prove this fact as the trees were planted with the sanction of the Panchayet contained in one of their resolutions and the charges incurred in connection with the planting &c. were passed by Tq. Bd. President on bills, copies of which must be available for reference.

17. Previous to April 1896 there was no call from Tq. Bd. President for the submission to him of any list of encroachments from the Chairman. The list, which the Collector says the Karnam was delaying from August 1893 to November 1895, was not the one which the Tq. Bd. President had called for as supposed by the Collector, but one which Petitioner had called for for the purpose of maintaining a register ordered by the Tq. Bd. President in his general Circular to all chairmen, No. 809 dated 12th November 1892. Para 2 of that circular is extracted below, from which it will be seen that the Tq. Bd. President called for no list there.

"2. Steps should be taken to remove encroachments. More energy should be shown "in this respect and a complete register of all existing encroachments prepared at once so that "no future one should be excused on the ground that they existed before the establishment of "the Union. The Karnams will assist them in this matter."

18. While commenting on the persisting disobedience and delay of t
mitting a complete list of encroachments called for, Collector finds fault
well as the Karnam and observes that "this winking at the Karnam's dis
due to the fact that the Deputy Tahsildar (Petitioner) was afraid to serio
to task." With reference to this observation, Petitioner begs to state
Karnam in sub-
ith the Petitioner as
bedience is probably
l afraid of the Karnam, for, sooner or later, Petitioner *did* hand
sly bring the Karnam
superiors, not merely for a fine but for a transfer or other severer pun
hat he was not in the
from the following paragraphs.
p the Karnam to his
ishments, as will be seen

19. In a communication No. 438 of 18—11—1895, Petitioner d
the Karnam from the place on the ground that it was impossible to
esired Tahsildar to transfe
that public business suffered in consequence of his frequent abse
business and that, further, Petitioner failed to get from him a co
get any work out of him and
The Tahsildar sent Petitioner no reply. Petitioner then addre
ce from the station on private
communication No. 420 dated 29-11-95 pointing out that the K
mplete list of encroachments
paration of the list of encroachments. On receipt of this commu
ssed the Tahsildar a further
nam 8 annas. Subsequently the Karnam was found guilty of
arnam was still delaying the pre-
statement &c and on the 3rd April 96, Petitioner addressed
nication, Tahsildar fined the Kar-
tor himself pointing out all his short comings and reco
ther irregularities making a false
enc tioner did not receive any order till he left Vedaraniam
an Arzi No. 117 to Deputy Collec-
h 1896.
nending severe punishment. Peti-
or Tranquebar on transfer in June

20. Petitioner had also commented unfavorably
in a Criminal Case, C. C. No. 520 of 1893.
n the Karnam's conduct in his judgment

21. The above acts of the Petitioner will clear
of complaining against the Karnam.
ly shew that he was not in the least afraid

A Ramaswamy Iyer

S. V. P. K

Annexure (a) to Enclosure C.

To

N. E. MARJORIBANKS Esq.

HEAD ASSISTANT COLLECTOR,

NEGAPATAM.

The humble explanation of A. Ramaswami Aiyar, Sub-Magistrate & Dy. Tahsildar of Tranquebar (now under suspension).

Respectfully showeth as follows:—

I have been suspended by the District Collector in consequence of your Honor's Report to him dated 15th August 1896. The report was based on your honor's inquiry held at Vedaraniam on the petition of one P na Pillai. I had no notice of that inquiry which was held entirely behind my back. I only state these facts for the purpose of observing that the evidence elicited in that inquiry cannot be used against me, and that, if I had been called in during that inquiry, I could have at once explained the facts which are the subject matter of the charges now framed against me.

2. The petition of Ponna Pillai is not dated, nor is any description of the writer thereof given for purposes of identification. Three persons bearing the name of Ponna Pillai have been examined by your Honor and they all deny any knowledge of the petition; It is not shown who wrote the petition. The writer of it, whoever he may be, has not chosen to come forward publicly to substantiate his statements. Under such circumstances, when no one is prepared to accept responsibility for the allegations in the petition, it goes without saying that the petition cannot be given any weight, and that the charges in the petition must have been falsely and maliciously made.

3. An official in my position has to deal severely with many persons in the course of his official duty. I have to deal with offenders and punish them. I have to look after Revenue business and the work of the Union. If any person whom I have convicted or dismissed or reported for neglect of his duty, is to be allowed to bring charges against me, and have his statement believed, the lot of an official like myself must be very hard indeed, and we must live in permanent fear of the parties who appear before us. It would be most extraordinary that a conviction of an offender by me as a Magistrate, though not appealed against, should afterwards become the subject of a departmental inquiry as to the soundness or otherwise of the conviction. And even if a conviction is appealed against and reversed, the mere fact that the appellate tribunal takes a different view from the Lower Court cannot be taken as a certain indication that the Lower Court must have been perverse or absurd in its decision. Even the judgments of the highest Courts in the land are reversed on appeal.

4. The official acts and omissions which form the subject-matter of the charges against me are alleged to have taken place long before the petition of "Ponna Pillai" already alluded to. No complaints were made at the time. It is not till I was transferred to Tranquebar that all the persons who had in any manner suffered by my official action in the discharge of my official duty put their heads together, and concocted a petition signed by an unknown person for the purpose of injuring me.

5. Ganambal Ammal, widow of one Naraya aswami Aiyar, who is in possession of a large estate for her minor son, is a person having a strong grudge against me. I had occa-

sions to make several reports against her as she had been trying to misappropriate the money which had been in the possession of her husband for a local Jubilee fund. (Arzi to Dy. Collector 371 of 15—11—95). A petition to the Collector and Government complaining of her mismanagement of her husband's property was referred to me for enquiry. I thereupon held a public inquiry, and coming to the conclusion that the property was mismanaged, reported that the management should be placed under the Court of wards and that she should be removed from possession. (Letter to Tahsildar and Dy. Collector.)— In the course of the above inquiry, I summoned her to appear and produce her accounts but she did not do so, and I thereupon sanctioned her prosecution. I have also had to report against her for various encroachments. The woman therefore cherished a bitter hatred towards me and it is at her instigation that a case has been set up against me. She has a servant named Ponna Pillai (shown by the evidence of the witness Subramania Aiyar, her agent). It is probably his signature that was secured for the petition, though he now denies it. Almost all the witnesses examined in support of the petition are servants or dependants of this Ganambal Ammal or have money dealings with her.

6. The following are the general remarks which I shal make (irrespective of the particular charges which I shall deal with later on) concerning the witnesses now examined.

(*a*) *Subramania Aiyar:*—This person is admittedly the agent of Ganambal Ammal. I had sanctioned his prosecution for dis-obedience to summos and had convicted him in a nuisance case. (This is admitted in his evidence).

(*b*) *Kuppamuthu Ramaswami Pillai* is a person who owes money to Ganambal Ammal (as admitted by himself and by the witness Subramania Aiyar). This witness has been convicted by me in C. C. No. 292 of 1894.

(*c*) *Veerabadhra Pillai* is a person who has been convicted by me in C.. No. 106 of 1896. The conviction has been confirmed in Appeal Cse 18 of 1896 on 4—6—1896.

(*d*) *Kamalappa Ramasami Pillai,* a relative of Kuppamuthu Ramasami Pillai, is a person convicted by me in C. C. No. 171 of 95.

(*e*) *Sadaya Pillai* has been convicted by me in C. C. No. 119 of 96 on his own admission of guilt. There was no appeal from the conviction. This witness is also a cultivator under Ganambalammal and owes money to her (as admitted by him).

(*f*) Karnam *Srinivasa Raghava Aiyanar:*—This witness lives in the house of Ganambalammal and has executed bonds for money to her. I have written reports against him and got him fined for misconduct and neglect of duty and throwing obstacles in the discharge of my official work and his conduct has been remarked as being suspicious in my Judgment in C. C. No. 520 of 1893. His brother, who was a copyist in my office was on my recommendation thrown out for misconduct. In the case of another brother of his, who was a stamp-vendor in my office, I reported that his license should be withdrawn by reason of his misconduct. This witness Srinivasa Raghavaiyangar, therefore cherishes ill-feeling towards me.

Letter to Tahsildar 438 of 18-11-95 (Ex. I)
Do. 112 of 22-2-96 (Ex. II)
Arzi to Dy. Collector 117 of 3-4-96 (Ex. III)
Letter to Tahsildar 183 of 2-4-96 (Ex. V)
Letter to Dy.Collector 375 of 18-11-95(Ex.VII)
Letter to Dy. Collector 28 of 24-1-96 (ExVIII)

(*g*) *Gopala Row* is the clerk whom I dismissed from the Union Office. He gave evidence only in the private enquiry held by Your Honor and has now abstained from coming forward in the present enquiry to give evidence, when I would have an opportunity of cross-examining him. The evidence of a dismissed servant against his master is obivously unworthy of credit.

(*h*) *Kamalappan* who has been examined has not given any evidence against me.

These are the witnesses who have been examined against me and the evidence of such persons of very limited means, being inconsistent with, and contradictory to, each other and being rebutted by the unimpeachable testimony of the respectable witnesses on my side, is clearly not to be

believed. None of the respectable residents of Vedaraniam has given evidence against me, while several have given evidence in my favour.

7. **Charge I.** (Vide margin) I am in the first instance charged with having kept company with a Dancing woman while at Vedaraniam. (I am now at Tranquebar); that such connection lowered the authority of my office and brought it into public contempt and also led me into various misdeeds. This charge I deny in toto. I am a man of very large family consisting of my wife, parents and several children, my age being over 51. I am also not a novice and in experienced officer and not likely to do things likely to lower the authority of my office at the close of a long service, having put in no less than 28 years' good and unsullied service in different capacities. My magisterial capacity can be guaged by the number of cases I disposed of, the number appealed against and the number quashed, during the past 9 years I was a magistrate. It is preposterous to believe that I would have stooped to misconduct myself in such a way as set forth in the charge. The fact is that I had stayed at Vedaraniam for a number of years in course of which I came in contact with all persons and became acquainted not only with the dancing woman named but also other dancing women, songsters, pipers and others of the place by the proximity of their residences and by the practice of their constant visits to officials and other gentlemen of the place for small presents on festival occasions. That this is usual in Vedaraniam is shown by the evidence of the karnam and of the witnesses examined on my side who have also deposed to my good character. This acquaintance is misrepresented by my hostile party to be "company" to give colour to the representations and prejadice the mind of superiors. The dancing woman named is ingeniously selected so as to connect her with certain public transactions. I therefore humbly beg to submit the charge of my having kept company with the dancing woman named Velamuthu is a pure fiction and utterly unworthy of notice—much less credence. I shall now proceed to show that all the charges against me are trivial and quite unfounded.

Charge I
"That the Dy. Tahsildar and Sub-Magistrate, while at Vedaraniam where he was also Union Chairman, kept company with a dancing woman called Vêlamuthu; that such connection not only lowered the authority of his office and brought it into public contempt but also led the Sub-Magistrate into various mis-deeds as stated below."—

8. **Charge I** (1)—As to this charge, I did not allow any body to cut away the tamarind tree referred to. This charge is based upon the misrepresentation of the karnam. The Karnam did not at all report in the first instance. The fact is that on my casual inspection of the streets on a certain day in 1891, I found that a tamarind tree worth Rs. 15 or so was being cut. I then sent an order No. 453 dated 2nd December 1891 to the karnam drawing his attention to the fact and directing him to submit a report whether it was in a poramboke street with the name of the person who cut the tree. It was upon this order that the karnam sent his report No. 67, dated 22nd December 1891 stating that the tree stood in the Vadamboki Narasam measured as Paimash No. 755 and that one Balasubramania Nattuvan was cutting the upper portion of it, leaving the trunk. I then examined Balasubramanian who claimed the tree as standing in his own manaikat land and produced in support of his claim a certain cadjan sale deed which purported to have absolutely conveyed the tree with the manaikat to one of his relatives by one Ambujam for performing service to the Temple. Thereupon I measured the spot with the Paimash account then produced by the karnam and found that the tree stood partly on his manaikat land and partly on the said Vadamboki narasam—a lane specially intended for taking the ropes of the Temple cars when they are to be turned to the eastern main street from the northern street of Vedaraniam, which is entirely an Inam village. As I doubted the remarks in the Paimash account in regard to the tree which were favourable to the claimant, I asked the Tahsildar in my Yadast No. 19 dated 6th January 1892 to send me an extractfrom the Paimash account maintained in the Taluq Office, to which he replied in his No. 941 G. dated 13th April 1892 that the particular number was not available in the office, the leaf which contained the number being torn away. A few months after, I was transferred to Tiruturaipundi, and the tree

"He allowed the said woman or her relatives to cut down and remove a Poramboke tamarind tree worth Rs 50 and when the matter was reported to him, shelved the papers"

appears to have been cut and carried away by Balasubramanian who was in the enjoyment of it with the permission of the temple authorities under rules governing rights of Inamdars to trees, conveyed in the Collector's circular No. 5 of 1896 published in standing circular sheet as supplement to Tanjore District Gazette dated 11th March 1896.

9. The Karnam has stated in the present enquiry that the village of Vedaraniam being a Kattukuthagai village, is assessed in a lump sum for the whole village (which assessment includes assessment on trees also), that each tree is not separately taxed, that the temple pays tree-tax for the trees in the village (including this tree). Even if the village were a ryotwary village the person paying tree-tax for a tree is entitled, according to rules to cut it down. This being an Inam village, G. O. No. 1335 dated 14th June 18[illegible] (Local and Municipal) and Board's Proceedings No. 637 dated 14th November 1887 [illegible]ch maintain the rights of villagers to trees standing on village sites &c., in Inam villages [illegible]eem to apply to this case. The Manager of Vedaraniam Temple, Swami Aiyar and the T[illegible]le Karnam Samu Pillai and Appakuttia Pillai, Head Clerk of Vedaraniam Devastanam Of[illegible] have deposed that the Temple authorities accorded permission to Balasubramanian [illegible]cut down the tree. Balasubramanian has also produced a cudjan sale deed (Exhibit X[illegible]mprising the Tamarind tree) in the name of his grandmother Marimuthu by one Ambuje It has also been amply shown by the evidence of the witnesses on my side that [illegible]was in the enjoyment of Balasubramanien for a long time. Under all the above [illegible]stances, it will be seen that it was impossible to prosecute the person who cut the [illegible] any offence or to proceed in any other manner.

9-10-89
No 2324
Local & municipal

10. The Karnam's statement that he sent [illegible] report dated "3—15—95" (bearing no number) about the cutting of the trunk (of [illegible]ation of the records of the Vedaraniam Exhibit B) is entirely false, as is shown by an e[illegible] report. There is nothing to show that Office, which does not disclose the receipt of any [illegible] it has been cut away long before, which the tree was in existence in 1895. As a matter [illegible] is shown by my witnesses.

11. **Charge I (2)**—There is a covered [illegible] shed with a flooring and screen (கேணச் சுவர்) in front of the Dancing woman's hous[illegible] it is proved by the witnesses on both sides to b[illegible]istence for a long time. The flooring is, acco[illegible]e Karnam and Gopala Aiyangar L. F. Road pany[illegible] others in connection with the repair and Ma[illegible]the measurement once made by me in com-ment, while a gap to a width of a foot or so interfere with the street measurement. The sectioning of the street, found to be no[illegible]hich was covered with earth and bricks, as between the flooring and the screen [illegible] Shanmugam Pillai who reported the case encroachment referred to is only this[illegible]r witnesses. I did not at all connive proved by the evidence of the Union[illegible]the matter till the receipt of the Union and Gopala Aiyangar L. F. Maistry [illegible]ing that three persons—of whom Balasubra-at this encroachment nor was I aw[illegible]hments into the street. This report was Maistry's report dated 10th August [illegible]port on the encroachments. The very fact manian, her brother, was one—made [illegible]arge that I connived at the encroachment. referred to the Karnam himself to meas[illegible] the encroachment made by Ganambal Ammal that I referred the matter to him dispro[illegible]de by the Dancing woman was only new. I The Karnam states in his report (Exhi[illegible]vere only very recent and the Karnam, in and one Muttu Josier were old ones; a[illegible] that they were old ones as existing prior to knew full well that the first two encro[illegible]itiate himself with Ganambal Ammal. It may spite of my knowledge, emboldened hi[illegible]d a place in the list of encroachments of his appointment as Karnam in 1884 on[illegible] me (the order is an endorsement on the also be noted that Muttu Josier's shed [illegible]e list of the existing encroachments in the 1884. All these cases were, however[illegible] the Taluq Board President about which I Karnam's report) to be included in th[illegible] about the general Encroachment). town called for from the Karnam for s[illegible] am going to speak while dealing wit[illegible]

"In like manner, he connived at an encroachment on the public street made by the said Velamuthu in front of her house."

12. The above encroachments, including the encroachment of Velamuttu, were included in the tabular statement sent by me as Chairman of the Union to the Deputy Tahsildar on 21st May 1896 with my No. 73 with request that the Karnam may be directed to ascertain the extent of encroachment in each case in the statement. The above facts will clearly show that I never connived at the encroachment by Velamuthu, but, on the contrary, took due steps on the subject.

13. **Charge I (3)**—As regards this Charge, I know nothing as I was in charge of Tiruturaipundi Range at the time that this is alleged to have happened. I did not allow any body to remove the bricks. As proved by the defence witnesses, there was no supply channel at all nor was there any irrigation or drainage sluices to the Theradikolam at Vedaraniam, which is supported by masonry parapet walls in the East and South. The tank belongs to the Temple the Trustee of which was asked to hand over the tank to the Taluq Board as per Taluq Board's President's order No. 457 dated 23rd September 1895. He at last consented to it subject to his right to use it and the matter was pending before the Taluq Board. The site from which the bricks are said to have been removed is, according to the Karnam, a drainage sluice in the South-east corner of the tank close to the private land of Anna Aiyangar to whom a rent deed has been executed by one Ammalu, the present occupant. It has now been deposed to by the Temple Karnam Samu Pillai, Krishna Pillai and Balasubramanya Nattuvan, that M.R.Ry Raghunandana Sastrial who was then Sub-Magistrate inspected the locality and, finding that it belonged to private persons, did not consider any interference on the part of Government necessary. There is no evidence that I gave permission to any body to remove the bricks. This matter, I presume, must have been disposed of by Mr. Regunandana Sastri to whom a petition is said to have been sent before I returned to Vedaraniam. The statements of the Karnam are therefore entirely false. It is hard that I should be made responsible for something which happened not in my time, but in the time of another Sub-Magistrate.

Charge I (3)
"In like manner he connived at the removal and appropriation by the said Velamuthu or her relatives of the bricks that form the supply channel of Theradikolam at Vedaraniam."

14 **Charge I (4)**—I cannot understand how I abused my powers in convicting certain persons in some cases and acquitting some in other cases referred to in this charge. As a Magistrate I had to deal with Criminal Cases coming before me one way or the other according to their merits and the evidence on record; and the grounds for convictions or acquittals are clearly stated in the judgments copies of which have then and there been submitted to higher authorities. The cases against *Kuppamuthu Ramaswami* Pillai and *Veerabadra* Pillai are on Police charges. The conviction of the former was set aside by the late Dy. Magistrate of Mannargudi, Mr. Kadir Badshaw, for some reason or other upon grounds not borne out by records as will be seen from my explanation already submitted in the case (vide my explanation dated 15th October 94 No. 786 to be found in the bundle of records relating to the case).

Charge I (4)
"He abused his powers in convecting one Kuppamuthu Ramaswami Pillai in C. C. No. 292 of 1894 on his file; and one Nagammal and her son in C.C.No. 425 of 1895 on his file and also one Veerabhadra Pillai and in acquitting the elder brother of the said Velamuthu in C. C. No. 312 of 1895 on his file."

The conviction of Veerabhadra Pillai in C. C. No. 106 of 1896 has been confirmed by the present Dy. Magistrate on appeal. In C. C. No. 312 of 1895, 4 men, including the brother of Velamuthu, were charged by the Forest Department for hunting under the Forest Act. As there was absolutely no evidence of hunting they were put upon their defence at least for trespass and this charge too fell to the ground by the evidence for the defence. I had therefore no other alternative than to acquit the case.

The case against Nagammal and her son has been taken as an instance for abuse of my powers. Nagammal and her son who were convicted for assault have not come forward to complain against me nor have they appealed against the conviction. It is stated by Kuppamuttu Ramaswami Pillai that Nagammal's refusal to wash Velamuttu's cloths brought about her conviction. This is a daring falsehood on the face of the statement of Nagammal. She has

stated that Velamuttu is her brother's daughter and that the latter never asked her to wash her cloths. This witness thus falsifies altogether the statement of Ramaswami Pillai. I emphatically say that I was not in the least actuated by any motive in the disposal of these cases which are taken up under the category of charges against me only on the bare mis-representations of Kuppumuthu Ramasami Pillai and others who, in their Cross-examination, ignore the nature and merits of the cases and also say that what they stated in the chief examination was only from hearsay.

15. Kuppamuthu Ramaswami Pillai who has given evidence against me has stated that I convicted him because he did not comply with my request not to give evidence against Velamuthu in a certain Civil Suit. The witness does not state the No. of the suit or the year. According to him it was about 5 or 6 years ago. Therefore it should have been in the end of 1890. I was appointed to the Vedaraniam Office only in 21st October 1890. It is impossible that, immediately after my arrival I should have asked any body to give evidence in favour of a dancing woman with whom I could not have been previously acquainted. As a matter of fact, I know nothing whatever about the suit. Ramaswami Pillai says that I asked him to give evidence in favour of the woman which he declined to do and that he gave evidence against her in the suit which, he says, ended in her favor. If this is true, I should have disliked him and borne bad feelings towards him from that date. But as admitted by himself I have been granting him, in my capacity as the Chairman of the Union, the lease of the right of fishing in certain localities successively up to 1895 after which it was cancelled at his own request. The reason assigned by him in his petition as the ground for his prayer of cancellation of fishery lease was that he was put to loss by the Salt Inspector having caused a bund to be thrown across the swamp near the Salt quarters, whereas in his statement before your Honor he mentions the name of the dancing woman as having built a fence across the swamp. A reference to his petition to the Chairman for cancellation of his fishery lease will show the falsity of his evidence and that the name of this woman has been thrusted in every transaction simply to insult me. Thus it appears that the evidence of Ramaswami Pillai who is a man of very litigious and bad character and who has once been convicted of theft though reversed on appeal is not at all reliable. Similarly the motive which Verabhadra Pillai was tutored to allege in his deposition as a ground for his Conviction has been disproved by the evidence of Appakutti Pillay, Sami Tevan, Village Munsiff of Kudumavayal, and Nagamuthu Pillai and no such motive was alleged in his appeal by which the conviction was confirmed. I may state here generally on this charge what I have already stated in Para 3 that the position of an official is not safe if a conviction by him as a Magistrate is afterwards questioned in a departmental enquiry and on the very evidence of the persons convited. If the statement of a convicted person is to be accepted against the Magistrate or Judge who convicted him there is not a single Magistrate or judge who can escape unscathed from the ordeal. A party who has lost a case always thinks that the judge is in the wrong and has acted from some improper or unworthy motive. A judicial officer ... not exercise his judicial discretion properly, if the soundness of his decision is to be ... ed not in appeal, but in a departmental enquiry. And even if a judg... ...ent is reversed, it shows only that the Lower and appellate Courts take different views ... the matter and not that the Lower Court has abused its authority.

17. **charge II.**—During the course of 91—92 I have by own exertions removed all encroachments excepting '*sarpus*' 'சர்பு' or short pandals ...eets at Vedaraniam (as admitted by some of the prosecution witnesses and proved by my witnes... ...nicable arrangements with the parties. With r... ...d to the '*sarpus*', as the owners were unwilling to re... ... I had to have recourse to legal process. As no ac... was available in the office, I asked the Taluq Board... ident in my Urzi No.98 dated 10th April 1891 for t... ...turn of lists which appeared to have been subm... ...eived in his office. Thereupon the marginally 1889 to which he replied that no such list w...

"That, while it was his duty as Chairman to repress all encroachments in streets and public ways in the town he took no action in this direction except on paper in spite of the orders of the President Taluq Board and although lists of encroachments were from time to time sent him by the Karnam of the vattam; and that, further, he himself encroached on the public street in front of the house he occupied at Vedaraniam."

noted orders and reminders (to be found in the bundle of papers received from Vedaraniam office,)

Order to Karanam 16 of 22-1-92.
Reminders 10 of 5-4-92 and 59 of 29-6-92.
Order 5 of 17-2-92.
Reminders 6 of 2-3-92, 10 of 5-4-92 and 59 of 29-6-92.
Order 206 of 24-1-93.
Reminders 3 of 17-5-93, 22 of 27-5-93 and 56 of 20-6-93.
Orders 414 of 22-10-95 and 437 of 13-11-95.
On his impertinent reply Tahsildar's order fining him 8 as. and directing to send it within 31st December 95, 497 of 16-12-95.
Order again 75 of 22-5-96.
Reminder 168 of 24-7-96.
His last reply that he could not prepare a complete list for want of Paimash account &c. 14 of 25-7-96.

were issued to the karnam to prepare a list of encroachments together with those which I noticed during my inspections. The karnam in spite of the above orders was passive. While I was so arranging for removing other encroachments, I was transferred to Tiruturaipundi where I remained for about a year. After I returned to Vedaraniam, I sent an order No. 437 of 13th November 95 to the Karnam to send a complete list of all the existing encroachments which then remained unremoved. He sent me an impertinent report No. 8 of 18th November 95 to say that it would take 6 months at least before the list could be prepared, whereupon I addressed the Thasildar in my No. 460 of 29th November 95 reporting the impertinent conduct of the Karnam and asking him to call upon the Karnam to furnish me with the list with reference to the one which, I learned, had been submitted to my office some years back during Mr. Kalianarama Aiyar's time (and which was missing in my office). The Tahsildar fined the Karnam 8 Annas for his impertinence and directed him to submit the list to me within 31st December 1895 on pain of suspension. Then he submitted a list perfunctorily showing a very few items with his report dated 2nd January 1896 No. 16. This was the only list that he ever sent to me and there were no other lists whatever sent by the Karnam from time to time as stated in the charge which seems to have been framed against me on his mis-representation.

18. The accounts marked D D_1, D_2 filed by the Karnam before your Honor on the 14th June 96 are said to be the copies of the accounts sent to me from time to time. Of these, Exhibits Marked D_1 and D_2 are styled as poramboke cultivation accounts said to have been sent in1891 and 1893 which, from the informations given in the headings, must have been submitted to the Tahsildar through Rev. Inspector for Jamabandi purposes and *not* to me and the list of 1884 (Exhibit D) appears the one received in the office during Mr. Kalianaramaiyar's time bearing his initial and date in each page. Evidently this is the list which I learned was missing in the office. I cannot understand how the Karnam came by this list which the Pattamanigar (Defence witness) swears was the fair copy submitted by him to the Dy. Tahsildar's office. This is evident from the fact that it bears the initial and date of 3rd September 84 by the then Dy. Tahsildar Kalianaramaiyar. The statement of the Karnam in explanation of this that it had been dated and initialled at the time of inspection invariably in every page without exception is anything but true. While as he says he had this list with him it is unaccountable why he should have abstained from furnishing me with a complete list of sarpus &c. in spite of the orders issued to him. Meanwhile, I received an order from the Taluk Board President No. 9 of 13th April 96 requesting me to send him a complete list of all the existing encroachments in the town with my remarks against each case to enable him to take steps either for removing or renting them as the urgency of the case may be. On receipt of this order the Karnam was again asked in my order No. 75 of 22nd May 96 to send the complete list called for (excepting encroachments already removed), but no such list was sent upto me up to the moment I left Vedaraniam for Tranqubar on transfer in June last. As I was not authorised by the President Taluk Board under the provisions of the Local Board's Act to finally deal with encroachment cases and as the President required from me only a complete list for his own decision, I had to do no more than to prepare and submit the list called for, which I was unable to do for want of information from the Karnam who in his last report No. 14 dated 25th July 96 (to be found in bundle of records filed before your Honor in connection with this case) flatly said that no complete list could be furnished in the absence of Paimash accounts &c, and the three encroachment cases referred to in para 11 as well as some other petty cases reported by the maistry were pending only to be included in the complete list. Under these circumstances, I humbly beg to state that I had no other course to adopt than what I had done. As for the encroachment alleged to have been made by me in front of the house I occupied in Vedaraniam, I beg to state that I occupied the house of one Gopalasastri in the East Madavilagam

Street only on rent as admitted by the Karnam and proved by my witnesses. There was a *sarpu* already in existence in front of the house as is the case with regard to every other house in the streets. This *sarpu* was converted into *Kottagai*, by the owner for my convenience within the space occupied by the *sarpu* which finds a place under Paimash No. 502 in the list of encroachments prepared in 1884 and produced by the Karnam at this enquiry. That this *sarpu* has been in existence for a long time has been also testified to by my witnesses.

19. **(Charge III).**—The petition under inquiry does not set forth any allegation for framing this charge against me and it seems that this charge is framed on the mis-representation of the Union Clerk Gopala Row who was at the bottom of this petition and who was dismissed by me on 10th May 96 (a month before the date of his deposition before your Honor) for defalcation of money collected by him and also for concealing certain accounts to cover his fraud. He was dismissed under my prceedings dated 10th May 96 and reported on to the President Taluk Board in my No. 65 of 14th May 96. Under the provisions of Section 134 clause (3) of the Local Board Act, I had the powers to appoint and dismiss servants of the Union, subject of course to an appeal to the President whose orders are final. So far as my knowledge goes, no accounts or records were allowed to fall into disorder. The clerk Gopala Row was entrusted with the proper keeping of the records and accounts of the office and was paid for it. I can hardly be expected to do the clerical business and pay my attention to the proper keeping of the records very minutely since I, as a Dy. Tahsildar and sub. Magistrate, had to move constantly from head quarters for not less than 15 days in a month. The clerk was therefore responsible for the accounts and records. I therefore submit that I dismissed Gopala Row not to absolve myself of allowing any records to fall into confusion and disorder but for valid causes mentioned in my proceedings. My proceedings dismissing Gopala Row were passed after communication with the President Taluk Board. Mr. Pichai Pillai, a pensioned Tahsildar, who was for some time delegate chairman of the Vedaraniam Union has remarked that Gopala Row should be dismissed. Mr. Venkataramaiyar who was also in the same capacity for some time as Mr. Pichai Pillai has made very unfavourable remarks about Gopala Row. He was once a clerk in the Tiruturaipundi Union and Mr. Reghunandana Sastri B. A., B. L. who was Chairman of the Union suspended him and got him transferred as there were serious charges against him. This witness Gopala Row has not turned up for cross examination. The evidence of this witness therefore cannot be given any weight against me.

"That he, while Chairman of the Union, allowed the records and accounts to fall into the greatest confusion and dis-order and that to absolve himself, he dismissed the Union Clerk, Gopala Row".

20. **Charge IV**—As regards this charge I beg to state that I did not order the confiscation of the boats in the salt cases referred to as will be seen from the correspondence between me and the salt Inspector of Vedaraniam who seems to have acted under misconception. The facts of the case are these: — certain salt bags (240 I believe) belonging to mirasidars in Vedaraniam salt factory [illegible] me for the confiscation of boats belonging to merchants [illegible] 1889. These accused were caught and the property *viz* contraband salt were issued by the salt Inspector. On the [illegible] I did not, to the best of my knowledge and have carried away small quantities of salt present amongst a great crowd of salt men arrested on their way home by the [illegible] boats which contained the licit salt bags were session of contraband salt under S[illegible] in col 26. "Description of property ordered victed by me for 3 weeks rigorous [illegible] the Inspector) without writing the descripand the cloth &c. used for conveyi[illegible] ordered to be confiscated under S[illegible] recollection, orally tell the Inspe[illegible] and parties at a distance from m[illegible] confiscated. The bare word "c[illegible] to be confiscated" of D Form 2[illegible]

"That in C. C. No. 454—457 inclusive of 1895 on his file he passed an order confiscating certain boats in Col. 26 of the P. 25 form, charge sheet of the Abkari Inspector and also orally informed the Inspector of such order, whereas in his judgments he did not order such confiscation."

tion of the articles was an error of the clerk who meant it to apply to the articles produced before the court as concerned in the offence. The Inspector seemed to have been labouring under some misconception by this bare word "confiscated" in the duplicate charge sheet sent to him. This I have pointed out to him in my letter No. 44 of 26th January 96.

21. The Inspector writes in his letter No. 184 of 27—1—96 to say that I accorded sanction for the confiscation of the boats by my unaccountable "yes" I might have said "yes" and I do not now recollect under what circumstances I might have said it. The Inspector says that he rose up and asked me if the boats were to be confiscated. I did not say "yes" in the sense in which he has understood it and I might not have heard what he said amidst the bustle of a great crowd and at a distance from me. Perhaps I might have uttered "yes" without hearing him distinctly on the impression that he rose up only to take leave of me; or I might have responded to some other person by my "yes"—Applying this inadvertently dropped "yes" to his case he seems to have taken steps under misconception–He further states in his letter that the boatmen were quiet for over a month. I beg here to submit that the boat men were only waiting for the expiry of the appeal time as is the case with the parties in all the criminal cases.

22. It should be borne in mind that the 2 boats were protected by the Inspector's license and were carrying 240 bags of salt covered by a passport of the Inspector to the Government Depot at Negapatam to be bonded and excised there before removal for sale. What was stolen by coolies of the boat was one or two measures of salt each probably extracted out of one of the bags by making a hole in it—surely it would have been quite illegal and absurd to have confiscated the boats if such was the meaning of it. The salt in the boat was taken on by the Inspector and then delivered into the Government depot. If the Inspector had considered the matter for a moment with reference to the provisions of the salt Act he should have realized that the boats were not used for the transport of *contraband* salt and that they could not possibly be confiscated. If the Inspector had felt no doubt that the boats could be confiscated, there is no reason why he should have asked me about it. There was in fact no boat or bag or other vessel or vehicle of any kind to be confiscated. The men charged carried the stolen handful of salt in their cloths. I submit that I should be presumed to have done only what I could legally do and what is also embodied in the judgment. This charge seems to rest solely on the correspondence of the Inspector whom I have not had an opportunity of examining as a witness. Thus this charge is clearly not substantiated and appear to be the outcome of a pure misapprehension of the matter by the salt Inspector.

23. I wish to dwell specially on the part which the Karnam Srinivasa Ragava Aiyangar has played in this matter. This person has admittedly borrowed money from Ganambal Ammal and lives in her house. The Tahsildar of Teruterapundy has observed in his reference on current No. 76 of 96 dated 17 March 1896 that the Karanam's statement upon a certain point was false. I had also occasions to report about the falsity of his statement and to remark against his conduct in a Criminal Case C. C. No. 520 of 1893. The Tahsildar has fined him 8 as. for not giving me a complete list of encroachments. The Karnam's evidence before your honor is on the face of it clearly false. He says he has no recollection of facts which must be clearly within his recollection—I had had to report against him on several occasions about his absence from the Vattam. I once had to ask the station house officer of Vedaraniam to watch my office as I feared that the Karnam and his brother and friends were conspiring to go into my office during my absence and tamper with the records. That the Karnam is at the bottom of the conspiracy against me will appear from the facts of the case and the evidence of my witnesses especially from that of the Union Mastri Shunmugam Pillai. Under such circumstances the evidence of the Karnam cannot be believed and his conduct deserves to be noticed in the interests of the public service.

My order to S H O 644 of 12—11—1895 (Exhibit VI.)

24. I have not been favored with a copy of your honor's report to the Collector or allowed a perusal of it. I had no idea even o[illegible] what matters had been alleged against me till the Collector's Proceedings dated 14th Septem[illegible]ber 96 in which it is intimated to me that the

Head Assistant Collector's letter ("15th August 1896 No. 1310") was a very full and carefully worked out report, that on its face, it shows that the Sub-Magistrate A. Ramaswamy Aiyar is quite unfit to exercise Magisterial functions and should not be allowed any longer to continue in office unless he can clear himself and the Sub-Magistrate is therefore suspended pending the drawing up against him of definite charges on which his explanation should be taken when he could be finally dealt with. I applied personally to Mr. Andrew, Acting Collector, who had succeeded Mr. Stokes for the reasons for which I was suspended and I was referred to your honor. I received a written notice from your honor on the 6th October 1896 to appear on the 9th idem. I was then furnished on the 13th October with a paper showing the charges framed against me. The regular enquiry then commenced on the 7th December 96 and ended on 23rd December 1896, the delay having been caused by unforeseen causes. It would be seen thus, that I had the misfortune of being in a ~~sort~~ way prejudged and prejudiced. Had I been allowed a perusal of the Head Assitant Collector's report in the first instance, I should have had an opportunity of showing from the mere records how trivial and malicious were the imputations made and might have been spared the disgrace of a suspension.

25. I am however thankful that an open enquiry has been accorded to me and an opportunity given me of cross-examining the witnesses and citing records in support of my defence.

26. I trust that my explanations on each charge against me will be found complete and satisfactory. It will be seen that every one of the parties who had anything to say against me had a grudge against me for acts done in my official capacity and that there was a regular conspiracy among them all to ruin me at any cost and that their evidence was totally untrustworthy. They were all more or less within the influence of Ganambal whose interest had suffered by the strictness with which I discharged my duties. The Karnam was reported by me often and often and was punished. The late Union Clerk Gopala Rao was dismissed by me for gross neglect. The others had been all parties punished by me magisterially in various cases. The matters themselves were mostly trivial, such as encroachments on village streets &c.

As to the last of the charges which was the only one of any consequence, the facts as now explained by me will convincingly show that it would have been absurd as well as illegal if I had *confiscated* the *boats* carrying unexcised Government Salts in transit from factory to Depot, because a handful of salt was extracted from the bags by the labourers in the boats and surreptitiously removed while the boats were moored alongside the canal near their homes. Surely the Salt Inspector could not have expected or understood me to say by the use of the word "Yes" that I had ordered the confiiscation of the boats.

27. *Conclusion.*—A full and unbiased consideration of all the facts in the light thrown on them by my explanations will convince your honor that the charges framed against me are entirely without foundation and the result of a conspiracy by a gang of persons who had suffered from acts done in the honest discharge of my official duties and who therefore bore malice against me.

I pray therefore that I may be honorably acquitted of all the charges on which I have been placed on my trial departmentally and restored to my office without loss of pay for the period of suspension. I am a Government servant of 28 years of eligible service with an unspotted character for ability and honesty and efficient discharge of my duties to all of which successive Collectors have borne testimony of which copies are annexed.

A Ramaswamy Iyer

S. V. Press.

Annexure (a)
to

ENCLOSURE . C.

TO

PETITION OF

A, RAMASWAMY IYER,

Late Taluq Head Accountant

Shiyali, Tanjore District.

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ANNEXURE (b). TO ENCLOSURE (C).

EXTRACTS FROM STATEMENTS GIVEN BY WITNESSES BEFORE THE HEAD ASSISTANT COLLECTOR, NEGAPATAM DIVISION, IN THE ENQUIRY AGAINST A. RAMASWAMI IYER.

1. *Ramaswamy Sastry Village Munsiff and a member of Vedaraniam Union.*—
"As Chairman, the Sub. Magistrate was putting the streets in order and removing encroachments by fences; but encroachments by build[illegible] have not been removed. The Kottagai and other [illegible] encroachments in streets were [illegible] moved".

2. *Appakkutti Pillay, a member of the Union.*—
"After Sub. Magistrate came to Vedaraniam, encroachments were removed freely from the Town. The streets were restored to their Paimash breadth".

3. *Gopala Iyengar, Manigar of Local Fund Chattram.*—
"I have been six months Manigar. Before that, I was L. F. Maistry for 4 years under L. F. Engineer in Vedaraniam. I attended to the repairs of roads, streets &c. in the Union. The encroachments in the streets in Union were removed by the late Sub. Magistrate, Ramasamy Iyer. The Sarpus only remain in the streets. * * * The other encroachments were removed by persons of their own free will and the Sarpu owners petitioned".

4. *Krishnasamy Pillay.*—
"I know of the clearance of encroachments in Sannadi Rasta (Road). The road was measured according to the Paimash account and sectioned and encroachments removed * * *. After the Sub. Magistrate, Ramasamy Iyer, came to Vedaraniam all encroachments were removed except "Sarpus". These were not removed as the people objected. Pending reference to higher authorities, matter was pending".

5. *Samy Iyer, Temple Manager.*—
"The Sub. Magistrate removed the encroachments in the streets and roads when he came to Vedaraniam. In the agraharam, those who had erected Sarpus objected to remove them. I live in the agraharam".

6. *Nagamutha Pillay, a respectable and rich mirasdar, paying Income Tax, Rs. 128.*
"After the Sub. Magistrate came to Vedaraniam, all the streets were cleared and all obstructions and encroachments removed. The Sarpus remain. These were not removed as there were disputes".

7. *Pichu Iyer, Stamp Vendor.*—
"Since the Sub. Magistrate came, the lanes and streets were much cleared of encroachments. They have been mostly removed. There are Sarpus in front of a few houses".

8. *Samu Pillay, Devastanam Kurnam.*—
"Vedaraniam is in my Vattam. The Sub. Magistrate, Ramasamy Iyer, cleared the streets of all encroachments when he came, and made them wide".

9. *Shanmugam Pillay, Union Maistry, Vedaraniam Town.*—
"Since the Sub. Magistrate came to Vedaraniam, the encroachments in the streets and lanes were removed. The Sarpus alone remained. The people commuted to themselves all encroachments except these. The Karnam was [illegible] list of these Sarpus. No list came".

10. *Veeramuthu, Union Maistry Toputhurai Town.*—
"The late Sub. Magistrate has opened all streets and removed the encroachments in all the streets since he came. Cocoanuts have been planted along the road to Negapatam. This was done last year".

A Ramaswamy Iyer

ENCLOSURE C. with annexures (a b & c)

TO

PETITION OF

A. RAMASWAMY IYER,

Late Taluq Head Accountant

Shiyali, Tanjore District.

To

His Excellency

THE GOVERNOR IN COUNCIL OF FORT ST. GEORGE IN THE REV. DEPT. MADRAS.

The humble petition of A. Ram necessary for *a retired Taluq Head Accounta*e duly observed *now residing in Kamakhsijosyar street, Kumbakonam.* Door. No 29.

Most respectfully sheweth:—

That Your Petitioner, who was a servant of the Revenue Department in the District of Tanjore and held various appointments as per table enclosed, marked A, retired from service in 1897 in consequence of bodily infirmity and was granted an invalid pension of Rs. 25 in G. O. dated 25th February 1898 No. 151 Pension Department.

2. The full pension admissible to Petitioner under the rules was Rs. 46 and odd; but Government, in the exercise of the discretion vested in them by Art. 514 Civil Service Regulations, ordered it to be reduced by Rs. 22 on the ground that Petitioner's conduct and character were not thoroughly satisfactory.

3. Petitioner begs to submit that the reduction ordered is a great deal too large, being no less than 47 *per cent.* of the amount admissible. It is, in fact, tantamount to reducing the rate of pension applicable to Petitioner from one half to one fourth of the average emoluments. Such severity is, so far as Petitioner knows, quite unprecedented, and Petitioner submits that the circumstances of Petitioner's case did not call for it.

4. It is true that, shortly before his retirement, Petitioner had been punished with degradation from a post of Rs. 100 (a Deputy Tahsildar ship) to one of Rs. 50 (a Taluq Head Accountantship), but the degradation was, in itself, an unmerited punishment, based on presumptions of a far-fetched character instead of on proved facts. It was Petitioner's intention to appeal to Government against this punishment, but, before he could do so, he was obliged to retire on medical certificate owing to a serious failure of his health.

5. Now that the said degradation has been made a reason for effecting a large reduction in his pension, Petitioner has no alternative but to trouble Government regarding the propriety of the infliction of the said punishment. Petitioner accordingly submits this petition in the hope that Government will, after a perusal thereof, see strong reasons for restoring his pension to its full amount.

6. Government is aware that it is the prospect of earning a pension *at the rates* mentioned in the C. S. R. that stimulates its officials to an earnest and faithful discharge of their duty. With such prospect, Petitioner has worked exceedingly hard and placed his whole time at the disposal of Government sacrificing his health and comforts to meet the calls of his duty. In addition to his duties as Deputy Tahsildar and Sub-Magistrate of Vedaraniam, Petitioner was forced to accept the office of Chairman of the Union at that place—an office which did not devolve on the Deputy Tahsildar *Ex-officio* and which was previously held by other officials such as the local Hospital Assistant or by non-officials. Petitioner was asked by his official

22. Petitioner sub-joins a list shewing the number and nature of the charges brought against him.

Substance of each Charge.	The office to which the records of the case belong.	Petitioner's plea.	Whether the dancing woman Velamuthu or any of her relations were concerned in the case.
1. Allowing a porambóke tree to be cut in 1891.	Chairman	The cutter had due authority to cut the tree which belonged to Vedaraniam temple & not to Government.	The cutter was a brother of the woman.
2. Connivance at an encroachment in 1895.	Chairman	There was no conniving at all. Petitioner has recorded an order directing the projection to be dealt with as an encroachment.	The encroacher was the woman herself.
3. Do. at removal of bricks from a tank in 1893.	Chairman	Petitioner's predecessor & not Petitioner was responsible for what was done in this case. The tank belonged to the temple at the time.	Her elder-sister was the remover of the bricks.
4. Abuse of Magisterial powers by,			
(*a*) Convicting one Ramasamy Pillay and sentencing him to imprisonment for 7 days instead of fine in a public nuisance case in 1894.	Sub-magistrate	The sentence was neither illegal nor too severe. It was a case in which a fine appeared to Petitioner to be inadequate. The accused caused obstruction to traffic in a public street.	No relation of the woman was concerned.
(*b*) Do. one Nagammal in an assault case in 1895.	Sub-magistrate	There was no appeal nor miscellaneous petition against the conviction and sentence in this case.	The accused was an aunt of the woman.
(*c*) Do. one Veerabhadran in an assault case in 1896.	Sub-magistrate	The conviction and sentence were affirmed in appeal in this case.	No relation of the woman was concerned.
(*d*) Acquittal of the accused in a case charged by the Forest Department in 1895.	Sub-magistrate	There was no alternative in this case but to acquit the accused. The Forest Dept. would have attempted to get the acquittal set aside if it had been unjust; but this they did not do.	One of the accused was a brother of the woman.
5. General neglect to repress encroachments on the streets of Vedaraniam Union.	Chairman	There was no general neglect. The evidence taken by the Head Assistant Collector & the records shewed that Petitioner had done all he could.	

Note:—The above charges are dealt with in full in Enclosure (C) *a detailed statement which Petitioner has now prepared for the information of Government.*

23. It will be seen from the above that the cases in which Petitioner was supposed to have acted under the influence of the said woman were of a petty character and too few to base any fair judgment on, that they are scattered over six years with considerably long intervals between them, and that Petitioner acted without any bad motive and with due regard to the interests of justice in every one of those cases.

24. The main charge against Petitioner, which was the basis of all the other charges, was that of keeping company with the woman in question, and Petitioner will first proceed to discuss the truth and merits thereof.

25. In the first place, the act in question, *viz.*, keeping company with a dancing woman, was no offence at all under any law or rule applicable to public servants. Nor was the fact that Petitioner kept company with her, relevant for the purposes of the enquiry against Petitioner, as the main question for consideration was whether he disposed of any case contrary to law or rule, it being of little consequence *at whose instance* he did so, whether at the instance of a concubine, a wife, or other relation, or a stranger.

26. Even supposing that the said fact was relevant, the evidence on record proved nothing more than the existence of a temporary familiarity between Petitioner and Velamuthu—a familiarity which did not last during the whole time Petitioner was Sub-Magistrate at Vedaraniam, but only for an indefinite part of it.

27. As to any *mala-fides* on Petitioner's part in disposing of the few cases in question, Petitioner would beg Government to note that the Collector is not positive about the existence of any bad faith. He only says that Petitioner acted in a manner such as to *suggest* dishonesty of intention. The good faith of the official acts of Petitioner to which Collector now takes exception passed unquestioned by his superiors or the public for considerably long periods, and it would have remained unquestioned for ever, had not Petitioner's enemies now given to the said acts a false colour and prejudiced the Collector by connecting them wrongly with the fact that Petitioner was on friendly terms with the dancing woman named.

28. The number of cases from which such inference was drawn was, after all, only an infinitesimal part of a large number (some thousands) of cases disposed of by Petitioner both in his capacity of Magistrate and Chairman.

29. Petitioner would respectfully ask Government to consider whether it is at all likely that Petitioner who maintained his principle in disposing of thousands of cases would have given it up in disposing of the above few petty cases.

30. Of the six cases (A B C D E F, in the table below) in which Velamuthu or her relations were concerned, five (A B D E F) were disposed of by Petitioner and one (C) by another officer, Mr. Reghunandana Sastry, B. A., B. L.

(F) is a case not mentioned in the Head Assistent Collector's charge sheet, but Petitioner includes it here as it is also a case in which a relation of Velamuthu (her nephew) was concerned.

Out of thousands of cases disposed of by Petitioner there were no other cases besides these six in which Velamuthu or her relations were concerned.

Cases.	Union or Magl.	Whether Velamuthu or her relations were concerned & how related.	Whether disposal favorable or unfavorable to the said person.	Board's finding.
(A) Tree cutting case in 1891...	Union.	Yes. elder brother.	Favorable.	No remark.
(B) Connivance at an encroachment in front of Velamuthu's house 1895	Do.	Yes. herself.	Unfavorable.	No remark.
(C) Do. at removal of bricks 1893 ...	Do.	Yes. elder sister.	...	Petitioner was not in charge of the station till the final stage of of the case.
(D) Conviction of Nagammal 1895. ...	Magl.	Yes. aunt.	Unfavorable.	The case was not wrongly tried.
(E) Acquittal of Muthukumaran 1895. ...	Do.	Yes. another brother.	Favorable.	Acquittal can only be looked upon with suspicion but there is no absolute proof of *mala fides*.
(F) Conviction of Narayanan in a nuisance case 1895. ...	Do.	Yes. nephew.	Unfavorable.	

31. Nor did Petitioner dispose of all the above cases in favor of Velamuthu or her relatives. Three (B D & F) went against them & two (A & E) in their favor.

32. It is strange that the Collector chose to use the word "considerable" in para 15 of his memo to denote such a ridiculously small number of cases in which Velamuthu or her relations were concerned. The Collector would certainly not have used the word knowingly, and did so evidently under some misrepresentation by others. At any rate, the use of that word by the Collector has greatly prejudiced Petitioner as the Board and Government have acted on his report.

33. Nor was there a deliberate screening and helping of Velamuthu and her relations on Petitioner's part as observed by the Collector in the same paragraph. There were only 2 cases which happened to go in their favor & Government will perceive that those cases were not at all so serious as to call for any deliberate screening or helping.

34. There was only one case (a Union case) in which Velamuthu was personally concerned and Petitioner concluded it against her. None of Velamuthu's relations concerned in the other cases were *living* with her. This is a fact admitted by the prosecution, but the Collector attached no importance to it. He was apparently under the impression that a dancing woman would take the same warm interest in the welfare of her relations that a family woman usually does in the welfare of hers, but such is not ordinarily the case. Dancing women are generally indifferent

towards their relations. Their profession, by its nature, isolates them from their relations.

35. In his memorandum, the Collector remarks that the public must have been led to believe that, in cases in which Velamuthu and her relations were concerned, impartiality and justice could not be expected from Petitioner.

36. This, however, is a presumption and the Collector had not the least reason for arriving at it. None of the parties concerned in any of the criminal cases quoted in the charge sheet moved Petitioner's superiors for a transfer of any of those cases fromhis file—a step which they would have taken if they had reason to expect injustice from him.

37. The respectable witnesses cited by Petitioner, moreover, proved that the public of Vedaraniam were satisfied with Petitioner.

38. The charge sheet, *as framed* by the Head Assistant Collector, mentioed 10 cases in all against Petitioner. Of these, the Collector struck out three. Of the remaining seven cases, the Board held Petitioner to be more or less innocent in every one but laid great stress on a sweeping incidental remark made by the Collector regarding certain answers given by Petitioner as an accused person in his defence, Vide para 4 of Collector's memo in which he remarked that Petitioner deliberately told lies in answering questions about his intimacy with the dancing woman in question.

39. Petitioner had no opportunity of explaining himself on the last mentioned imputation, viz, making a false statement, during his trial as he became aware of the fact that the Collector had made such remark against him only after it was too late to seek a remedy, that is, after Petitioner retired. It is to be regretted that the Collector had not taken Petitioner's explanation on the subject before he made his report to the Board.

40. Petitioner has therefore no alternative now but to trouble Government with the following long explanation regarding his conduct in the matter.

41. The particular passages which contained the deliberately false statements are not quoted by the Collector, but the above conclusion was evidently arrived at by a combined consideration of the answers recorded on the subject of Petitioner keeping Velamuthu in the statement which the Head Assistant Collector took from him on the 13th October 1896, (the day on which Petitioner first appeared before him for the enquiry) with the answers which Petitioner gave in reply to the questions asked by the Collector on the 16th March 1897 with Exhibit X in his hand.

42. The answers in question were given in reply to questions, the object of which was to drive Petitioner (an accused person) to make statements criminatory of himself. The statement which the Head Assistant Collector took from Petitioner in respect of the said charge on the 13th October 1896 was taken by him in his capacity of "The Court of the 1st class Sub Divisional Magistrate of Negapatam. Dn."

43. The practice of questioning accused persons so as to drive them to make statements criminatory of themselves is a proceeding strongly condemned in the following ruling of the High Court which was based on Sec. 342 C. C. P. in Criminal Petition No. 101 of 1892, Weir's Law 3rd Edition page 955.

"We are constrained to observe that in the severe cross-examination which the prisoner has undergone before the Sessions court, the proper limits for holding an examination of him have been greatly exceeded. The discretion given

by the law for questioning a prisoner has not been allowed for the purpose of driving him to make statements criminatory of himself".

"This discretion can, we think, only be properly used for ascertaining from a prisoner how he may be able to meet facts in evidence appearing against him, so that these facts should not stand against him unexplained. It is declaredly within the competency of the accused to decline answering any question while of course the court is at liberty to weigh his answers whether they tell for him or against him."

44. On the 13th October 1896, the day on which the Head Assistant Magistrate commenced his enquiry against Petitioner, the Head Assistant Magistrate suddenly put into Petitioner's hands a paper containing a series of charges against him and asked Petitioner to say what he had to say in respect of them. Petitioner was not in a position to answer to any of the charges, because the confidential enquiry previously held by the Head Assitant Collector had been conducted *without* Petitioner and no copies of the depositions of the witnesses examined in that enquiry and other papers connected with it had been given to Petitioner; nor had the prosecution witnesses been re-examined in Petitioner's presence. The charges read against Petitioner, moreover, quoted no provision of the law which created the offence (Vide Sec. 221 Cr. P. C.), and Petitioner therefore did not know exactly what he was to plead to.

45. Petitioner respectfully represented that he was not prepared to enter on his defence until he had copies of the papers on record, but the Head Assistant Magistrate insisted on Petitioner giving some answers on the spot to each charge irrant of pation of his being furnished with copies of the necessary records for the rs. which he (*Head Assistant Magistrate*) said he had to obtain Collector's or estions

46. The Head Assistant Magistrate then began to ask Petitioner titioner about each charge. Not wishing to incur the Magistrate's displeasure, gistrate chose to give some answers to every question put. The Head Assistant recorded the answers in the form of a narrative. gistrate

47. In answering the questions put to him by the Head Assistant ied his in respect of the charge of keeping company with Velamuthu with the answers intimacy with her in toto. This answer was no doubt inconsi or, but the above subsequently given by Petitioner in the inquiry held by the asked related to inconsistency was of little consequence in ner. The fact was one no official matter but to certain acts of P ife about which there was no real necessity for the Magistra Petitioner need not have been which it was for the prosecution to es supposing that Petitioner did his troubled at all about it. himself as to his (Petitioner's) intiout it. Petitioner practised no decep-

48. The Collector is comp orities no facts which he was bound to best to deceive the Head Assi tioner was not bound to disclose to them macy with Velamuthu and d elamuthu as he was being judicially prosetion at all. He concealed f or was Petitioner bound to admit Enclosure disclose to them. It is ob d against Petitioner subsequently, as it was any facts concerning his i ent by examining the necessary witnesses in cuted on a formal charge ion 64 of the Indian Evidence Act— a pro- X in the enquiry which t for the prosecution to p Petitioner's presence as

cedure which the Collector did not follow before filing the said document in the records. Petitioner is unable to understand what urgent necessity there was for the Collector to depart from the established procedure in the filing of this document.

49. In para 4 of the Collector's memo, he observes that a perusal of Petitioner's statement shews the reluctance with which he made one admission after another, admission only made under compulsion when he found there was no escape.

50. There was no reluctance at all on Petitioner's part in making the admission. The facts are that the Collector kept Exhibit X in his own hand and shewed Petitioner small portions of it here and there, bit by bit, asking a question regarding each bit as to whether it was in his hand writing. Petitioner found it difficult to give a positive answer at the out-set as the whole of the document was not shewn to him at once and he had forgotten all about the correspondence which was very old. The writing on the paper was, moreover, a pencil scribble indifferently written and had become more or less indistinct by lapse of time. Petitioner, therefore, replied at first that the portion shewn him *appeared* to be in his hand writing. He made no denial. When, however, Petitioner had seen all parts of it and grown more confident, he admitted it to be positively in his hand writing. In doing so, Petitioner simply exercised a precaution which every person is expected to take before identifying old and indistinct documents shewn to him piece-meal as in this case. The Collector's own report clearly describes the manner in which parts of the documents were exhibited by him to Petitioner one after another.

51. Petitioner, moreover, submits that he admitted the document not because "there was no escape" but because he did not wish to make a *false* statement. If Petitioner had chosen to deny it, it is very doubtful whether the prosecution would have been successful in bringing home the hand-writing to Petitioner, because the reply portion of the paper did not bear Petitioner's signature nor was the letter of Velamuthu to which it was a reply, addressed to any body, nor did Petitioner's scrawl on the said document resemble his usual hand.

52. Petitioner now passes on to the Collector's remark that, as Chairman of the Union, Petitioner neglected his duty of repressing encroachment; Enclosure C contains Petitioner's full explanation on the subject.

53. Petitioner has done as much as he could have done in that direction. He proved the fact by respectable witnesses who were eye witnesses of what Petitiener had done, and of whom some were members of the Union who co-operated with Petitioner in the matter of repressing encroachments.

54. Petitioner took particular interest in his work as Chairman and it was his strictness, especially in the discharge of his duty in repressing encroachments, that caused some of the influential people at Vedarniam to be offended with him and to annoy Petitioner's superiors with anonymous or psuedonymous petitions against him and concoct stories.

55. That an officer of long experience with good antecedents, such as Petitioner was, should ever dream of allowing a dancing woman to influence his official acts to the prejudice of his prospects of promotion and pension, was an extreme improbability, but it was Petitioner's misfortune that both the Head Assistant Collector and the Collector did not take that view They believed the vague, indefinite and contradictory statements made by Petitioner's enemies and the latter handed Petitioner

up to the Board with a recommendation that Petitioner should be transferred to a non-magisterial office with a salary of Rs 70 or 80 per mensem in another District or to the post of Taluq Head Accountant on Rs. 50 which alone was then available in his (Tanjore) District.

56. In fact, the Collector allowed Petitioner to become a victim of vindictive accusation instead of giving Petitioner a helping hand in consideration of the honesty and integrity which had characterized Petitioner's long career and which the Head Assistant Collector's enquiry did not dis-establish.

57. Petitioner takes this opportunity to subjoin for the information of Government an extract from G. O. dated 10th May 1835 No. 555, R. D. printed in Mr. Dalyell's 2nd Edition, No. 391 of B. S. O. book and also an extract from B. S. O. No. 262, Mr. Maclean's edition, in which native Public servants who have been honest and faithful in the discharge of their duty are directed to be treated with great consideration.

"It must never be forgotten that a Tahsildar and Sub-Magistrate is exposed to more obloquy and to more vindictive accusation than any other class of public officers and that the only security he has for keeping his place in defiance of it all is the conviction that he will not be the victim of frivolous complaint or of those secret confederacies which in every District are at work for the overthrow of those who really perform their duty."

"S. O. No. 262. The Board impress upon all officers under their control, the necessity of careful and close examination of charges brought against native public servants. If those servants are to be held strictly responsible for the due exercise of the powers entrusted to them, and if any abuse of these powers is to entail severe punishment, it is necessary that they should not be convicted on light or insufficient grounds; care should be taken that they are not sacrificed to mere clamour and that they are not caught by plots concocted to entrap them."

58. The Board to whom Petitioner was handed up by the Collector exonerated Petitioner on several of the charges, but still supported the Collector's recommendation and submitted the papers to Government with their Proceedings dated 5th May 97 No. 1597 Mis, confidential No. 62.

59. Government, in their order dated 30th July 97, No. 1079 Mis, directed that Petitioner should be reduced to the post of Taluq Head Accountant on Rs. 50 per mensem in the District although the Collector had proposed his transfer to posts of Rs. 70 or 80 in other Districts.

60. This order was carried out by the Collector and Petitioner was posted to Sheally as Taluq Head Accountant. Petitioner was unable to endure the shock of this extreme severity which was operating on him as something like a sentence of death. His health began to fail rapidly and seriously, and scarcely had two months passed since he took charge of the appointment of Taluq Head Accountant there, he felt himself physically unfit to continue in service.

61. With the permission of the Sub Collector, Petitioner appeared before the District Surgeon, Tanjore, who examined and invalided him on the 18th October 1897. In due course, Petitioner's pension application was submitted by the Collector to Government with a recommendation, the particulars of which Petitioner is not aware of.

Government disposed of the application in their order dated 25th February 1898 No. 151, Pension department, reducing his Pension by Rs 22. This is the order, of which Petitioner now seeks a reconsideration.

62. Petitioner begs Government to consider the following pecuniary hardship which Petitioner had suffered previous to his retirement.

(*a*) First of all, he was suspended from an office of high responsibility for nothing more than a presumed connection with a dancing woman, a fact which was altogether beneath official notice.

(*b*) This suspension entailed on him a heavy pecuniary loss of Rs 930, to say nothing of the cost of several journeys which he had to perform in order to appear before the Head Assistant Collector and the Collector for the enquiry.

(*c*) Petitioner's degradation which then followed entailed on him a further loss of Rs. 50 per mensem.

63. Having been honest and conscientious in the discharge of his duties, Petitioner had saved but little in the course of his long service. The above losses have therefore told on his purse very heavily and he is now at a loss to find sufficient means for maintenance of his large family.

64. In view of the fact that nothing serious has been established against Pettioner in the enquiry and that he had simply become a victim of vindictive accusation, Petitioner submits that his claims to pension should be considered as if no suspension and degradation had taken place and that he should be granted full pension at the rate authorized by the C. S. R.

65. Should, however, Government still consider that the service rendered by Petitioner was not thoroughly satisfactory and that it is absolutely necessary to make a reduction in his pension under Art 514 C. S. R., Petitioner begs that they will be pleased to give sufficient consideration to the fact that Pettioner was giving entire satisfaction to his superiors during the greater part of his long service of 28 years. It is but reasonable that the amount of penson granted should be proportionate to the length of the period of Petitioner's approved service, and should Petitioner's counting service be classed as approved and disapproved, it would be found that no less than 95 *per cent.* of it comes under the former class. It is very hard that with 95 *per cent.* of counting *approved* service in his favor, Petitioner should only get 53 *per cent.* of his admissible pension. Petitioner arrives at the figure, 95, by the following calculation.

66. The first unfavorable remark of any consequence which was passed by the District Magistrate (Mr. Thomson) against Petitioner after Petitioner had become a Sub-Magistrate and on which the Collector (Mr. Andrew) lays much stress in his report to the Board on the present case, was in January 1895 (Vide charge No. 4 (*a*) in the list appended to part (22) Supra.

67. Reckoning the period of Petitioner's disapproved service from the date of the said remark, it would terminate in June 1896, and would amount to 1½ years only or 5 *per cent.* of his counting service of *28 years*. There was nothing against Petitioner in the period of his service which was subsequent to June 1896.

68. Petitioner takes this opportunity to solicit of Government another favor. He has, for the period of his suspension "pending enquiry," viz, one year, from 23rd Sep-

tember 1896 to August 1897, drawn only $\frac{1}{4}$ allowance; $\frac{3}{4}$ thereof are still due. He now prays that under the explanation now tendered, Government will be pleased to sanction the payment of the remaining $\frac{3}{4}$ salary for the said period and also to direct the said period to be treated as counting service, a favor which they are competent to grant under the authority vested in them by Art. 459 C. S. R. which runs as follows·

"If an officer who has been suspended pending enquiry into his conduct is reinstated but with forfieture of any part of his allowance for the period of suspension, this period shall not count, unless the authority who reinstates the officer expressly declares at the time that the period shall count".

69. The office in which Petitioner was reinstated was, however, different from that from which he had been suspended, but this is no bar to the suspension period counting for pension, because under Art. 463 (*c*), it is not necessary that the reinstatement should be to the same office.

70. Should Government be graciously pleased to grant this prayer, Petitioner's average emoluments would be Rs. 100, instead of Rs. 94 and odd, and the amount of pension admissible to him, Rs. 50, instead of Rs 46 and odd.

71. In conclusion, Petitioner prays that Government will be graciously pleased to sanction the full amount of pension admissible, viz, Rs 50, and that in case they consider a reduction in its amount unavoidable, they will be pleased to restrict the reduction to 5 *per cent.* thereof with reference to the humble representation contained in para (65) supra.

For which act of justice and benevolence Petitioner shall as in duty bound ever pray.

KUMBAKONAM.
31/56 *December 1898.*

A. Ramaswamy Iyer

To

HIS EXCELLENCY

THE GOVERNOR IN COUNCIL

FORT ST. GEORGE

MADRAS.

~~REVIR~~

PETITION REGISTER No 18 1899

Rer

Submitted through the Collector of Tanjore as required by para 10 of the Government Petition Rules.

A. Ramaswamy Iyer

2nd January 99

THE HUMBLE PETITION OF

A. RAMASWAMY IYER,

Late Taluq Head Accountant

Shiyali, Tanjore District,

Dated December 1898.

ENCLOSURES.—3—A, B, & C *with annexures (a b & c)*

SUBJECT

Prays that the reduced pension sanctioned for Petitioner in G. O. dated 25th February 98, No. 151, Pension Department, be raised to the full amount admissible under the rules.

R. E. 1
48.
000 -10-

Office of the Board of Revenue

/Land Revenue/

Madras, dated I4th February I899.

Read letter from J.Twigg Esq., Ag.Collector of Tanjore, D.Dis.No.532/Rev., dated 23rd January I899, submitting with remarks petition of A.Ramaswami Aiyar, late Taluk Head Accountant, Shiyali requesting that his reduced pension may be raised to the full amount admissible under the rules.

Reference E.No.5, dated I4th February I899.

The Board submits for the orders of Government the memorial of A.Ramaswami Aiyar, late Taluk Head Accountant, Shiyali, Tanjore District, praying for an increased pension. The order granting the pension has not been communicated to the Board, but the memorialist states that Government has reduced the amount of pension which would otherwise have been admissible to him by Rs.25 per mensem on the ground that his character and conduct were not thoroughly satisfactory.

2. The memorialist was formly Sub-Mag[illegible] of Vedaraniam, Tanjore District, and was suspend by the Collector on 2 September I896 pending enquiry into certain charges of misconduct against him. On his case being reported to the Board and to Government the latter in G.O.No.I079 Judl., dated 30th July I897 directed his reduction to the post of Taluk Head Accountant. The reduction took effect on 27th August I897 and the memorialist retired on I7th October I897.

3. Two months later when the [illegible]ation for pension on his behalf was submitted by the Collecto[illegible]tioner preferred a request that the period during which h[illegible] suspension might be allowed to count towards pensio[illegible]d declined to make the desired declaration.

4. The Board has no recomme[illegible] rialist's behalf. H[illegible] memorial is not ac[illegible] orders of which a revi[illegible] is sought, viz.,

30th July 1897 and No.151 Pension, dated 25th February 1898.

Lonee David

Ag.Secretary.

To the Secretary to Government, Pension Department, with memorial and enclosures.

Q.B.

Jolla

SUBJECT

Prays that the reduced pension nctioned for Petitioner in G. O. dated 25th ebruary 98, No. 151, Pension Department, be ise to the full amount admissible under the les.

R. E. 43.]
1,000 -10-8-96.

Pension (1899) Department.

CURRENT No. 10

From

A. Ramasawmy Iyer.
Late Tg. Head Accountant,
Shealy.

~~*Order*~~

To lie over pending receipt of the original petition.

No. nil

Jcl 6.1.99

Illegible 10.1.99

Dated 31/12/98

Received 6/1/99

Registered do

Enclosures 3.

Spare copies. Nil

SUBJECT.

Submitting a duplicate copy of his petition forwarded thro' the Collector of Tanjore, praying for an increased pension.

BACK PAPERS.

G.O.	No.	Department.	Date.
"	151	Pen	25 [illegible] 98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Duplicate

To

CHIEF SECRETARY
6 JAN 1899
GOVERNMENT OF MADRAS
GOVERNMENT
6-JA
PENSION

His Excellency

THE GOVERNOR IN COUNCIL OF FORT ST. GEORGE IN THE REV. DEPT. MADRAS.

The humble petition of A. Ramasamy Iyer a retired Taluq Head Accountant, Sheally, now residing in Kamakhsijosyar Street, Kumbakonam. Door No 29.

Most respectfully sheweth:—

That Your Petitioner, who was a servant of the Revenue Department in the District of Tanjore and held various appointments as per table enclosed, marked A, retired from service in 1897 in consequence of bodily infirmity and was granted an invalid pension of Rs. 25 in G. O. dated 25th February 1898 No. 151 Pension Department.

2. The full pension admissible to Petitioner under the rules was Rs. 46 and odd; but Government, in the exercise of the discretion vested in them by Art. 514 Civil Service Regulations, ordered it to be reduced by Rs. 22 on the ground that Petitioner's conduct and character were not thoroughly satisfactory.

3. Petitioner begs to submit that the reduction ordered is a great deal too large, being no less than 47 *per cent.* of the amount admissible. It is, in fact, tantamount to reducing the rate of pension applicable to Petitioner from one half to one fourth of the average emoluments. Such severity is, so far as Petitioner knows, quite unprecedented, and Petitioner submits that the circumstances of Petitioner's case did not call for it.

4. It is true that, shortly before his retirement, Petitioner had been punished with degradation from a post of Rs. 100 (a Deputy Tahsildar ship) to one of Rs. 50 (a Taluq Head Accountantship), but the degradation was, in itself, an unmerited punishment, based on presumptions of a far-fetched character instead of on proved facts. It was Petitioner's intention to appeal to Government against this punishment, but, before he could do so, he was obliged to retire on medical certificate owing to a serious failure of his health.

5. Now that the said degradation has been made a reason for effecting a large reduction in his pension, Petitioner has no alternative but to trouble Government regarding the propriety of the infliction of the said punishment. Petitioner accordingly submits this petition in the hope that Government will, after a perusal thereof, see strong reasons for restoring his pension to its full amount.

6. Government is aware that it is the prospect of earning a pension *at the rates* mentioned in the C. S. R. that stimulates its officials to an earnest and faithful discharge of their duty. With such prospect, Petitioner has worked exceedingly hard and placed his whole time at the disposal of Government sacrificing his health and comforts to meet the calls of his duty. In addition to his duties as Deputy Tahsildar and Sub-Magistrate of Vedaraniam, Petitioner was forced to accept the office of Chairman of the Union at that place—an office which did not devolve on the Deputy Tahsildar *Ex-officio* and which was previously held by other officials such as the local Hospital Assistant or by non-officials. Petitioner was asked by his official

superiors to take it up for special reasons, and ever since he took it up, he discharged the duties of all the three offices to the best of his ability, without minding his health and comforts. Such being the case, he naturally hoped to get his full pension at the authorized rates, but in this hope he was sorely disappointed.

7. It is true that Art. 514 C. S. R. vests in Government a discretion to reduce the amount of pension when any portion of the applicant's service is considered not thoroughly satisfactory, but the exercise of the discretion should, Petitioner submits, be as lenient as practicable in the case of officials who are compelled to retire on medical certificate, as they are not in a position to work for themselves again and earn anything more than their pension for their livelihood.

8. The following is Petitioner's past history. He entered Government service in 1869 and served without any stain on his character and conduct till 1888, in which year he was given a promotion to the grade of Deputy Tahsildar and Sub-Magistrate as a reward for the specially good work done by him. Enclosure B, which contains copies of testimonials obtained by Petitioner from 1869 to 1887, will shew that, during that period, he bore an excellent character and gave entire satisfaction to his superiors.

9. Even after Petitioner became Deputy Tahsildar and Sub-Magistrate, he continued to give fair satisfaction to his superiors. In his capacity of Sub-Magistrate he committed several cases to the Sessions Court and in no case was any remark passed by that court against him.

10. In 1896, however, Petitioner came under a bad star. In that year, a malicious psuedonymous petition was addressed to the Collector by some discontented persons at Vedaraniam. and it was referred by the Collector to the Head Assistant Collector, Negapatam Dn. for local enquiry and report. Petitioner is not aware why it was not referred to his own divisional officer, Mannargudi Deputy Collector.

11. The Head Assistant Collector proceeded to Vedaraniam at a time when Petitioner had been transferred from Vedaraniam to Tranquebar. Petitioner received no order to be present at the enquiry conducted by him there. No body at Vedaraniam bearing the psuedonymous names admitted the petition but the Head Assistant Collector, nevertheless, examined some of the persons named in the petition who were inimical to Petitioner and submitted a confidential report to the Collector. On receipt of this report, the Collector suspended Petitioner pending further orders.

12. No copy of the Head Assistant Collector's confidential report was furnished to the Petitioner nor did the order of suspension issued by the Collector set forth any definite charges. The Collector before whom Petitioner appeared referred Petitioner to Head Assistant Collector who then framed certain definite charges against Petitioner, examined Petitioner's witnesses, took Petitioner's explanation and submitted a report to the Collector together with the records of the case.

13. The enquiry partook of a judicial character, as all the witnesses were examined on oath and Petitioner was examined without oath. The particular enactment under which it was instituted was not notified to Petitioner, but he presumes that the procedure was based on the provisions of Act XXXVII of 1850 which is applicable to all public servants not removable from office without the sanction of Government, such as Petitioner then was. The first statement which the Head Assistant Collector took from Petitioner was, however, taken by him in his capacity of 1st Class Sub-Divisional Magistrate, Negapatam.

14. Whatever be the enactment under which the enquiry proceeded, Petitioner was not allowed the full benefit of the rules which govern a judicial enquiry. He was not allowed to conduct his case with the aid of a pleader. When the witnesses, who had been examined by the Head Assistant Collector at Vedaraniam in the confidential enquiry conducted without Petitioner, were put up again in the enquiry since conducted in Petitioner's presence, they were not examined *denovo* as to all they knew in the matter. What they had deposed in Petitioner's absence at Vedaraniam was treated as their examination-in-chief and Petitioner was simply asked to cross-examine them with reference to the matters contained in their original depositions, a procedure which was not only contrary to the rules (Vide Section 13 Act 37 of 1850) of evidence but which prejudiced Petitioner seriously.

15. In the enquiry conducted by the Head Assistant Collector at Vedaraniam, he was not acting judicially but as one engaged in procuring evidence against Petitioner. It is doubtful whether, in that enquiry, all the precautions necessary for preventing communication between witnesses under examination were duly observed so that no witness might know what his predecessor had stated.

16. Another circumstance which prejudiced Petitioner in this enquiry was the entrusting of the enquiry, which took place after Petitioner's appearance, to the same officer that made the preliminary confidential enquiry without Petitioner. The Head Assistant Collector should have been Petitioner's prosecutor and not his judge. Had Petitioner been tried by an officer other than the Head Assistant Collector, Petitioner would have had the benefit of examining the Head Assistant Collector as a witness in the case but this benefit was lost to him as the Head Assistant Collector himself was trying him. There were several matters in which the Head Assistant Collector had to give his own evidence as he had made some personal inspection at Vedaraniam, the result of which went against Petitioner. The Head Assistant Collector, had moreover, made up his mind more and less on the subject of each charge and was therefore not the proper officer to preside over Petitioner's trial.

17. When Petitioner first appeared before the Collector after his suspension, he entreated the Collector to transfer his case to an officer other than the Head Assistant Collector but this prayer was not complied with. This prayer was made orally but the fact that such a prayer was made and was not granted is alluded to in the further explanation presented by Petitioner to Collector under date 20th March 97. Had an officer different from the Head Assistant Collector tried Petitioner, it is very unlikely that the findings on the various charges would have been what they are.

18. The enquiry, however, established nothing of any consequence against Petitioner, but the whole thing looked black in the eyes of the Head Assistant Collector, because he was laboring under an erroneous impression (most fatal to Petitioner's interests) that a dancing woman of the place exercised some influence over Petitioner in certain official matters. There was no proof whatever of the actual interference of the woman in any case disposed of by Petitioner, but in every case in which a relation of the woman happened to be concerned, the existence of the relationship was considered sufficient proof that she interfered.

19. Even in cases in which Petitioner convicted a relation of hers, it was supposed that the conviction was the result of some mis-understanding between the accused and the said woman.

20. Whether Petitioner convicted or acquitted a relation of the woman, the presumptions ran against Petitioner.

21. The question whether Petitioner was right or wrong in acting as he did, was not considered. The evil which Petitioner had anticipated from the same officer who conducted the preliminary confidential enquiry, trying him subsequently, thus came to pass.

22. Petitioner sub-joins a list shewing the number and nature of the charges brought against him.

Substance of each Charge.	The office to which the records of the case belong.	Petitioner's plea.	Whether the dancing woman Velamuthu or any of her relations were concerned in the case.
1. Allowing a poramboke tree to be cut in 1891.	Chairman	The cutter had due authority to cut the tree which belonged to Vedaraniam temple & not to Government.	The cutter was a brother of the woman.
2. Connivance at an encroachment in 1895.	Chairman	There was no conniving at all. Petitioner has recorded an order directing the projection to be dealt with as an encroachment.	The encroacher was the woman herself.
3. Do. at removal of bricks from a tank in 1893.	Chairman	Petitioner's predecessor & not Petitioner was responsible for what was done in this case. The tank belonged to the temple at the time.	Her elder-sister was the remover of the bricks.
4. Abuse of Magisterial powers by,			
(a) Convicting one Ramasamy Pillay and sentencing him to imprisonment for 7 days instead of fine in a public nuisance case in 1894.	Sub-magistrate	The sentence was neither illegal nor too severe. It was a case in which a fine appeared to Petitioner to be inadequate. The accused caused obstruction to traffic in a public street.	No relation of the woman was concerned.
(b) Do. one Nagammal in an assault case in 1895.	Sub-magistrate	There was no appeal nor miscellaneous petition against the conviction and sentence in this case.	The accused was an aunt of the woman.
(c) Do. one Veerabhadran in an assault case in 1896.	Sub-magistrate	The conviction and sentence were affirmed in appeal in this case.	No relation of the woman was concerned.
(d) Acquittal of the accused in a case charged by the Forest Department in 1895.	Sub-magistrate	There was no alternative in this case but to acquit the accused. The Forest Dept. would have attempted to get the acquittal set aside if it had been unjust; but this they did not do.	One of the accused was a brother of the woman.
5. General neglect to repress encroachments on the streets of Vedaraniam Union.	Chairman	There was no general neglect. The evidence taken by the Head Assistant Collector & the records shewed that Petitioner had done all he could.	

Note:—The above charges are dealt with in full in Enclosure (C) *a detailed statement which Petitioner has now prepared for the information of Government.*

23. It will be seen from the above that the cases in which Petitioner was supposed to have acted under the influence of the said woman were of a petty character and too few to base any fair judgment on, that they are scattered over six years with considerably long intervals between them, and that Petitioner acted without any bad motive and with due regard to the interests of justice in every one of those cases.

24. The main charge against Petitioner, which was the basis of all the other charges, was that of keeping company with the woman in question, and Petitioner will first proceed to discuss the truth and merits thereof.

25. In the first place, the act in question, *viz.*, keeping company with a dancing woman, was no offence at all under any law or rule applicable to public servants. Nor was the fact that Petitioner kept company with her, relevant for the purposes of the enquiry against Petitioner, as the main question for consideration was whether he disposed of any case contrary to law or rule, it being of little consequence *at whose instance* he did so, whether at the instance of a concubine, a wife, or other relation, or a stranger.

26. Even supposing that the said fact was relevant, the evidence on record proved nothing more than the existence of a temporary familiarity between Petitioner and Velamuthu—a familiarity which did not last during the whole time Petitioner was Sub-Magistrate at Vedaraniam, but only for an indefinite part of it.

27. As to any *mala-fides* on Petitioner's part in disposing of the few cases in question, Petitioner would beg Government to note that the Collector is not positive about the existence of any bad faith. He only says that Petitioner acted in a manner such as to *suggest* dishonesty of intention. The good faith of the official acts of Petitioner to which Collector now takes exception passed unquestioned by his superiors or the public for considerably long periods, and it would have remained unquestioned for ever, had not Petitioner's enemies now given to the said acts a false colour and prejudiced the Collector by connecting them wrongly with the fact that Petitioner was on friendly terms with the dancing woman named.

28. The number of cases from which such inference was drawn was, after all, only an infinitesimal part of a large number (some thousands) of cases disposed of by Petitioner both in his capacity of Magistrate and Chairman.

29. Petitioner would respectfully ask Government to consider whether it is at all likely that Petitioner who maintained his principle in disposing of thousands of cases would have given it up in disposing of the above few petty cases.

30. Of the six cases (A B C D E F, in the table below) in which Velamuthu or her relations were concerned, five (A B D E F) were disposed of by Petitioner and one (C) by another officer, Mr. Reghunandana Sastry, B. A., B. L.

(F) is a case not mentioned in the Head Assistent Collector's charge sheet, but Petitioner includes it here as it is also a case in which a relation of Velamuthu (her nephew) was concerned.

Out of thousands of cases disposed of by Petitioner there were no other cases besides these six in which Velamuthu or her relations were concerned.

Cases.	Union or Magl.	Whether Velamuthu or her relations were concerned & how related.	Whether disposal favorable or unfavorable to the said person.	Board's finding.
(A) Tree cutting case in 1891...	Union.	Yes. elder brother.	Favorable.	No remark.
(B) Connivance at an encroachment in front of Velamuthu's house 1895	Do.	Yes. herself.	Unfavorable.	No remark.
(C) Do. at removal of bricks 1893 ...	Do.	Yes. elder sister.	...	Petitioner was not in charge of the station till the final stage of of the case.
(D) Conviction of Nagammal 1895. ...	Magl.	Yes. aunt.	Unfavorable.	The case was not wrongly tried.
(E) Acquittal of Muthukumaran 1895. ...	Do.	Yes. another brother.	Favorable.	Acquittal can only be looked upon with suspicion but there is no absolute proof of *mala fides*.
(F) Conviction of Narayanan in a nuisance case 1895. ...	Do.	Yes. nephew.	Unfavorable.	

31. Nor did Petitioner dispose of all the above cases in favor of Velamuthu or her relatives. Three (B D & F) went against them & two (A & E) in their favor.

32. It is strange that the Collector chose to use the word "considerable" in para 15 of his memo to denote such a ridiculously small number of cases in which Velamuthu or her relations were concerned. The Collector would certainly not have used the word knowingly, and did so evidently under some misrepresentation by others. At any rate, the use of that word by the Collector has greatly prejudiced Petitioner as the Board and Government have acted on his report.

33. Nor was there a deliberate screening and helping of Velamuthu and her relations on Petitioner's part as observed by the Collector in the same paragraph. There were only 2 cases which happened to go in their favor & Government will perceive that those cases were not at all so serious as to call for any deliberate screening or helping.

34. There was only one case (a Union case) in which Velamuthu was personally concerned and Petitioner concluded it against her. None of Velamuthu's relations concerned in the other cases were *living* with her. This is a fact admitted by the prosecution, but the Collector attached no importance to it. He was apparently under the impression that a dancing woman would take the same warm interest in the welfare of her relations that a family woman usually does in the welfare of hers, but such is not ordinarily the case. Dancing women are generally indifferent

towards their relations. Their profession, by its nature, isolates them from their relations.

35. In his memorandum, the Collector remarks that the public must have been led to believe that, in cases in which Velamuthu and her relations were concerned, impartiality and justice could not be expected from Petitioner.

36. This, however, is a presumption and the Collector had not the least reason for arriving at it. None of the parties concerned in any of the criminal cases quoted in the charge sheet moved Petitioner's superiors for a transfer of any of those cases fromhis file—a step which they would have taken if they had reason to expect injustice from him.

37. The respectable witnesses cited by Petitioner, moreover, proved that the public of Vedaraniam were satisfied with Petitioner.

38. The charge sheet, *as framed* by the Head Assistant Collector, mentioed 10 cases in all against Petitioner. Of these, the Collector struck out three. Of the remaining seven cases, the Board held Petitioner to be more or less innocent in every one but laid great stress on a sweeping incidental remark made by the Collector regarding certain answers given by Petitioner as an accused person in his defence, Vide para 4 of Collector's memo in which he remarked that Petitioner deliberately told lies in answering questions about his intimacy with the dancing woman in question.

39. Petitioner had no opportunity of explaining himself on the last mentioned imputation, viz, making a false statement, during his trial as he became aware of the fact that the Collector had made such remark against him only after it was too late to seek a remedy, that is, after Petitioner retired. It is to be regretted that the Collector had not taken Petitioner's explanation on the subject before he made his report to the Board.

40. Petitioner has therefore no alternative now but to trouble Government with the following long explanation regarding his conduct in the matter.

41. The particular passages which contained the deliberately false statements are not quoted by the Collector, but the above conclusion was evidently arrived at by a combined consideration of the answers recorded on the subject of Petitioner keeping Velamuthu in the statement which the Head Assistant Collector took from him on the 13th October 1896, (the day on which Petitioner first appeared before him for the enquiry) with the answers which Petitioner gave in reply to the questions asked by the Collector on the 16th March 1897 with Exhibit X in his hand.

42. The answers in question were given in reply to questions, the object of which was to drive Petitioner (an accused person) to make statements criminatory of himself. The statement which the Head Assistant Collector took from Petitioner in respect of the said charge on the 13th October 1896 was taken by him in his capacity of "The Court of the 1st class Sub Divisional Magistrate of Negapatam. Dn."

43. The practice of questioning accused persons so as to drive them to make statements criminatory of themselves is a proceeding strongly condemned in the following ruling of the High Court which was based on Sec. 342 C. C. P. in Criminal Petition No. 101 of 1892, Weir's Law 3rd Edition page 955.

"We are constrained to observe that in the severe cross-examination which the prisoner has undergone before the Sessions court, the proper limits for holding an examination of him have been greatly exceeded. The discretion given

by the law for questioning a prisoner has not been allowed for the purpose of driving him to make statements criminatory of himself".

"This discretion can, we think, only be properly used for ascertaining from a prisoner how he may be able to meet facts in evidence appearing against him, so that these facts should not stand against him unexplained. It is declaredly within the competency of the accused to decline answering any question while of course the court is at liberty to weigh his answers whether they tell for him or against him."

44. On the 13th October 1896, the day on which the Head Assistant Magistrate commenced his enquiry against Petitioner, the Head Assistant Magistrate suddenly put into Petitioner's hands a paper containing a series of charges against him and asked Petitioner to say what he had to say in respect of them. Petitioner was not in a position to answer to any of the charges, because the confidential enquiry previously held by the Head Assitant Collector had been conducted *without* Petitioner and no copies of the depositions of the witnesses examined in that enquiry and other papers connected with it had been given to Petitioner; nor had the prosecution witnesses been re-examined in Petitioner's presence. The charges read against Petitioner, moreover, quoted no provision of the law which created the offence (Vide Sec. 221 Cr. P. C.), and Petitioner therefore did not know exactly what he was to plead to.

45. Petitioner respectfully represented that he was not prepared to enter on his defence until he had copies of the papers on record, but the Head Assistant Magistrate insisted on Petitioner giving some answers on the spot to each charge in anticipation of his being furnished with copies of the necessary records for the grant of which he (*Head Assistant Magistrate*) said he had to obtain Collector's orders.

46. The Head Assistant Magistrate then began to ask Petitioner questions about each charge. Not wishing to incur the Magistrate's displeasure, Petitioner chose to give some answers to every question put. The Head Assistant Magistrate recorded the answers in the form of a narrative.

47. In answering the questions put to him by the Head Assistant Magistrate in respect of the charge of keeping company with Velamuthu, Petitioner denied his intimacy with her in toto. This answer was no doubt inconsistent with the answers subsequently given by Petitioner in the inquiry held by the Collector, but the above inconsistency was of little consequence in asmuch as the questions asked related to no official matter but to certain acts of Petitioner in his private life about which there was no real necessity for the Magistrate to question Petitioner. The fact was one which it was for the prosecution to establish, and Petitioner need not have been troubled at all about it.

48. The Collector is completely mistaken in supposing that Petitioner did his best to deceive the Head Assistant Collector and himself as to his (Petitioner's) intimacy with Velamuthu and deliberately told lies about it. Petitioner practised no deception at all. He concealed from those authorities no facts which he was bound to disclose to them. It is obvious that Petitioner was not bound to disclose to them any facts concerning his intimacy with Velamuthu as he was being judicially prosecuted on a formal charge respecting it, nor was Petitioner bound to admit Enclosure X in the enquiry which the Collector held against Petitioner subsequently, as it was for the prosecution to prove that document by examining the necessary witnesses in Petitioner's presence as required by Section 64 of the Indian Evidence Act— a procedure which the Collector did not follow before filing the said document in the records. Petitioner is unable to understand what urgent necessity there was for the Collector to depart from the established procedure in the filing of this document.

49. In para 4 of the Collector's memo, he observes that a perusal of Petitioner's statement shews the reluctance with which he made one admission after another, admission only made under compulsion when he found there was no escape.

50. There was no reluctance at all on Petitioner's part in making the admission. The facts are that the Collector kept Exhibit X in his own hand and shewed Petitioner small portions of it here and there, bit by bit, asking a question regarding each bit as to whether it was in his hand writing. Petitioner found it difficult to give a positive answer at the out-set as the whole of the document was not shewn to him at once and he had forgotten all about the correspondence which was very old. The writing on the paper was, moreover, a pencil scribble indifferently written and had become more or less indistinct by lapse of time. Petitioner, therefore, replied at first that the portion shewn him *appeared* to be in his hand writing. He made no denial. When, however, Petitioner had seen all parts of it and grown more confident, he admitted it to be positively in his hand writing. In doing so, Petitioner simply exercised a precaution which every person is expected to take before identifying old and indistinct documents shewn to him piece-meal as in this case. The Collector's own report clearly describes the manner in which parts of the documents were exhibited by him to Petitioner one after another.

51. Petitioner, moreover, submits that he admitted the document not because "there was no escape" but because he did not wish to make a *false* statement. If Petitioner had chosen to deny it, it is very doubtful whether the prosecution would have been successful in bringing home the hand-writing to Petitioner, because the reply portion of the paper did not bear Petitioner's signature nor was the letter of Velamuthu to which it was a reply, addressed to any body, nor did Petitioner's scrawl on the said document resemble his usual hand.

52. Petitioner now passes on to the Collector's remark that, as Chairman of the Union, Petitioner neglected his duty of repressing encroachment; Enclosure C contains Petitioner's full explanation on the subject.

53. Petitioner has done as much as he could have done in that direction. He proved the fact by respectable witnesses who were eye witnesses of what Petitiener had done, and of whom some were members of the Union who co-operated with Petitioner in the matter of repressing encroachments.

54. Petitioner took particular interest in his work as Chairman and it was his strictness, especially in the discharge of his duty in repressing encroachments, that caused some of the influential people at Vedarniam to be offended with him and to annoy Petitioner's superiors with anonymous or psuedonymous petitions against him and concoct stories.

55. That an officer of long experience with good antecedents, such as Petitioner was, should ever dream of allowing a dancing woman to influence his official acts to the prejudice of his prospects of promotion and pension, was an extreme improbability, but it was Petitioner's misfortune that both the Head Assistant Collector and the Collector did not take that view. They believed the vague, indefinite and contradictory statements made by Petitioner's enemies and the latter handed Petitioner

up to the Board with a recommendation that Petitioner should be transferred to a non-magisterial office with a salary of Rs 70 or 80 per mensem in another District or to the post of Taluq Head Accountant on Rs. 50 which alone was then available in his (Tanjore) District.

56. In fact, the Collector allowed Petitioner to become a victim of vindictive accusation instead of giving Petitioner a helping hand in consideration of the honesty and integrity which had characterized Petitioner's long career and which the Head Assistant Collector's enquiry did not dis-establish.

57. Petitioner takes this opportunity to subjoin for the information of Government an extract from G. O. dated 10th May 1833 No. 555, R. D. printed in Mr. Dalyell's 2nd Edition, No. 391 of B. S. O. book and also an extract from B. S. O. No. 262, Mr. Maclean's edition, in which native Public servants who have been honest and faithful in the discharge of their duty are directed to be treated with great consideration.

"It must never be forgotten that a Tahsildar and Sub-Magistrate is exposed to more obloquy and to more vindictive accusation than any other class of public officers and that the only security he has for keeping his place in defiance of it all is the conviction that he will not be the victim of frivolous complaint or of those secret confederacies which in every District are at work for the overthrow of those who really perform their duty."

"S. O. No. 262. The Board impress upon all officers under their control, the necessity of careful and close examination of charges brought against native public servants. If those servants are to be held strictly responsible for the due exercise of the powers entrusted to them, and if any abuse of these powers is to entail severe punishment, it is necessary that they should not be convicted on light or insufficient grounds; care should be taken that they are not sacrificed to mere clamour and that they are not caught by plots concocted to entrap them."

58. The Board to whom Petitioner was handed up by the Collector exonerated Petitioner on several of the charges, but still supported the Collector's recommendation and submitted the papers to Government with their Proceedings dated 5th May 97 No. 1597 Mis, confidential No. 62.

59. Government, in their order dated 30th July 97, No. 1079 Mis, directed that Petitioner should be reduced to the post of Taluq Head Accountant on Rs. 50 per mensem in the District although the Collector had proposed his transfer to posts of Rs. 70 or 80 in other Districts.

60. This order was carried out by the Collector and Petitioner was posted to Sheally as Taluq Head Accountant. Petitioner was unable to endure the shock of this extreme severity which was operating on him as something like a sentence of death. His health began to fail rapidly and seriously, and scarcely had two months passed since he took charge of the appointment of Taluq Head Accountant there, he felt himself physically unfit to continue in service.

61. With the permission of the Sub Collector, Petitioner appeared before the District Surgeon, Tanjore, who examined and invalided him on the 18th October 1897. In due course, Petitioner's pension application was submitted by the Collector to Government with a recommendation, the particulars of which Petitioner is not aware of.

Government disposed of the application in their order dated 25th February 1898 No. 151, Pension department, reducing his Pension by Rs 22. This is the order, of which Petitioner now seeks a reconsideration.

62. Petitioner begs Government to consider the following pecuniary hardship which Petitioner had suffered previous to his retirement.

(*a*) First of all, he was suspended from an office of high responsibility for nothing more than a presumed connection with a dancing woman, a fact which was altogether beneath official notice.

(*b*) This suspension entailed on him a heavy pecuniary loss of Rs 930, to say nothing of the cost of several journeys which he had to perform in order to appear before the Head Assistant Collector and the Collector for the enquiry.

(*c*) Petitioner's degradation which then followed entailed on him a further loss of Rs. 50 per mensem.

63. Having been honest and conscientious in the discharge of his duties, Petitioner had saved but little in the course of his long service. The above losses have therefore told on his purse very heavily and he is now at a loss to find sufficient means for maintenance of his large family.

64. In view of the fact that nothing serious has been established against Pettioner in the enquiry and that he had simply become a victim of vindictive accusation, Petitioner submits that his claims to pension should be considered as if no suspension and degradation had taken place and that he should be granted full pension at the rate authorized by the C. S. R.

65. Should, however, Government still consider that the service rendered by Petitioner was not thoroughly satisfactory and that it is absolutely necessary to make a reduction in his pension under Art 514 C. S. R., Petitioner begs that they will be pleased to give sufficient consideration to the fact that Pettioner was giving entire satisfaction to his superiors during the greater part of his long service of 28 years. It is but reasonable that the amount of penson granted should be proportionate to the length of the period of Petitioner's approved service, and should Petitioner's counting service be classed as approved and disapproved, it would be found that no less than 95 *per cent.* of it comes under the former class. It is very hard that with 95 *per cent.* of counting *approved* service in his favor, Petitioner should only get 53 *per cent.* of his admissible pension. Petitioner arrives at the figure, 95, by the following calculation.

66. The first unfavorable remark of any consequence which was passed by the District Magistrate (Mr. Thomson) against Petitioner after Petitioner had become a Sub-Magistrate and on which the Collector (Mr. Andrew) lays much stress in his report to the Board on the present case, was in January 1895 (Vide charge No. 4 (*a*) in the list appended to part (22) Supra.

67. Reckoning the period of Petitioner's disapproved service from the date of the said remark, it would terminate in June 1896, and would amount to $1\frac{1}{2}$ years only or 5 *per cent.* of his counting service of *28 years.* There was nothing against Petitioner in the period of his service which was subsequent to June 1896.

68. Petitioner takes this opportunity to solicit of Government another favor. He has, for the period of his suspension "pending enquiry," viz, one year, from 23rd Sep-

tember 1896 to August 1897, drawn only $\frac{1}{4}$ allowance; $\frac{3}{4}$ thereof are still due. He now prays that under the explanation now tendered, Government will be pleased to sanction the payment of the remaining $\frac{3}{4}$ salary for the said period and also to direct the said period to be treated as counting service, a favor which they are competent to grant under the authority vested in them by Art. 459 C. S. R. which runs as follows.

"If an officer who has been suspended pending enquiry into his conduct is reinstated but with forfieture of any part of his allowance for the period of suspension, this period shall not count, unless the authority who reinstates the officer expressly declares at the time that the period shall count".

69. The office in which Petitioner was reinstated was, however, different from that from which he had been suspended, but this is no bar to the suspension period counting for pension, because under Art. 463 (*c*), it is not necessary that the reinstatement should be to the same office.

70. Should Government be graciously pleased to grant this prayer, Petitioner's average emoluments would be Rs. 100, instead of Rs. 94 and odd, and the amount of pension admissible to him, Rs. 50, instead of Rs 46 and odd.

71. In conclusion, Petitioner prays that Government will be graciously pleased to sanction the full amount of pension admissible, viz, Rs 50, and that in case they consider a reduction in its amount unavoidable, they will be pleased to restrict the reduction to 5 *per cent.* thereof with reference to the humble representation contained in para (65) supra.

For which act of justice and benevolence Petitioner shall as in duty bound ever pray.

KUMBAKONAM.
31st December 1898.

A Ramaswamy Iyer

To

HIS EXCELLENCY

THE GOVERNOR IN COUNCIL

FORT ST. GEORGE

MADRAS.

"Duplicate"

Submitted to Government Revenue Department as required by para 10 of the Government Petition Rules.

The original was despatched to the Collector of Tanjore on the 2nd instant.

A Ramaswamy Iyer
2nd January/99.

THE HUMBLE PETITION OF

A. RAMASWAMY IYER,

Late Taluq Head Accountant

Shiyali, Tanjore District.

Dated 31st December 1898.

Despd. 2nd January 1899.

ENCLOSURES.—3—A, B, & C *with annexures (a b & c)*

SUBJECT

Prays that the reduced pension sanctioned for Petitioner in G. O. dated 25th February 98, No. 151, Pension Department, be raised to the full amount admissible under the rules.

3

CHIEF SECRETARY
-8 JAN. 1900
GOVERNMENT OF MADRAS

ENCLOSURE A.

Service of A. Ramaswami Aiyar.

Appointments.	Pay.	Date of Appointment.	Date of Termination.	
Ag. Dufterbund Tanjore Taluk. ...	3–8	13th August 1868	12th October 68	
2nd Clerk, L. F. Dept. Collector's Office Tanjore. ...	20	1st June 69	30th November 71	
Clerk L. F. Board's Office Tanjore. ...	25	1st December 71	31st January 74	
Do. ...	40	1st February 74	31st October 75	
Ag. Eng. 2nd Clerk Collectors Office Tanjore. ...	50	1st November 75	4th January 76	
Clerk L. F. Board Tanjore. ...	40	5th January 76	3rd June 77	
Ag. Eng. 3rd Clerk Collector's Office....	45	4th June 77	5th August 77	
Clerk L. F. Board Tanjore. ...	40	6th August 77	12th September 77	
Accountant for famine duties Collector's Office Tanjore. ...	60	13th September 77	31st October 77	
Clerk L. F. Board's Office ...	40	1st November 77	31st March 80	
Head Clerk Do. ...	50	1st April 80	12th May 81	
Manager Gandharvacotta Estate. ...	70	13th May 81	14th November 83	Substantive L.F. Board clerk on Rs. 50.
Do. ...	70	15th November 83	15th January 85	Do. Ver. 2nd clerk Collector's Office Rs. 60.
Do. ...	93-5-4	16th January 85	13th February 86	Do. do.
Do. Vadapadimangalam Estate. ...	80	14th February 86	8th August 86	Do. do.
Do. ..	80	9th August 86	2nd December 86	Do. Taluq Sheristadar Pattucotta Rs. 60.
Do. Ramasetuswami Estate. ...	85	3rd December 86	17th December 86	Do. do.
Do. ...	85	18th December 86	7th March 88	Do. do. Shially Rs. 60.
Dy. Tahsildar & Sub-Magistrate Vallam.	70	8th March 88	20th October 90	
Do. Vedaraniam. ...	70	21st October 90	30th September 92	
Do. ...	100	1st October 92	18th November 92	
Ag. Do. & Stationary Sub-Magistrate Tiruturaipundi ...	100	19th November 92	25th August 93	
Dy. Tahsildar & Sub-Magistrate Vedaraniam. ...	100	26th August 93	10th June 96	
Do. Do. Tranquebar. ...	100	11th June 96	22nd Sept/96	

Suspension pending Enquiry. 23rd Sept. 96 29th Augt 97.
Taluq Hd Accts Shiyali, 50 30th Augt/97. 17th Oct 97.

A Ramaswamy Iyer

ENCLOSURE A.

TO

PETITION OF

A. RAMASWAMY IYER,

Late Taluq Head Accountant

Shiyali, Tanjore District.

ENCLOSURE B.

CHIEF SECRETARY
-5 JAN 1899
GOVERNMENT OF MADR

TESTIMONIALS.

I. A Ramasamy Aiyar Local Fund Clerk—a very careful and hard working servant and performed the duties entrusted to him to my entire satisfaction.

March 1873. (Signed) W. M. CADELL.
Collector.

II. Good character, knows his work well, hard working and useful, good accountant.

Tanjore 24th Septemper 1874 (Signed) D. ARBUTHNOTT,
Collector.

III. I exactly endorse every particular of Mr. Arbuthnott's accurate description.

1st December 1875 (Signed) H. S. THOMAS,
Collector.

IV. A Ramasamy Aiyar, Local Fund Head Clerk, served under me while I had charge of the Treasury for a year and half. He knew his work remarkably well and gave me satisfaction. He is a well behaved young man.

6th December 1876 (Signed) P. SESHAGIRY,
Dy. Collector.

V. Extract from a letter from C. A. Bird Esq. Ag. Collector of Tanjore to the secretary to the Court of Wards Madras dated 19th July 1881 No. 41.

As the Ganderkotta Zemindary committed to the Management of the Court of wards in G. O. No. 493 dated 9th March 1881. J. D. was, and is, in a most disorganised state, it was found necessary to place it under a competent Manager and Mr. Webster had accordingly appointed one A Ramasamy Aiyar, Head Clerk L. F. Board Tanjore Circle, on a monthly salary of Rs. 60 plus Rs. 15 contribution towards pension.

(2) I beg to solicit Court's sanction for this appointment and request Government may be moved to sanction the transfer of A. Ramasamy Aiyar to the service of the Court of wards in view to enable him to count his service for pension.

(Signed) C. A. BIRD,
Ag. Collector.

VI. Extract from a letter from J. B. Pennington Esq. Collector of Tanjore to the secretary to the Court of wards Madras dated 2nd January 1885 No. 1

The Court are already aware of the arduous and complicated nature of the work connected with the management of the Gandercotta Estate. The manager is quite equal to the work and is doing well, but is under paid considering his service. He is the 2nd Vernacular Clerk in the Collectors Office and his pay is Rs. 60. His net pay as manager is also Rs. 60. Since the assumption of the management a considerable number of Civil and summary suits have been filed and there has been an enormous correspondence about the settlement of debts and the conduct of suits. He is now thoroughly familiar with the business of the Estate and it would be difficult to find any one on the same pay who will be equally useful for some time at least.

(2) I think therefore that it is desirable to raise his pay (net) to Rs. 80 notwithstanding the very desperate condition of the Estate. The amount now debited to the Estate is Rs. 70. A further sum of Rs. 23⅓ will be required to pay the Manager Rs. 80 net. For the past six months or more the question of increasing his salary has been engaging my attention, but for want of funds I have desisted from making any proposals on the subject.

* * *

(Signed) J. B. PENNINGTON,
Collector.

VII. The bearer Ramasamy Aiyar was Manager of the Vadapadimangalam Estate under the Court of Wards. He gave satisfaction and was regarded as honest by the Estate family who feel sorry for his removal to another Estate. He knows his work well and has passed his Examinations and is fit for higher posts than that of an Estate Clerk or Manager.

2—3—87. (Signed) N. GOPALAKRISHNAMA CHETTY,
Dy. Collector.

VIII. A man of very good character deserving of promotion as opportunity offers.

(Signed) J. B. PENNINGTON,
Collector.

IX. A Ramasami Aiyar, Manager Ramasetuswamiar's Estate, served me during the past one year since the Estate came under my charge. I always found him very hard working, honest and zealous in the discharge of his duties. I will always be glad to hear of his success in life.

(Signed) SYED KHADER PADSHAH,
30—11—87. *Temp. Dy. Collector.*

A Ramaswamy Iyer

ENCLOSURE. B.

TO

PETITION OF

A. RAMASWAMY IYER,

Late Taluq Head Accountant

Shiyali, Tanjore District.

CHIEF SECRETARY
6 JAN. 1898
GOVERNMENT OF MADRAS

ENCLOSURE C.

CHARGE I. *"He allowed the said woman or her relatives to cut down and remove a poramboke tamarind tree worth Rs. 50 and when the matter was reported to him shelved the papers."*

COLLECTOR'S OBSERVATIONS. (In his Memo accompanying his report to Board No. 1301 Dated 31—3—1897.)	REV. BOARD'S FINDING. (In their Proceedings No 1597 Mis. (Confl. No. 62) dated 14—9—97.)
(*Para 6 in extenso*). Balasubramanian, Velamuthu's brother, cut a tree in the village, and the question was whether it belonged to him, or to the temple, or to Government. Some how or other, the Deputy Tahsildar (perhaps because he had received a report, perhaps with an honest intention of deciding rightly) directed the Karnam (inimical to him) to enquire as to the ownership of the tree. The Deputy Tahsildar examined the Temple Paimash accounts, but not being satisfied, he addressed the Tahsildar for Taluq Paimash accounts. The Tahsildar replied on the 13th April 92 that they were missing for that village. This report, the Deputy Tahsildar "Recorded and took no further action and let Velamuthu's brother keep the tree. The tree according to the Temple accounts stood in a poramboke lane through which the temple car ropes were dragged. Up to the close of Fusli 1305, Vedaraniam was treated as "minor Inam" and included in a Government village. In Fusli 1306, it was for the first time treated as a whole Inam village. I here refer to the Deputy Tahsildar's statement to me on the 16th Instant as well as to his printed explanation. He urges that as the tree stood on Poramboke and as the village was a whole Inam village, and as trees in such villages do not belong to Government and as it has been proved that Balasubramanian was in long enjoyment of the tree, there was no doubt that the tree was not Government property and that he therefore took no further action. But as for the long enjoyment which he now alleges, that has only been elicited from witnesses examined during the course of the present enquiry, and that evidence, whether true or false, was not before the Deputy Tahsildar when he "recorded" the Tahsildar's arzi. The important question is not whether an examination of evidence, oral and documentary, would *now* shew that the tree was Government or not, but whether on the *evidence then* before the Deputy Tahsildar he was justified in allowing Balasubaramanian to keep the tree and in recording the Tahsildar's report. The Deputy Tahsildar says he knew it was a whole Inam village because the Temple people had shewn him the Title Deed, though he does not remember the contents. But as a fact, Vedaraniam, as above stated, was treated in the accounts as a minor Inam until Fusli 1306 and it is ridiculous for the Deputy Tahsildar to pretend ignorance of the fact, Vedaraniam being his own head quarters. The fact of his having in the first instance referred the matter to the Tahsildar shewed he had his doubts and when the Tahsildar replied, instead of making further enquiries instead of referring to the Tahsildar and asking him if the tree should be considered as belonging to the Temple, he quietly "recorded" the Tahsildar's report and allowed the cut tree to remain with Balasubramanian without even passing any formal order to the effect that he had established his claim—which in fact he had not. The Deputy Tahsildar, no doubt, began the proceedings honestly when he wrote to the Tahsildar but I am satisfied that dishonest motives began to operate at a latter stage, and this conviction is strengthened by the consideration that the man in whose possession he allowed tree to remain was Velamuthu's brother. * * *	Nil.

PETITIONER'S EXPLANATION.

The words of the Collector "perhaps because he (Petitioner) had received a report" would make the reader suppose that the case was taken up by Petitioner on a report from the Karnam or other persons. Such was not the case. Petitioner started the enquiry *suo-moto*. Having accidentally noticed the cutting of some branches of the tree (an old and stunted tree worth about Rs. 15) in the course of his street inspection in December 1891, Petitioner wished to ascertain whether the Government or the Union had any interest in the tree and called on the cutter to prove his title to it. Petitioner ascertained that neither the Government nor the Union had any interest in the tree and dropped the matter.

2. The Collector remarks that he is satisfied that Petitioner's action in the matter was right up to the stage when he wrote to the Tahshildar for Taluq Paimash account but that dishonest motive began to operate when Petitioner recorded the reply of the Tahsildar in which it was stated that Paimash account for that Village was not available in the Taluq. Petitioner begs to submit that, in recording the Tahsildar's reply, Petitioner was not actuated by *any* dishonest motive. After Petitioner wrote to the Tahsildar but before he received his reply, the pagoda authorities produced the Inam Commissioner's Title Deed, which conferred on the pagoda the right to *all Poramboke* which lay with in the limits of the Inam. The cutter proved by a sale deed that he derived his right to the enjoyment of the Tree from the pagoda authorities. They both appeared before Petitioner and satisfied him that there was no case for Petitioner to interfere in the matter either in his capacity of Chairman or that of Deputy Tahsildar or that of Sub-Magistrate.

3. The question whether the grant was treated in the Revenue accounts as a "whole Inam Village" or as a "minor Inam" was not material for the purposes of Petitioner's enquiry as observed by the Collector. The point which appeared to the Petitioner to be material was whether, under the terms of the Inam Commissioners Title Deed, Government could assert a claim to the land on which the tree stood, but Petitioner found that the Title Deed which the Pagoda authorities produced to Petitioner did not vest such right in Government.

4. Had Petitioner seen the Inam Title Deed *before* he wrote to the Tahsildar he would not have written to him at all.

5. There was thus nothing for Petitioner to do in the matter after the Tahsildar's Arzi was received nor was there any necessity to make a reference to the Tahsildar again on the subject. Petitioner therefore recorded that paper.

6. The Collector, however, seriously finds fault with Petitioner for recording no final order on the merits of the case. The Collector questioned Petitioner on this very point at the time of his enquiry and the Petitioner's reply to his question was as follows:

"As there was no complaint and as no one asked me for an order I considered none necessary." As this answer does not appear to have satisfied the Collector, Petitioner begs leave to explain himself further on the subject: There was in fact, no petition nor call for a report pending before Petitioner about the tree, nor did Petitioner's enquiry establish any necessity for Petitioner's interference in the matter either on behalf of Government or the Union.

7. Under such circumstances nothing would have been gained by Petitioner's recording a formal order on the subject.

8. An itenerating official meets with several cases of this kind in which some enquiry becomes necessary to remove a suspicion that strikes him. The suspicion is removed and it is found that no further action is necessary. Petitioner thaught that, to record a formal order invariably in every such case setting out all that had been done, would be a mere waste of time. For instance, a Revenue Inspector or Deputy Tahsildar or a Tahsildar checks several fields with the Paimash account on suspicion that there is excess, but he finds there is no excess. Is he expected to record his conclusion with details in every such case ?

9. With reference to the last sentence of the Collector's observations, Petitioner submits that Petitioner fails to see in what way the non-recording of a formal order in this case could have benefited Velamuthu's divided brother. If Petitioner had, in the face of the documents produced by her brother and the pagoda authorities, recorded an order declaring the tree as belonging to Government or Union, the result might have been a Civil Suit.

CHARGE 2. "In like manner he connived at an encroachment on the public street made by the said Velamuthu in front of her house."

COLLECTOR'S OBSERVATIONS.	REV. BOARD'S FINDING.
(*Para 7 Substance*) In August 1895 the Depty Tahsildar (as Union Chairman,) received a report from maistry about this encroachment but instead of promptly enquiring into it, he allowed the matter to drag on till May 1896 and then managed to get it mixed up with a large number of other cases so that it may easily escape attention. He did not take steps to get the Karnam punished for sending false reports about 2 other encroachments till he left the Taluq in June 1896.	Nil.

PETITIONER'S EXPLANATION.

In this case, Petitioner's action in having ordered the encroachment to be included in a list to be submitted to the Taluq Board President was not favorable to Velamuthu, but the Collector finds fault with the Petitioner for not having disposed of it immediately. No bad motive prompted the delay. The delay occurred in the usual course of business and from causes beyond Petitioner's control. The delay occurred not only in this case but also in a few other cases in which Velamuthu was not concerned. If Petitioner had really wished to favor the woman, he would have passed a final order in her favor as soon as the Union Maistry's report was received. There would have been no reference to the Karnam on receipt of the Maistry's report. The Karnam never made any report to Petitioner on any such encroachments at Vedaraniam of his own motion.

2. In disposing of the above charge, the Collector casually refers to two other cases of encroachments about which there was a difference of opinion between Petitioner and the Karnam, Petitioner holding that they were new and removable and the Karnam holding that they were old and not removable. In regard to these two cases, the Collector takes Petitioner to task for not taking steps to punish the Karnam for making a false report. Petitioner considered it inadvisable to hand up the Karnam for making a false report until it was known that the Tq. Bd. President, who inspected the spot in company with Petitioner on a petition sent by Gnanambal Ammal, concurred with Petitioner in holding that the encroachments were new The Tq. Bd. President then sent an order to Petitioner calling for a detailed report on all encroachments made by the said woman, which Petitioner duly submitted with a clear sketch, sometime before he was transferred from that Range to Tranquebar.

3. Collector says that Petitioner was afraid to punish the Karnam lest the latter might turn round and report all about Velamuthu's encroachments. Petitioner was not in the least afraid to punish the Karnam. He took every necessary step to have him punished or removed as will be seen from what follows. (Vide remarks against charge 5.)

4. Government will please note that the Karnam suffered no punishment for the faults for which Petitioner handed him up, while the poor Petitioner became a victim to vindictive accusation which the Karnam and others at Vedaraniam conspired to bring against Petitioner.

CHARGE 3. "In like manner he connived at the removal and appropriation by the said Velamuthu or her relatives, of the bricks that formed the supply channel of Theradikulam at Vedaraniam."

COLLECTOR'S OBSERVATIONS.

(*Para 8 Substance*). There is no evidence that he gave permission to any one to remove the bricks from the Tank. Though the occurrence took place in the time of his predecessor, it was his duty to refer to the registers to see what papers relating to the subject were pending. Bearing in mind his intimacy with Velamuthu, it is not likely that she would have kept him in ignorance of the charge against her sister, even if the Clerk had failed to bring the pendency of the paper to his notice. The Deputy Tashildar adduced evidence to prove that there was no drainage channel as alleged but the Head Assistant Collector says he himself in 1896 saw traces of the channel.

REV. BOARD'S FINDING.

(*Para* 3) (b) This charge is not very clearly proved as M. R. Ry. A. Ramasamy Iyer was not in charge of the Sub-Magistrate's place until the final stage of this case.

PETITIONER'S EXPLANATION.

This is a case in which the Board acquit Petitioner, but as the Collector's remarks are likely to create an unfavorable impression against Petitioner, Petitioner considers it necessary to offer the following further explanation.

2. In this case, the petitions referred to by the Collector relating to the removal of the bricks were received and disposed of by Petitioner's predecessor, Mr. Reghunandana Sastry, but the Collector, nevertheless, charges Petitioner with connivance at the removal of the bricks on the ground that the person who removed them was a sister of Velamuthu. The Collector remarks that "bearing in mind his intimacy with Velamuthu it is not likely that she would have kept him in ignorance of the charge against her sister &c". This is a far-fetched presumption. Petitioner had no knowledge of what had taken place till the present charges were framed against him. The matter did not crop up again in Petitioner's time and there was therefore no occasion for Petitioner knowing anything about it.

3. Velamuthu's sister, Ammalu, who is said to have removed the bricks (5 or 6 basket loads of Jellies) does not live in the same house with Velamuthu but far away from her in a different street. It does not follow that because Ammalu is a sister of Velamuthu the latter must be taking an interest in every thing that concerns the former and be talking about it to others. From the evidence taken by the Head Assistant Collector, it will be seen that Mr. Raghunandana Sastry inspected the locality and came to the conclusion that the site from which the bricks were removed belonged to private individuals and that no interference on the part of Government or the Union was necessary; such having been the case, it was the interest of neither Velamuthu nor her sister to have brought the fact to Petitioner's notice.

4. The Collector further observes that the missing of the petitions on the subject from the records of the office is not without suspicion. He does not say whom he suspects. Petitioner hopes that he does not suspect Petitioner who had no motive to cause the petitions to disappear.

5. The tank in question did not vest in the Union or the Taluq Board in 1893, the year in which the bricks are said to have been removed. The Temple authorities had the right to it at that time under the terms of the Inam Commissioner's Title Deed, as already explained by Petitioner in para 2 of his explanation under Charge I in this enclosure. It was only in 1895 that the Taluq Board proposed to take it over from the Temple authorities. (Vide Taluq Board President's order to chairman No. 457 dated 23-9-95). It will thus be seen that even if Petitioner had known any thing about what Mr. Reghunandana Sastry had done, Petitioner would have been powerless to do any thing towards claiming the bricks on behalf of Union.

6. With regard to the channel referred to by the Head Assistant Collector, Petitioner does not know its where abouts, but, within Petitioner's knowledge, no channel existed in the locality in question. The Head Assistant Collector did not inspect the locality in company with Petitioner.

CHARGE 4. "He abused his powers,

In convicting (a) *One K. Ramasamy Pillay in C. C. No. 292, 1894 on his file.*
(b) *One Nagammal and her son in C. C. No. 425 of 1895 on his file.*
(c) *And also one Veerabhadra Pillay; and*
In acquitting (d) *the elder brother of the said Velamuthu in C. C. No. 312 of 1895 on his file."*

COLLECTOR'S OBSERVATIONS.

(a) (*Para 9 Substance*). In C. C. No. 292 of 1894, the Sub-Magistrate sentenced K. Ramasamy Pillay to 7 days imprisonment without the option of a fine under the Towns Nuisance Act and in a departmental enquiry, ordered he stated he was unjustly convicted because he had refused to oblige Velamuthu in a civil suit. The Sub-Magistrate acted with great irregularity in the trial convicting him on a charge not mentioned in the charge sheet. * * * On the 17th January 1895, Mr. Thomson recorded his "belief that the Sub-Magistrate had acted dishonestly in the matter" and that "if the facts were somewhat less obscure" he "would give effect to this opinion". I quite agree with that view and add that greater probability is now lent to the charge of dishonesty by what has since come to light of the Sub-Magistrate's dealings with Velamuthu. It is to be observed that for the first and last time the Sub-Magistrate inflicted substantive sentence of imprisonment, and though that was a legal sentence and though other Sub-Magistrates have passed substantive sentence of imprisonment, the fact remains that this is the only time he ever did so himself and I entertain no doubt that he acted maliciously and with a view to please Velamuthu in passing such a sentence. * * * *

REV. BOARD'S FINDING.

(*Para* 4) The Sub-Magistrate sentenced a man to a substantial period of imprisonment without option, for a nuisance under the Towns Nuisance Act. The Sub-Magistrate's action was irregular but not illegal. The then District Magistrate, Mr. Thomson, remarked unfavorably on the case which was reversed on appeal and Mr. Andrew now "entertains no doubt that the Magistrate acted maliciously and with a view to please Velamuthu."

* * * *

The first two cases (this is one of them) are doubtless suspicious but there is no absolute proof of "*mala-fides*"

PETITIONER'S EXPLANATION.

In this case, the Board acquit Petitioner of *mala fides* and yet observe that the case is "doubtless suspicious."

2. Petitioner did not abuse his powers at all in this case. It was justice and not malice, that dictated the sentence. The criminal proceedings were instituted in this case by the *Police* and *not* by Velamuthu or her relatives. It is true that the Police charge sheet specified a light offence, viz, laying down rubbish in a public street under section 3, clause 9 of Towns Nuisance Act III of 1889; but, when the trial began, the Police constable who got into the witness box to give evidence for the prosecution deposed not only to the fact of the laying down of the rubbish but added a graver charge, viz, that, subsequent to the date of the Police charge sheet, the accused (Kuppamuthu Ramasamy Pillay) blocked up the street completely by erecting a temporary barrier across it in the *same* place (not in a different locality) which obstructed passengers in the street. The Union street maistry, who was one of the witnesses examined in the case, corroborated the constable's statement regarding the obstruction. The obstruction was inspected by Petitioner and found to be a source of serious inconvenience to the public who used the street. In disposing of the case, Petitioner felt it his duty to award imprisonment.

3. It is true that the punishment generally imposed in petty nuisance cases is fine, but this was a case in which the accused had the audacity of wilfully causing a serious obstruction to passengers in addition to committing a petty nuisance. Nothing short of infliction of imprisonment was therefore, in Petitioner's opinion, likely to induce the accused to remove the obstruction, and Petitioner therefore inflicted imprisonment.

4. The law empowered Petitioner to impose simple or rigorous imprisonment but he did not choose to impose *rigorous*.

5. The Revenue Board's remark on this case is that Petitioner's action was 'irregular' but not 'illegal.' Petitioner fails to see how his action was irregular.

6. No doubt the Collector observes that Petitioner acted with great *irregularity* in the trial in convicting the accused on a charge which had not been mentioned in the Police charge sheet, but Petitioner submits that he had the power to do so. Section 246 C. C. P. gave Petitioner the power to convict the accused not only of the offence mentioned in the charge sheet, viz, laying down rubbish in a public street under clause 9 of section 3 of act III of 1889, but also of the other offence, vizt, causing obstruction to the free passage of a thorough fare etc. under clause 5 of the same section, as, from the facts proved in the trial of the case, the accused appeared to Petitioner to have committed that offence also. Both the offences were punishable under the *same* section of the Act and with the *same* amount of punishment. Petitioner was therefore competent under section 234 C. C. P. to call upon the accused to plead to *both* the charges. The records will shew that Petitioner did not only call on accused to plead to both the charges, but also that the accused *did* plead to both and examined witnesses. It will thus be seen that there was no irregularity of procedure at all in the trial of this case.

7. Petitioner does not see why any suspicion should attach to him in connection with his *bonafide* action in the matter.

8. It is also a question whether the accused really felt himself really aggrieved with the sentence passed. The thought of appealing against it did not occur to him while he was in Sub-Jail, nor immediately after his release, but only 14 days after release. The fact is that it was at the instigation of others (who were rich and influential at Vedaraniam and against whom Petitioner was then taking action for removal of an encroachment) that he presented the appeal, and ever since he presented it, he was a puppet in their hands.

9. Unfortunately, the appellate court did not give the case such careful consideration as it deserved and quashed the sentence without giving notice to the police who were respondents in the appeal. The result was that the obstructon continued to exist to the serious inconvenience to the public.

10. Again the appellate judgment did not set forth the facts of the case correctly and it also contained some unfavorable remark against Petitioner. The result was that when the appeal calendar went up to the District Magistrate, he was obliged to call for a special report. He also directed further enquiry into the matter. Petitioner then submitted an explanation pointing out certain errors and mis-conceptions which crept into the appeal judgment.

11. There is one more point in this case which requires clearing up. Collector says that Petitioner adjudged imprisonment in the case because there was enmity between the accused and Velamuthu. No plea of enmity with Velamuthn was urged by the accused during the trial of the case by the Petitioner. If any such enmity had really existed and if the accused had been atraid that there would be a mis-carriage of justice in the trial of the case by Petitioner, the accused would have applied for a transfer of the case from Petitioner's file while he was being tried by Petitioner, but this he did not do. There was ample time for him to do this as the pendency of the case was so long as 20 days. As a matter of fact, there was no bad feeling whatever between Petitioner and the accused at or before the time of the trial of this case Vide para 15 of the printed Explanation presented by Petitioner to Head Assistant Collector under date 8th January 1897. (Annexure (a) to this enclosure).

12. The plea of enmity was a pure concoction. The appeal judgmet does not shew that any plea of enmity was alleged in appeal.

COLLECTOR'S OBSERVATIONS.	REV. BOARD'S FINDING.
(*b*) (*Para 11*) * * * "In C. C. No. 425 of 1895 the Sub-Magistrate convicted Nagammal and her son under Section 352 I. P. C. Before Head Assistant Collector she stated that Velamuthu, her niece, was at the bottom of the case: afterwards she retracted. * * * This is another instance of relatives of Velamuthu appearing before the Sub-Magistrate or Deputy Thasildar as accused of something or other. The case is open to suspicion."	(*Para 4*). The case is not explained in detail; there seems to be no definite charge against the Sub-Magistrate. It was alleged that Velamuthu had got up the case; but there is nothing to shew that it was wrongly tried.

PETITIONER'S EXPLANATION.

There was no abuse of power whatever in this case, which was one of petty assault. It is true that the accused, Nagammal and her son, were relations of Velamuthu, but they were convicted, not acquitted, by Petitioner. Collector remarks that Velamuthu was at the bottom of the case, but he does not say in what way she interfered or is believed to have interfered in the matter.

2. The case could not have been a concoction as it arose out of a quarrel between her and others, which took place *publicly* in the Temple. Neither of the accused pleaded at the trial that the case was concocted against them by any body, nor did they prefer any appeal against the conviction.

3. Nagammal's deposition before the Head Assistant Collector at the recent enquiry imputed no bad motive to Petitioner in disposing of the case.

4. The Collector says that, before the Head Assistant Collector, she stated that Velamuthu was at the bottom of the case but afterwards she retracted. There is no deposition of Nagammal on record in which she alleged that Velamuthu was at the bottom of the case.

5. The Collector remarks that the case is open to suspicion, but Petitioner does not see what grounds there were even for a *suspision*.

COLLECTOR'S OBSERVATIONS.	REV. BOARD'S FINDING.
(*d*) (*Para* 10 *substance*). In C. C. No. 312 of 1895, the Sub Magistrate acquitted another brother of Velamuthu and 9 others on a charge of hnnting or trespass in a Forest Reserve. It cannot be said that the order was improper as it was a matter of appreciation of evidence and if he disbelieved the prosecution witnesses and believed the *alibe* set up by the accused, it is difficult to say that he was wrong. I regard the *alibe* witnesses with great suspicion. If the charge was utterly false, all I can say is that it is extraordinary how the Forest watchers should have been so intensly stupid as to select a time and place for the alleged trespass when the trespassers could prove an *alibe*. In another similar case, the Forest Department got the case transferred from the file of this Sub Magistrate on the ground that he was prejudiced and the Court to which it was transferred convicted the accused. The Sub Magistrate says in his explanation that there was absolutely no evidence of "hunting". There was about as strong evidence of hunting (whether true or not is another matter) as one could expect. Bearing in mind that one of the accused was Velamuthu's brother, I cannot but look on the Judgment with the greatest suspicion.	(*Para 4*). The Sub Magistrate acquitted 10 persons of whom one was a brother of Velamuthu. The evidence against the accused seems to have been good but the acquittal can only be looked on with suspicion. * * * * * The first two cases (this is one of them) are doubtless suspicious, but there is no absolute proof of "mala-fides".

PETITIONER'S EXPLANATION OR PLEADINGS.

This is a case in which Petitioner, as usual, recorded a full Judgment. In case the Divisional Magistrate or the District Magistrate saw grounds (in reviewing the calendar) to set aside the acquittal he was at liberty to take steps to do so. But neither of them did so; nor did they record any remark against Petitioner in reviewing the calendar, nor did the Forest Dept. take any steps to get the acquittal set aside. The acquittal took place 8 months before the Head Assistant Collector's enquiry began and all this time there was not one whisper against Petitioner to the best of his knowledge, but the moment the Head Assistant Collector began his enquiry, Petitioner's action in the case became a subject of serious comment against him and imagination was carried to the fullest pitch for the purpose of imputing to Petitioner a bad motive.

2. From a perusal of the Judgmeut, it will be seen that, in this case, Petitioner did his utmost to help the Forest Department. On seeing that the charge of hunting specified in the Forest charge sheet fell through, Petitioner took upon himself to charge the accused for trespass, but even this charge fell through. The plea of the accused (only 4 in number, not 10, as stated by Collector) was *alibe* and they proved it by reliable evidence. Petitioner had therefore no alternative but to acquit the accused.

3. With reference to the Collector's remark — "it is extraordinary how the Forest watchers should have been so intensely stupid as to select a time and place for the alleged trespass when the trespassers could prove that they were at widely different and distant places," Petitioner begs to state that, in this case, the Forest Department did not arrest the accused on the spot. If they had done so, the case would have been clear against the accused. As the Forest officers did not do so, the identity of the accused became a point in issue and Petitioner had to give consideration to the evidence adduced by the accused to prove an *alibe*.

4. The Collector says "there was about as strong evidence of hunting (whether true or not is another matter) as one could expect, being the presence of the accused with a kn ife the presence of three dogs, and the presence of a dead pig." If such had been the case, the Forest Department would not have let the acquittal drop. Petitioner snbmits that,

(*a*) The oral evidence adduced in the case was grossly discrepant on material points.

(*b*) Neither was the knife nor the dead pig produced before the Court.

(*c*) It may be that the pig was perishable property and had to be disposed of immediately after it was found, but there was nothing to prevent the Forest watchers producing the dead pig for the inspection of the Petitioner whose residence was only about 3 or 4 miles from the place where the dead pig was found. Petitioner had, owing to the non-production of the pig, no opportunity to note what injuries the body of the animal bore and what they indicated as the cause of its death. Under Section 46 of the Forest Act, it was incumbent on the Forest watchers to have obtained Petitioner's orders for its sale. This they omitted to do.

(*d*) The Prosecution witnesses (Forest watchers) said they did not actually see the accused in the act of hunting nor could they say by whom and by what means the animal was killed.

(*e*) Nor could they say to whom the dogs which were present near the scene belonged. There was no attempt on their part to secure the dogs for the purpose of ascertaining to whom they belonged or to sieze the knife from the accused.

(*f*) The prosecution did not allege tnat the accused were in possession of any arm usually employed in killing wild pigs, viz. a gun or a spear.

5. The Collector says that "in another similar case, the Forest Department got the case transferred from the file of this Sub-Magistrate (Petitioner) on the ground that he was prejudiced, and the Court to which it was transferred convicted the accused" Petitioner begs to state that such a case was never on his file and that the Collector was misinformed on the subject. Further more, it cannot be argued that, because the other Court convicted the accused in that case, Petitioner should have done the same thing in the case which he tried. The said two cases did not arise in one and the same transaction.

6. In this case, the Board acquit Petitioner of *malafides* and yet observe that the "case is doubtless suspicious." This is very hard on poor Petitioner.

CHARGE 5. "That, while it was his duty as Chairman to repress all encroachments in streets and public ways in the Town, he took no action in this direction except on paper in spite of the orders of the President Taluq Board and although lists of encroachments were from time to time sent him by the Karnam of the Vattam, and that, further, he himself encroached on the public street in front of the house he occupied at Vedaraniam."

COLLECTOR'S OBSERVATIONS.

(*Para* 12 *Extract*) There were numerous encroachments in Vedaraniam (Deputy Tahsildar's Head quarters) and the charge is that he did practically nothing to have them removed. The matter attracted the attention of President T. B. so far back as 1893 and the Karnam was ordered to prepare a list of encroachments. This he did not do until January 1895 (should be 1896) when he sent in what the Deputy Tahsildar calls "a small shabby list" of 11 cases. The Deputy Tahsildar says he does not remember having taken any steps to punish the Karnam for his persistent disobedience between August 1893 and November 1895, when the Tahsildar fined the Karnam 8 annas. This winking at the 'Karnam's disobedience was probably due to the fact that the Deputy Tahsildar was afraid to seriously bring the Karnam to task. The Deputy Tahsildar says he did get a number of encroachments removed, but the Head Assistant Collector says the Union and Deputy Tahsildar's Office records do not shew this, and the whole records produced and his (Deputy Tahsildar's) reference to the Karnam's small shabby list shews how he—Deputy Tahsildar—utterly neglected his duty.

REV. BOARD'S FINDING.

Nil.

(*Para 6*). The Sub-Magistrate was also charged with encroaching on the public street but the Head Assistant Collector on inspection was not sure that the encroachment was a new one.

PETITIONER'S EXPLANATION.

On this subject, Petitioner begs to refer Government to paras 17 & 18 of the printed explanatiсn which he gave to the Head Assistant Collector under date 8th January 1897, a copy of which is hereto attached. (Annexure (*a*) to this enclosure).

2. The Collector's remark that Petitioner "utterly neglected his duty" in the matter of removing encroachments is a great deal too sweeping. There was no neglect at all of that duty, but, on the contrary, there was a zealous performance of it.

3. The misfortune is that the records of the case and the oral evidence adduced by Petitioner to prove what he had done did not receive as much attention and consideration as they deserved. The matter of removing encroachments received Petitioner's best possible attention during his tenure of the office of Chairman. A considerable number of encroachments was removed by Petitioner and he has not left behind, for his successor, any heavy arrears of work under this head.

4. The Head Assistant Collector concluded that the town was overrun with encroachments without satisfying himself whether the encroahments which met his eye in the course of his inspection of the 13th June 1896 were such as could be dealt with under the Act. It is true there were projections here and there beyond the average regular line of the sides of some of the streets; but it is a question whether Petitioner had authority to proceed against every one of them.

Under orders issued by Taluq Board President for the guidance of all the Union Chairmen in the division, encroachments which existed from before the date of the establish-

ment of the Union were to be left unbouched. Those of a subsequent date alone were to be proceeded against. Vide Taluq Board President's circular order dated 12th November 1892 No. 809.

5. Had the Head Assistant Collector made out, during his inspection or during his subsequent enquiry, a pending list of encroachments which, under the above circular, were removable by the Union authorities, the list would have shewn very few cases as pending and he would not have seen cause to make the above sweeping remark against Petitioner.

6. The Taluq Board Presidents, who inspected the streets of the Union several times during their tours, were generally satisfied with Petitioner's work in the matter of removing encroachments. They never remarked that the town was overrun with encroachments.

7. Again, the Head Assistant Collector did not take steps to secure Petitioner's presence when he inspected the streets in the Union on the 13th June 1896; Nor did he make a further inspection in company with Petitioner when Petitioner subsequently appeared before him for enquiry and proved by several respectable witnesses that he had removed a large number of encroachments. The absence of record to prove the removal of each encroachment should have been no bar to the Head Assistant Collector's omitting to see the localities in company with Petitioner.

8. The witnesses examined by Petitioner were persons who had seen the encroachments before they were removed and their evidence was of particular value for the reason that they were eye witnesses of the removal, but the Head Assistant Collector rejected their evidence without assigning proper grounds. He simply characterized their evidence as "indefinite and worthless." Annexure (*b*) to this enclosure contains extracts from the sworn statements of these witnesses, which speak for themselves.

9. The Head Assistant Collector's remark, that there were no records in the Union Office or the Deputy Tahsildar's to shew that Petitioner did remove encroachments, is not quite correct. It is true that there were no records in connection with encroachments which Petitioner had removed by amicable arrangements, but there were some records to prove what Petitioner had done in connection with other encroachments. Vide Annexure (*c*) to this enclosure.

10. With these preliminary remarks, Petitioner will now proceed to give a brief description of the work actually done by him. It consisted in removing a very large number of encroachments for widening and straightening the 16, out of about 25, streets of Vedaraniam, named in the margin, and in removing or taking steps to remove certain other encroachments as per Annexure (*c*) already noticed in para 9, supra.

1. The 4 Main streets of Vadaraniam Town.
2. Lane leading towards East from the North East-corner of the Main streets.
3. Sannadi Road leading to the sea.
4. Lane from Do. along the Mudaliar's Tank.
5. Do. leading towards East from Muniswaran coil.
6. The Southern Madavilagam street.
7. Lane from the above to the Southern Main street.
8. Do. from Southern main street to Jaffna street.
9. Do. from Southern main street towards West.
10. Street in front of Belly God temple towards West.
11. Madavadial street.
12. Portion of road leading to Toputhorai and planting cocoanuts on its sides.
13. Lane from Western Madavilagam to North main street.
14. Street from Western end of Northern main street towards the Yêri Tank.
15. Lane leading from the middle of North main street towards the Yêri Tank.
16. Lane leading to the Sea Customs office at Toputhurai from Toputhurai Road.

11. Petitioner assumed charge of the office of Chairman at the end of 1890. There was at that time no call from Tq. Bd. President for any list of encroachments but Petitioner, of his own move, and prompted by a keen sense of duty, began to enquire about encroachments with a view to take such steps as he thought were necessary for their early removal. The Karnam produced no list of pending cases. A search was made by Petitioner in the old records and it shewed that on the 13th April 89 a predecessor of his had addressed an Arzi No. 53 to Tq. Bd. President submitting a list of encroachments in the Union, but no office copy there of was forthcoming for Petitioner's reference. Petitioner at once wrote to Tq. Bd. President his Arzi dated 10th April 91 No. 98, requesting him to return the list, but the President replied in his order No. 708 dated 20th October 91 that the list was not forthcoming in his office. The disappearance of this list deprived Petitioner of the help of a most valuable guide.

12. It was no easy matter for Petitioner to replace the missing list, because it involved the re-inspection of a considerable number of houses (over 2,000). There was not only a good deal of measurement work to be done but there was also an immense lot of evidence to be taken as to the duration &c of each encroachment.

13. Petitioner could find no leisure for the preparation of a new list as he had revenue & magisterial work to do in addition to that of Chairman. He had also under the tour rules to keep out of head quarters for 15 days in every month. Seeing that the work of removing encroachments would be considerably delayed if Petitioner were to await the preparation of such list, he at once adopted the plan of removing encroachments by making amicable arrangements with the residents who were then well disposed towards the Union authorities and were willing to help them as far as practicable.

14. The non-official members of the Union, who had considerable influence with the inhabitants, helped Petitioner greatly in the matter and, in the course of a year and a half, Petitioner was able to widen and straighten 16 streets in this way, but this work came to a stand still in November 92 when Petitioner was temporarily transferred to Tiruturaipundy for 10 months.

15. Petitioner, however, kept no detailed register of the encroachments removed by amicable means, as he thought it was unnecessary. At that time he cared more for the result than for a record of the cases. He never expected that the fact of his having done the work would ever be called in question, as the Tq. Bd. Presidents were inspecting the town frequently during their tours. The streets themselves which have been widened and straightened are a standing monument of Petitioner's labours.

16. In one of the streets Petitioner has planted an avenue of cocoanuts on both sides which serve as a sort of boundary mark to prevent future encroachments. There is record to prove this fact as the trees were planted with the sanction of the Panchayet contained in one of their resolutions and the charges incurred in connection with the planting &c. were passed by Tq. Bd. President on bills, copies of which must be available for reference.

17. Previous to April 1896 there was no call from Tq. Bd. President for the submission to him of any list of encroachments from the Chairman. The list, which the Collector says the Karnam was delaying from August 1893 to November 1895, was not the one which the Tq. Bd. President had called for as supposed by the Collector, but one which Petitioner had called for for the purpose of maintaining a register ordered by the Tq. Bd. President in his general Circular to all chairmen, No. 809 dated 12th November 1892. Para 2 of that circular is extracted below, from which it will be seen that the Tq. Bd. President called for no list there.

"2. Steps should be taken to remove encroachments. More energy should be shown "in this respect and a complete register of all existing encroachments prepared at once so that "no future one should be excused on the ground that they existed before the establishment of "the Union. The Karnams will assist them in this matter."

18. While commenting on the persisting disobedience and delay of the Karnam in submitting a complete list of encroachments called for, Collector finds fault with the Petitioner as well as the Karnam and observes that "this winking at the Karnam's disobedience is probably due to the fact that the Deputy Tahsildar (Petitioner) was afraid to seriously bring the Karnam to task." With reference to this observation, Petitioner begs to state that he was not in the least afraid of the Karnam, for, sooner or later, Petitioner *did* hand up the Karnam to his superiors, not merely for a fine but for a transfer or other severer punishments, as will be seen from the following paragraphs.

19. In a communication No. 438 of 18—11—1895, Petitioner desired Tahsildar to transfer the Karnam from the place on the ground that it was impossible to get any work out of him and that public business suffered in consequence of his frequent absence from the station on private business and that, further, Petitioner failed to get from him a complete list of encroachments The Tahsildar sent Petitioner no reply. Petitioner then addressed the Tahsildar a further communication No. 420 dated 29-11-95 pointing out that the Karnam was still delaying the preparation of the list of encroachments. On receipt of this communication, Tahsildar fined the Karnam 8 annas. Subsequently the Karnam was found guilty of other irregularities making a false statement &c and on the 3rd April 96, Petitioner addressed an Arzi No. 117 to Deputy Collector himself pointing out all his short comings and recommending severe punishment. Petitioner did not receive any order till he left Vedaraniam for Tranquebar on transfer in June 1896.

20. Petitioner had also commented unfavorably on the Karnam's conduct in his judgment in a Criminal Case, C. C. No. 520 of 1893.

21. The above acts of the Petitioner will clearly shew that he was not in the least afraid of complaining against the Karnam.

A. Ramaswamy Iyer

S. V. P. K

To

N. E. MARJORIBANKS Esq.

HEAD ASSISTANT COLLECTOR,

NEGAPATAM.

The humble explanation of A. Ramaswami Aiyar, Sub-Magistrate & Dy. Tahsildar of Tranquebar (now under suspension).

Respectfully showeth as follows:—

I have been suspended by the District Collector in consequence of your Honor's Report to him dated 15th August 1896. The report was based on your honor's inquiry held at Vedaraniam on the petition of one Ponna Pillai. I had no notice of that inquiry which was held entirely behind my back. I only state these facts for the purpose of observing that the evidence elicited in that inquiry cannot be used against me, and that, if I had been called in during that inquiry, I could have at once explained the facts which are the subject matter of the charges now framed against me.

2. The petition of Ponna Pillai is not dated, nor is any description of the writer thereof given for purposes of identification. Three persons bearing the name of Ponna Pillai have been examined by your Honor and they all deny any knowledge of the petition; It is not shown who wrote the petition. The writer of it, whoever he may be, has not chosen to come forward publicly to substantiate his statements. Under such circumstances, when no one is prepared to accept responsibility for the allegations in the petition, it goes without saying that the petition cannot be given any weight, and that the charges in the petition must have been falsely and maliciously made.

3. An official in my position has to deal severely with many persons in the course of his official duty. I have to deal with offenders and punish them. I have to look after Revenue business and the work of the Union. If any person whom I have convicted or dismissed or reported for neglect of his duty, is to be allowed to bring charges against me, and have his statement believed, the lot of an official like myself must be very hard indeed, and we must live in permanent fear of the parties who appear before us. It would be most extraordinary that a conviction of an offender by me as a Magistrate, though not appealed against, should afterwards become the subject of a departmental inquiry as to the soundness or otherwise of the conviction. And even if a conviction is appealed against and reversed, the mere fact that the appellate tribunal takes a different view from the Lower Court cannot be taken as a certain indication that the Lower Court must have been perverse or absurd in its decision. Even the judgments of the highest Courts in the land are reversed on appeal.

4. The official acts and omissions which form the subject-matter of the charges against me are alleged to have taken place long before the petition of "Ponna Pillai" already alluded to. No complaints were made at the time. It is not till I was transferred to Tranquebar that all the persons who had in any manner suffered by my official action in the discharge of my official duty put their heads together, and concocted a petition signed by an unknown person for the purpose of injuring me.

5. Ganambal Ammal, widow of one Narayanaswami Aiyar, who is in possession of a large estate for her minor son, is a person having a strong grudge against me. I had occa-

sions to make several reports against her as she had been trying to misappropriate the money which had been in the possession of her husband for a local Jubilee fund. (Arzi to Dy. Collector 371 of 15—11—95). A petition to the Collector and Government complaining of her mismanagement of her husband's property was referred to me for enquiry. I thereupon held a public inquiry, and coming to the conclusion that the property was mismanaged, reported that the management should be placed under the Court of wards and that she should be removed from possession. (Letter to Tahsildar and Dy. Collector.)— In the course of the above inquiry, I summoned her to appear and produce her accounts but she did not do so, and I thereupon sanctioned her prosecution. I have also had to report against her for various encroachments. The woman therefore cherished a bitter hatred towards me and it is at her instigation that a case has been set up against me. She has a servant named Ponna Pillai (shown by the evidence of the witness Subramania Aiyar, her agent). It is probably his signature that was secured for the petition, though he now denies it. Almost all the witnesses examined in support of the petition are servants or dependants of this Ganambal Ammal or have money dealings with her.

6. The following are the general remarks which I shall make (irrespective of the particular charges which I shall deal with later on) concerning the witnesses now examined.

(*a*) *Subramania Aiyar*:—This person is admittedly the agent of Ganambal Ammal. I had sanctioned his prosecution for dis-obedience to summons and had convicted him in a nuisance case. (This is admitted in his evidence).

(*b*) *Kuppamuthu Ramaswami Pillai* is a person who owes money to Ganambal Ammal (as admitted by himself and by the witness Subramania Aiyar). This witness has been convicted by me in C. C. No. 292 of 1894.

(*c*) *Veerabadhra Pillai* is a person who has been convicted by me in C. C. No. 106 of 1896. The conviction has been confirmed in Appeal Case 18 of 1896 on 4—6—1896.

(*d*) *Kamalappa Ramasami Pillai*, a relative of Kuppamuthu Ramasami Pillai, is a person convicted by me in C. C. No. 171 of 95.

(*e*) *Sadaya Pillai* has been convicted by me in C. C. No. 119 of 96 on his own admission of guilt. There was no appeal from the conviction. This witness is also a cultivator under Ganambalammal and owes money to her (as admitted by him).

(*f*) Karnam *Srinivasa Raghava Aiyangar*:—This witness lives in the house of Ganambalammal and has executed bonds for money to her. I have written reports against him and got him fined for misconduct and neglect of duty and throwing obstacles in the discharge of my official work and his conduct has been remarked as being suspicious in my Judgment in C. C. No. 520 of 1893. His brother, who was a copyist in my office was on my recommendation thrown out for misconduct. In the case of another brother of his, who was a stamp-vendor in my office, I reported that his license should be withdrawn by reason of his misconduct. This witness Srinivasa Raghavaiyangar, therefore cherishes ill-feeling towards me.

Letter to Tahsildar 438 of 18-11-95 (Ex. I)
Do. 112 of 22-2-96 (Ex. II)
Arzi to Dy. Collector 117 of 3-4-96 (Ex. III)
Letter to Tahsildar 183 of 2-4-96 (Ex. V)
Letter to Dy.Collector 375 of 18-11-95(Ex.VII)
Letter to Dy. Collector 28 of 24-1-96 (ExVIII)

(*g*) *Gopala Row* is the clerk whom I dismissed from the Union Office. He gave evidence only in the private enquiry held by Your Honor and has now abstained from coming forward in the present enquiry to give evidence, when I would have an opportunity of cross-examining him. The evidence of a dismissed servant against his master is obivously unworthy of credit.

(*h*) *Kamalappan* who has been examined has not given any evidence against me. These are the witnesses who have been examined against me and the evidence of such persons of very limited means, being inconsistent with, and contradictory to, each other and being rebutted by the unimpeachable testimony of the respectable witnesses on my side, is clearly not to be

believed. None of the respectable residents of Vedaraniam has given evidence against me, while several have given evidence in my favour.

7. **Charge I.** (Vide margin) I am in the first instance charged with having kept company with a Dancing woman while at Vedaraniam. (I am now at Tranquebar); that such connection lowered the authority of my office and brought it into public contempt and also led me into various misdeeds. This charge I deny in toto. I am a man of very large family consisting of my wife, parents and several children, my age being over 51. I am also not a novice and in experiened officer and not likely to do things likely to lower the authority of my office at the close of a long service, having put in no less than 28 years' good and unsullied service in different capacities. My magisterial capacity can be guaged by the number of cases I disposed of, the number appealed against and the number quashed, during the past 9 years I was a magistrate. It is preposterous to believe that I would have stooped to misconduct myself in such a way as set forth in the charge. The fact is that I had stayed at Vedaraniam for a number of years in course of which I came in contact with all persons and became acquainted not only with the dancing woman named but also other dancing women, songsters, pipers and others of the place by the proximity of their residences and by the practice of their constant visits to officials and other gentlemen of the place for small presents on festival occasions. That this is usual in Vedaraniam is shown by the evidence of the karnam and of the witnesses examined on my side who have also deposed to my good character. This acquaintance is misrepresented by my hostile party to be "company" to give colour to the representations and prejudice the mind of superiors. The dancing woman named is ingeniously selected so as to connect her with certain public transactions. I therefore humbly beg to submit the charge of my having kept company with the dancing woman named Velamuthu is a pure fiction and utterly unworthy of notice—much less credence. I shall now proceed to show that all the charges against me are trivial and quite unfounded.

Charge I
"That the Dy. Tahsildar and Sub-Magistrate, while at Vedaraniam where he was also Union Chairman, kept company with a dancing woman called Vêlamuthu; that such connection not only lowered the authority of his office and brought it into public contempt but also led the Sub-Magistrate into various mis-deeds as stated below."—

8. **Charge I** (1)—As to this charge, I did not allow any body to cut away the tamarind tree referred to. This charge is based upon the misrepresentation of the karnam. The Karnam did not at all report in the first instance. The fact is that on my casual inspection of the streets on a certain day in 1891, I found that a tamarind tree worth Rs. 15 or so was being cut. I then sent an order No. 453 dated 2nd December 1891 to the karnam drawing his attention to the fact and directing him to submit a report whether it was in a poramboke street with the name of the person who cut the tree. It was upon this order that the karnam sent his report No. 67, dated 22nd December 1891 stating that the tree stood in the Vadamboki Narasam measured as Paimash No. 755 and that one Balasubramania Nattuvan was cutting the upper portion of it, leaving the trunk. I then examined Balasubramanian who claimed the tree as standing in his own manaikat land and produced in support of his claim a certain cadjan sale deed which purported to have absolutely conveyed the tree with the manaikat to one of his relatives by one Ambujam for performing service to the Temple. Thereupon I measured the spot with the Paimash account then produced by the karnam and found that the tree stood partly on his manaikat land and partly on the said Vadamboki narasam—a lane specially intended for taking the ropes of the Temple cars when they are to be turned to the eastern main street from the northern street of Vedaraniam, which is entirely an Inam village. As I doubted the remarks in the Paimash account in regard to the tree which were favourable to the claimant, I asked the Tahsildar in my Yadast No. 19 dated 6th January 1892 to send me an extractfrom the Paimash account maintained in the Taluq Office, to which he replied in his No. 941 G. dated 13th April 1892 that the particular number was not available in the office, the leaf which contained the number being torn away. A few months after, I was transferred to Tiruturaipundi, and the tree

"He allowed the said woman or her relatives to cut down and remove a Poramboke tamarind tree worth Rs 50 and when the matter was reported to him, shelved the papers"

appears to have been cut and carried away by Balasubramanian who was in the enjoyment of it with the permission of the temple authorities under rules governing rights of Inamdars to trees, conveyed in the Collector's circular No. 5 of 1896 published in standing circular sheet as supplement to Tanjore District Gazette dated 11th March 1896.

9. The Karnam has stated in the present enquiry that the village of Vedaraniam being a Kattukuthagai village, is assessed in a lump sum for the whole village (which assessment includes assessment on trees also), that each tree is not separately taxed, that the temple pays tree-tax for the trees in the village (including this tree). Even if the village were a Ryotwary village the person paying tree-tax for a tree is entitled, according to rules to cut it down. This being an Inam village, G. O. No. 1335 dated 14th June 1889 (Local and Municipal) and Board's Proceedings No. 637 dated 14th November 1887 which maintain the rights of villagers to trees standing on village sites &c., in Inam villages, seem to apply to this case. The Manager of Vedaraniam Temple, Swami Aiyar and the Temple Karnam Samu Pillai and Appakuttia Pillai, Head Clerk of Vedaraniam Devastanam Office have deposed that the Temple authorities accorded permission to Balasubramanian to cut down the tree. Balasubramanian has also produced a cudjan sale deed (Exhibit XI comprising the Tamarind tree) in the name of his grandmother Marimuthu by one Ambujam. It has also been amply shown by the evidence of the witnesses on my side that the tree was in the enjoyment of Balasubramanien for a long time. Under all the above circumstances, it will be seen that it was impossible to prosecute the person who cut the tree for any offence or to proceed in any other manner.

10. The Karnam's statement that he sent me a report dated "3—15—95" (bearing no number) about the cutting of the trunk (of which report he has filed a supposed copy Exhibit B) is entirely false, as is shown by an examination of the records of the Vedaraniam Office, which does not disclose the receipt of any such report. There is nothing to show that the tree was in existence in 1895. As a matter of fact, it has been cut away long before, which is shown by my witnesses.

11. **Charge I (2)**—There is a covered thatch shed with a flouring and screen (திரைச் சீலை) in front of the Dancing woman's house; and it is proved by the witnesses on both sides to be in existence for a long time. The flooring is, according to the measurement once made by me in company with the Karnam and Gopala Aiyangar L. F. Road Maistry and others in connection with the repair and sectioning of the street, found to be no encroachment, while a gap to a width of a foot or so between the flooring and the screen came to interfere with the street measurement. The encroachment referred to is only this gap which was covered with earth and bricks, as proved by the evidence of the Union maistry Shanmugam Pillai who reported the case and Gopala Aiyangar L. F. Maistry and other witnesses. I did not at all connive at this encroachment nor was I aware of the matter till the receipt of the Union Maistry's report dated 10th August 1895 stating that three persons—of whom Balasubramanian, her brother, was one—made encroachments into the street. This report was referred to the Karnam himself to measure and report on the encroachments. The very fact that I referred the matter to him disproves the charge that I connived at the encroachment. The Karnam states in his report (Exhibit C) that the encroachment made by Ganambal Ammal and one Muttu Josier were old ones; and that made by the Dancing woman was only new. I knew full well that the first two encroachments were only very recent and the Karnam, in spite of my knowledge, emboldened himself to say that they were old ones as existing prior to his appointment as Karnam in 1884 only to ingratitiate himself with Ganambal Ammal. It may also be noted that Muttu Josier's shed does not find a place in the list of encroachments of 1884. All these cases were, however, ordered by me (the order is an endorsement on the Karnam's report) to be included in the exhaustive list of the existing encroachments in the town called for from the Karnam for submission to the Taluq Board President about which I am going to speak while dealing with Charge II (about the general Encroachment).

"In like manner, he connived at an encroachment on the public street made by the said Velamuthu in front of her house."

12. The above encroachments, including the encroachment of Velamuttu, were included in the tabular statement sent by me as Chairman of the Union to the Deputy Tahsildar on 21st May 1896 with my No. 73 with request that the Karnam may be directed to ascertain the extent of encroachment in each case in the statement. The above facts will clearly show that I never connived at the encroachment by Velamuthu, but, on the contrary, took due steps on the subject.

13. **Charge I (3)**—As regards this Charge, I know nothing as I was in charge of Tiruturaipundi Range at the time that this is alleged to have happened. I did not allow any body to remove the bricks. As proved by the defence witnesses, there was no supply channel at all nor was there any irrigation or drainage sluices to the Theradikolam at Vedaraniam, which is supported by masonry parapet walls in the East and South. The tank belongs to the Temple the Trustee of which was asked to hand over the tank to the Taluq Board as per Taluq Board's President's order No. 457 dated 23rd September 1895. He at last consented to it subject to his right to use it and the matter was pending before the Taluq Board. The site from which the bricks are said to have been removed is, according to the Karnam, a drainage sluice in the South-east corner of the tank close to the private land of Anna Aiyangar to whom a rent deed has been executed by one Ammalu, the present occupant. It has now been deposed to by the Temple Karnam Samu Pillai, Krishna Pillai and Balasubramanya Nattuvan, that M.R.Ry Raghunandana Sastrial who was then Sub-Magistrate inspected the locality and, finding that it belonged to private persons, did not consider any interference on the part of Government necessary. There is no evidence that I gave permission to any body to remove the bricks. This matter, I presume, must have been disposed of by Mr. Regunandana Sastri to whom a petition is said to have been sent before I returned to Vedaraniam. The statements of the Karnam are therefore entirely false. It is hard that I should be made responsible for something which happened not in my time, but in the time of another Sub-Magistrate.

Charge I (3)
"In like manner he connived at the removal and appropriation by the said Velamuthu or her relatives of the bricks that form the supply channel of Theradikolam at Vedaraniam."

14. **Charge I (4)**—I cannot understand how I abused my powers in convicting certain persons in some cases and acquitting some in other cases referred to in this charge. As a Magistrate I had to deal with Criminal Cases coming before me one way or the other according to their merits and the evidence on record; and the grounds for convictions or acquittals are clearly stated in the judgments copies of which have then and there been submitted to higher authorities. The cases against *Kuppamuthu Ramaswami* Pillai and *Veerabadra* Pillai are on Police charges. The conviction of the former was set aside by the late Dy. Magistrate of Mannargudi, Mr. Kadir Badshaw, for some reason or other upon grounds not borne out by records as will be seen from my explanation already submitted in the case (vide my explanation dated 15th October 94 No. 786 to be found in the bundle of records relating to the case).

Charge I (4)
"He abused his powers in convecting one Kuppamuthu Ramaswami Pillai in C. C. No. 292 of 1894 on his file; and one Nagammal and her son in C.C.No. 425 of 1895 on his file and also one Veerabhadra Pillai and in acquitting the elder brother of the said Velamuthu in C. C. No. 312 of 1895 on his file."

The conviction of Veerabhadra Pillai in C. C. No. 106 of 1896 has been confirmed by the present Dy. Magistrate on appeal. In C. C. No. 312 of 1895, 4 men, including the brother of Velamuthu, were charged by the Forest Department for hunting under the Forest Act. As there was absolutely no evidence of hunting they were put upon their defence at least for trespass and this charge too fell to the ground by the evidence for the defence. I had therefore no other alternative than to acquit the case.

The case against Nagammal and her son has been taken as an instance for abuse of my powers. Nagammal and her son who were convicted for assault have not come forward to complain against me nor have they appealed against the conviction. It is stated by Kuppamuttu Ramaswami Pillai that Nagammal's refusal to wash Velamuttu's cloths brought about her conviction. This is a daring falsehood on the face of the statement of Nagammal. She has

stated that Velamuttu is her brother's daughter and that the latter never asked her to wash her cloths. This witness thus falsifies altogether the statement of Ramaswami Pillai. I emphatically say that I was not in the least actuated by any motive in the disposal of these cases which are taken up under the category of charges against me only on the bare mis-representations of Kuppumuthu Ramasami Pillai and others who, in their Cross-examination, ignore the nature and merits of the cases and also say that what they stated in the chief examination was only from hearsay.

15. Kuppamuthu Ramaswami Pillai who has given evidence against me has stated that I convicted him because he did not comply with my request not to give evidence against Velamuthu in a certain Civil Suit. The witness does not state the No. of the suit or the year. According to him it was about 5 or 6 years ago. Therefore it should have been in the end of 1890. I was appointed to the Vedaraniam Office only in 21st October 1890. It is impossible that, immediately after my arrival I should have asked any body to give evidence in favour of a dancing woman with whom I could not have been previously acquainted. As a matter of fact, I know nothing whatever about the suit. Ramaswami Pillai says that I asked him to give evidence in favour of the woman which he declined to do and that he gave evidence against her in the suit which, he says, ended in her favor. If this is true, I should have disliked him and borne bad feelings towards him from that date. But as admitted by himself I have been granting him, in my capacity as the Chairman of the Union, the lease of the right of fishing in certain localities successively up to 1895 after which it was cancelled at his own request. The reason assigned by him in his petition as the ground for his prayer of cancellation of fishery lease was that he was put to loss by the Salt Inspector having caused a bund to be thrown across the swamp near the Salt quarters, whereas in his statement before your Honor he mentions the name of the dancing woman as having built a fence across the swamp. A reference to his petition to the Chairman for cancellation of his fishery lease will show the falsity of his evidence and that the name of this woman has been thrusted in every transaction simply to insult me. Thus it appears that the evidence of Ramaswami Pillai who is a man of very litigious and bad character and who has once been convicted of theft though reversed on appeal is not at all reliable. Similarly the motive which Verabhadra Pillai was tutored to allege in his deposition as a ground for his Conviction has been disproved by the evidence of Appakutti Pillay, Sami Tevan, Village Munsiff of Kudumavayal, and Nagamuthu Pillai and no such motive was alleged in his appeal by which the conviction was confirmed. I may state here generally on this charge what I have already stated in Para 3 that the position of an official is not safe if a conviction by him as a Magistrate is afterwards questioned in a departmental enquiry and on the very evidence of the persons convited. If the statement of a convicted person is to be accepted against the Magistrate or Judge who convicted him there is not a single Magistrate or judge who can escape unscathed from the ordeal. A party who has lost a case always thinks that the judge is in the wrong and has acted from some improper or unworthy motive. A judicial officer cannot exercise his judicial discretion properly, if the soundness of his decision is to be questioned not in appeal, but in a departmental enquiry. And even if a judgment is reversed, it shows only that the Lower and appellate Courts take different views of the matter and not that the Lower Court has abused its authority.

17. **charge II.**—During the course of 91—92 I have on my own exertions removed all encroachments excepting '*sarpus*' 'சர்பு' or short pandals in streets at Vedaraniam (as admitted by some of the prosecution witnesses and proved by my witnesses) by amicable arrangements with the parties. With regard to the '*sarpus*', as the owners were unwilling to remove, I had to have recourse to legal process. As no account was available in the office, I asked the Taluq Board President in my Urzi No.98 dated 10th April 1891 for the return of lists which appeared, to have been submitted to him with an Urzi No. 53 dated 13th April 1889 to which he replied that no such list was received in his office. Thereupon the marginally noted orders and reminders (to be found in the bundle of papers received from Vedaraniam office,) were issued to the karnam to prepare a list of encroachments together with those which I noticed during my inspections. The karnam in spite of the above orders was passive. While I was so arranging for removing other encroachments, I was transferred to Tiruturaipundi where I remained for about a year. After I returned to Vedaraniam, I sent an order No. 437 of 13th November 95 to the Karnam to send a complete list of all the existing encroachments which then remained unremoved. He sent me an impertinent report No. 8 of 18th November 95 to say that it would take 6 months at least before the list could be prepared, whereupon I addressed the Thasildar in my No. 460 of 29th November 95 reporting the impertinent conduct of the Karnam and asking him to call upon the Karnam to furnish me with the list with reference to the one which, I learned, had been submitted to my office some years back during Mr. Kalianarama Aiyar's time (and which was missing in my office). The Tahsildar fined the Karnam 8 Annas for his impertinence and directed him to submit the list to me within 31st December 1895 on pain of suspension. Then he submitted a list perfunctorily showing a very few items with his report dated 2nd January 1896 No. 16. This was the only list that he ever sent to me and there were no other lists whatever sent by the Karnam from time to time as stated in the charge which seems to have been framed against me on his mis-representation.

"That, while it was his duty as Chairman to repress all encroachments in streets and public ways in the town he took no action in this direction except on paper in spite of the orders of the President Taluq Board and although lists of encroachments were from time to time sent him by the Karnam of the vattam; and that, further, he himself encroached on the public street in front of the house he occupied at Vedaraniam."

Order to Karanam 16 of 22-1-92.
Reminders 10 of 5-4-92 and 59 of 29-6-92.
Order 5 of 17-2-92.
Reminders 6 of 2-3-92, 10 of 5-4-92 and 59 of 29-6-92.
Order 206 of 24-1-93.
Reminders 3 of 17-5-93, 22 of 27-5-93 and 56 of 20-6-93.
Orders 414 of 22-10-95 and 437 of 13-11-95.
On his impertinent reply Tahsildar's order fining him 8 as. and directing to send it within 31st December 95, 497 of 16-12-95.
Order again 75 of 22-5-96.
Reminder 168 of 24-7-96.
His last reply that he could not prepare a complete list for want of Paimash account &c. 14 of 25-7-96.

18. The accounts marked D D_1, D_2 filed by the Karnam before your Honor on the 14th June 96 are said to be the copies of the accounts sent to me from time to time. Of these, Exhibits Marked D_1 and D_2 are styled as poramboke cultivation accounts said to have been sent in1891 and 1893 which, from the informations given in the headings, must have been submitted to the Tahsildar through Rev. Inspector for Jamabandi purposes and *not* to me and the list of 1884 (Exhibit D) appears the one received in the office during Mr. Kalianaramaiyar's time bearing his initial and date in each page. Evidently this is the list which I learned was missing in the office. I cannot understand how the Karnam came by this list which the Pattamanigar (Defence witness) swears was the fair copy submitted by him to the Dy. Tahsildar's office. This is evident from the fact that it bears the initial and date of 3rd September 84 by the then Dy. Tahsildar Kalianaramaiyar. The statement of the Karnam in explanation of this that it had been dated and initialled at the time of inspection invariably in every page without exception is anything but true. While as he says he had this list with him it is unaccountable why he should have abstained from furnishing me with a complete list of sarpus &c. in spite of the orders issued to him. Meanwhile, I received an order from the Taluk Board President No. 9 of 13th April 96 requesting me to send him a complete list of all the existing encroachments in the town with my remarks against each case to enable him to take steps either for removing or renting them as the urgency of the case may be. On receipt of this order the Karnam was again asked in my order No. 75 of 22nd May 96 to send the complete list called for (excepting encroachments already removed), but no such list was sent upto me up to the moment I left Vedaraniam for Tranqubar on transfer in June last. As I was not authorised by the President Taluk Board under the provisions of the Local Board's Act to finally deal with encroachment cases and as the President required from me only a complete list for his own decision, I had to do no more than to prepare and submit the list called for, which I was unable to do for want of information from the Karnam who in his last report No. 14 dated 25th July 96 (to be found in bundle of records filed before your Honor in connection with this case) flatly said that no complete list could be furnished in the absence of Paimash accounts &c, and the three encroachment cases referred to in para 11 as well as some other petty cases reported by the maistry were pending only to be included in the complete list. Under these circumstances, I humbly beg to state that I had no other course to adopt than what I had done. As for the encroachment alleged to have been made by me in front of the house I occupied in Vedaraniam, I beg to state that I occupied the house of one Gopalasastri in the East Madavilagam

Street only on rent as admitted by the Karnam and proved by my witnesses. There was a *sarpu* already in existence in front of the house as is the case with regard to every other house in the streets. This *sarpu* was converted into *Kottagai*, by the owner for my convenience within the space occupied by the *sarpu* which finds a place under Paimash No. 502 in the list of encroachments prepared in 1884 and produced by the Karnam at this enquiry. That this *sarpu* has been in existence for a long time has been also testified to by my witnesses.

19. (**Charge III**).—The petition under inquiry does not set forth any allegation for framing this charge against me and it seems that this charge is framed on the mis-representation of the Union Clerk Gopala Row who was at the bottom of this petition and who was dismissed by me on 10th May 96 (a month before the date of his deposition before your Honor) for defalcation of money collected by him and also for concealing certain accounts to cover his fraud. He was dismissed under my prceedings dated 10th May 96 and reported on to the President Taluk Board in my No. 65 of 14th May 96. Under the provisions of Section 134 clause (3) of the Local Board Act, I had the powers to appoint and dismiss servants of the Union, subject of course to an appeal to the President whose orders are final. So far as my knowledge goes, no accounts or records were allowed to fall into disorder. The clerk Gopala Row was entrusted with the proper keeping of the records and accounts of the office and was paid for it. I can hardly be expected to do the clerical business and pay my attention to the proper keeping of the records very minutely since I, as a Dy. Tahsildar and sub. Magistrate, had to move constantly from head quarters for not less than 15 days in a month. The clerk was therefore responsible for the accounts and records. I therefore submit that I dismissed Gopala Row not to absolve myself of allowing any records to fall into confusion and disorder but for valid causes mentioned in my proceedings. My proceedings dismissing Gopala Row were passed after communication with the President Taluk Board. Mr. Pichai Pillai, a pensioned Tahsildar, who was for some time delegate chairman of the Vedaraniam Union has remarked that Gopala Row should be dismissed. Mr. Venkataramaiyar who was also in the same capacity for some time as Mr. Pichai Pillai has made very unfavourable remarks about Gopala Row. He was once a clerk in the Tiruturaipundi Union and Mr. Reghunandana Sastri B. A., B. L. who was Chairman of the Union suspended him and got him transferred as there were serious charges against him. This witness Gopala Row has not turned up for cross examination. The evidence of this witness therefore cannot be given any weight against me.

"That he, while Chairman of the Union, allowed the records and accounts to fall into the greatest confusion and dis-order and that to absolve himself, he dismissed the Union Clerk, Gopala Row".

20. **Charge IV**—As regards this charge I beg to state that I did not order the confiscation of the boats in the salt cases referred to as will be seen from the correspondence between me and the salt Inspector of Vedaraniam who seems to have acted under misconception. The facts of the case are these: — certain salt bags (240 I believe) belonging to mirasidars in Vedaraniam salt factory were conveyed in two hired boats belonging to merchants for storage in the Negapatam salt factory under permits issued by the salt Inspector. On the way certain coolies employed in the boats were found to have carried away small quantities of salt extracted from the salt bags in the boats. They were arrested on their way home by the salt peons and charged before me for the offence of possession of contraband salt under Sec. 74d of salt Act IV of 1889. These accused were convicted by me for 3 weeks rigorous imprisonment each and the property *viz* contraband salt and the cloth &c. used for conveying it, seized from them and produced before the court, were ordered to be confiscated under Sec. 79 of the Act. I did not, to the best of my knowledge and recollection, orally tell the Inspector (who was then present amongst a great crowd of salt men and parties at a distance from my seat) that the boats which contained the licit salt bags were confiscated. The bare word "confiscated" entered in col 26. "Description of property ordered to be confiscated" of D Form 25 (charge sheet of the Inspector) without writing the description of the articles was an error of the clerk who meant it to apply to the articles produced before the court as concerned in the offence. The Inspector seemed to have been labouring under some misconception by this bare word "confiscated" in the duplicate charge sheet sent to him. This I have pointed out to him in my letter No. 44 of 26th January 96.

"That in C. C. No. 454—457 inclusive of 1895 on his file he passed an order confiscating certain boats in Col. 26 of the P. 25 form, charge sheet of the Abkari Inspector and also orally informed the Inspector of such order, whereas in his judgments he did not order such confiscation."

21. The Inspector writes in his letter No. 184 of 27—1—96 to say that I accorded sanction for the confiscation of the boats by my unaccountable "yes" I might have said "yes" and I do not now recollect under what circumstances I might have said it. The Inspector says that he rose up and asked me if the boats were to be confiscated. I did not say "yes" in the sense in which he has understood it and I might not have heard what he said amidst the bustle of a great crowd and at a distance from me. Perhaps I might have uttered "yes" without hearing him distinctly on the impression that he rose up only to take leave of me; or I might have responded to some other person by my "yes"—Applying this inadvertently dropped "yes" to his case he seems to have taken steps under misconception–He further states in his letter that the boatmen were quiet for over a month. I beg here to submit that the boat men were only waiting for the expiry of the appeal time as is the case with the parties in all the criminal cases.

22. It should be borne in mind that the 2 boats were protected by the Inspector's license and were carrying 240 bags of salt covered by a passport of the Inspector to the Government Depot at Negapatam to be bonded and excised there before removal for sale. What was stolen by coolies of the boat was one or two measures of salt each probably extracted out of one of the bags by making a hole in it—surely it would have been quite illegal and absurd to have confiscated the boats if such was the meaning of it. The salt in the boat was taken on by the Inspector and then delivered into the Government depot. If the Inspector had considered the matter for a moment with reference to the provisions of the salt Act he should have realized that the boats were not used for the transport of *contraband* salt and that they could not possibly be confiscated. If the Inspector had felt no doubt that the boats could be confiscated, there is no reason why he should have asked me about it. There was in fact no boat or bag or other vessel or vehicle of any kind to be confiscated. The men charged carried the stolen handful of salt in their cloths. I submit that I should be presumed to have done only what I could legally do and what is also embodied in the judgment. This charge seems to rest solely on the correspondence of the Inspector whom I have not had an opportunity of examining as a witness. Thus this charge is clearly not substantiated and appear to be the outcome of a pure misapprehension of the matter by the salt Inspector.

23. I wish to dwell specially on the part which the Karnam Srinivasa Ragava Aiyangar has played in this matter. This person has admittedly borrowed money from Ganambal Ammal and lives in her house. The Tahsildar of Teruterapundy has observed in his reference on current No. 76 of 96 dated 17 March 1896 that the Karanam's statement upon a certain point was false. I had also occasions to report about the falsity of his statement and to remark against his conduct in a Criminal Case C. C. No. 520 of 1893. The Tahsildar has fined him 8 as. for not giving me a complete list of encroachments. The Karnam's evidence before your honor is on the face of it clearly false. He says he has no recollection of facts which must be clearly within his recollection—I had had to report against him on several occasions about his absence from the Vattam. I once had to ask the station house officer of Vedaraniam to watch my office as I feared that the Karnam and his brother and friends were conspiring to go into my office during my absence and tamper with the records. That the Karnam is at the bottom of the conspiracy against me will appear from the facts of the case and the evidence of my witnesses especially from that of the Union Mastri Shunmugam Pillai. Under such circumstances the evidence of the Karnam cannot be believed and his conduct deserves to be noticed in the interests of the public service.

My order to S H O 644 of 12—11—1895 (Exhibit VI.)

24. I have not been favored with a copy of your honor's report to the Collector or allowed a perusal of it. I had no idea even of what matters had been alleged against me till the Collector's Proceedings dated 14th September 96 in which it is intimated to me that the

Head Assistant Collector's letter ("15th August 1896 No. 1310") was a very full and carefully worked out report, that on its face, it shows that the Sub-Magistrate A. Ramaswamy Aiyar is quite unfit to exercise Magisterial functions and should not be allowed any longer to continue in office unless he can clear himself and the Sub-Magistrate is therefore suspended pending the drawing up against him of definite charges on which his explanation should be taken when he could be finally dealt with. I applied personally to Mr. Andrew, Acting Collector, who had succeeded Mr. Stokes for the reasons for which I was suspended and I was referred to your honor. I received a written notice from your honor on the 6th October 1896 to appear on the 9th idem. I was then furnished on the 13th October with a paper showing the charges framed against me. The regular enquiry then commenced on the 7th December 96 and ended on 23rd December 1896, the delay having been caused by unforeseen causes. It would be seen thus, that I had the misfortune of being in a sort prejudged and prejudiced. Had I been allowed a perusal of the Head Assitant Collector's report in the first instance, I should have had an opportunity of showing from the mere records how trivial and malicious were the imputations made and might have been spared the disgrace of a suspension.

25. I am however thankful that an open enquiry has been accorded to me and an opportunity given me of cross-examining the witnesses and citing records in support of my defence.

26. I trust that my explanations on each charge against me will be found complete and satisfactory. It will be seen that every one of the parties who had anything to say against me had a grudge against me for acts done in my official capacity and that there was a regular conspiracy among them all to ruin me at any cost and that their evidence was totally untrustworthy. They were all more or less within the influence of Ganambal whose interest had suffered by the strictness with which I discharged my duties. The Karnam was reported by me often and often and was punished. The late Union Clerk Gopala Rao was dismissed by me for gross neglect. The others had been all parties punished by me magisterially in various cases. The matters themselves were mostly trivial, such as encroachments on village streets &c.

As to the last of the charges which was the only one of any consequence, the facts as now explained by me will convincingly show that it would have been absurd as well as illegal if I had *confiscated* the *boats* carrying unexcised Government Salts in transit from factory to Depot, because a handful of salt was extracted from the bags by the labourers in the boats and surreptitiously removed while the boats were moored alongside the canal near their homes. Surely the Salt Inspector could not have expected or understood me to say by the use of the word "Yes" that I had ordered the confiiscation of the boats.

27. *Conclusion.*—A full and unbiased consideration of all the facts in the light thrown on them by my explanations will convince your honor that the charges framed against me are entirely without foundation and the result of a conspiracy by a gang of persons who had suffered from acts done in the honest discharge of my official duties and who therefore bore malice against me.

I pray therefore that I may be honorably acquitted of all the charges on which I have been placed on my trial departmentally and restored to my office without loss of pay for the period of suspension. I am a Government servant of 28 years of eligible service with an unspotted character for ability and honesty and efficient discharge of my duties to all of which successive Collectors have borne testimony of which copies are annexed.

S. V. Press.

A Ramaswamy Iyer

Annexure. (a)
to

ENCLOSURE. C.

TO

PETITION OF

A. RAMASWAMY IYER,

Late Taluq Head Accountant

Shiyali, Tanjore District.

ANNEXURE (b). TO ENCLOSURE (C).

EXTRACTS FROM STATEMENTS GIVEN BY WITNESSES BEFORE THE HEAD ASSISTANT COLLECTOR, NEGAPATAM DIVISION, IN THE ENQUIRY AGAINST A. RAMASWAMI IYER.

1. *Ramaswamy Sastry Village Munsiff and a member of Vedaraniam Union.*—
"As Chairman, the Sub. Magistrate was putting the streets in order and removing encroachments by fences; but encroachments by buildings have not been removed. The Kottagai and other such encroachments in streets were not removed".

2. *Appakkutti Pillay, a member of the Union.*—
"After Sub. Magistrate came to Vedaraniam, encroachments were removed freely from the Town. The streets were restored to their Paimash breadth".

3. *Gopala Iyengar, Manigar of Local Fund Chattram.*—
"I have been six months Manigar. Before that, I was L. F. Maistry for 4 years under L. F. Engineer in Vedaraniam. I attended to the repairs of roads, streets &c. in the Union. The encroachments in the streets in Union were removed by the late Sub. Magistrate, Ramasamy Iyer. The Sarpus only remain in the streets. * * * The other encroachments were removed by persons of their own free will and the Sarpu owners petitioned".

4. *Krishnasamy Pillay.*—
"I know of the clearance of encroachments in Sannadi Rasta (Road). The road was measured according to the Paimash account and sectioned and encroachments removed * * *. After the Sub. Magistrate, Ramasamy Iyer, came to Vedaraniam all encroachments were removed except "Sarpus". These were not removed as the people objected. Pending reference to higher authorities, matter was pending".

5. *Samy Iyer, Temple Manager.*—
"The Sub. Magistrate removed the encroachments in the streets and roads when he came to Vedaraniam. In the agraharam, those who had erected Sarpus objected to remove them. I live in the agraharam".

6. *Nagamutha Pillay; a respectable and rich mirasdar, paying Income Tax, Rs. 128.*
"After the Sub. Magistrate came to Vedaraniam, all the streets were cleared and all obstructions and encroachments removed. The Sarpus remain. These were not removed as there were disputes".

7. *Pichu Iyer, Stamp Vendor.*—
"Since the Sub. Magistrate came, the lanes and streets were much cleared of encroachments. They have been mostly removed. There are Sarpus in front of a few houses".

8. *Samu Pillay, Devastanam Kurnam.*—
"Vedaraniam is in my Vattam. The Sub. Magistrate, Ramasamy Iyer, cleared the streets of all encroachments when he came, and made them wide".

9. *Shanmugam Pillay, Union Maistry, Vedaraniam Town.*—
"Since the Sub. Magistrate came to Vedaraniam, the encroachments in the streets and lanes were removed. The Sarpus alone remained. The people commuted to themselves all encroachments except these. The Karnam was to give a list of these Sarpus. No list came".

10. *Veeramuthu, Union Maistry Toputhurai Town.*—
"The late Sub. Magistrate has opened all streets and removed the encroachments in all the streets since he came. Cocoanuts have been planted along the road to Negapatam. This was done last year".

A Ramaswamy

Annexure (b) to (c) to

ENCLOSURE . C.

TO

PETITION OF

A, RAMASWAMY IYER,

Late Taluq Head Accountant

Shiyali, Tanjore District.

ANNEXURE (c) TO ENCLOSURE C.

List of correspondence taken out from Vedaraniam Union Office records and shewn by the Head Assistant Collector to Petitioner at the time of the enquiry. Vide para 9 of Petitioner's explanation under Charge 5. [This list is prepared from notes taken by Petitioner at the time of the enquiry].

From.	To.	No. Date and	Substance.
Chairman.	Karnam.	453 2—12—91.	Asking him to examine with reference to Paimash account and report on certain encroachments on Keelasarugala Solagan street at Vedaraniam noticed by Petitioner himself in course of street inspection.
Karnam.	Chairman.	97 22—12—91.	Reports that the above encroachments were removed except a portion cultivated with tobacco, which the owner promised to remove after tobacco is cut.
Chairman.	Karnam.	16 22—1—92.	Calling for a report on certain apparent encroachments noticed by Petitioner in a lane leading to Arukatti street with an individual war list.
Do.	Do.	5 17—2—92.	Do. Do. in the east Toputhurai road with a list.
Do.	Do.	6 of 2-3-92.	Reminders to the above.
Do.	Do.	10 of 5-4-92.	
Do.	Do.	59 of 29-6-92	
Do.	Chairman.	107 7—7—92.	Referring for report a petition complaining of an encroachment made by one Aiyan on the Toputhurai east road by tobacco cultivation.
Karnam.	Chairman.	5 28—7—92.	Reports that no encroachment was made on the eastern side of the road but there is a small encroachment on that road on the southern side.
Chairman.	Karnam.	Verbal. 8—9—92.	Calling for a report on a petition from Subbaya Pillai stating that one Aiya Pattan encroached on a certain lane by erecting a shed.
Karnam.	Chairman.	14 10—9—92.	Reports that no encroachment was made by the above individual.
Chairman.	Karnam.	206/24-1-93.	To send a list of all the encroachments in the Town.
Do.	Do.	3 of 17-5-93.	Reminders to the above.
		22 of 22-5-93.	
		56 of 20-6-93.	
Chairman.	Karnam.	Verbal 8—6—93.	Asking for report on an anonymous petition complaining that Gnanambal Ammal, a wealthy mirasidar, erected a masonry wall encroaching 5 ft. on the street and cutting down Rs. 30 worth of trees.
Karnam.	Chairman.	9—6—93.	Reports that there was no encroachment on the street.
Village Officers	Do.	13 26—3—93.	Reporting that one Subrama Iyer intends erecting a shed infront of his house encroaching on the street. Party warned not to encroach on the public street and he withdrew.

From.	To.	No. and Date.	Substance.
President. T. B.	Chairman.	219 / 20—3—94.	After some correspondence between Chairman and President, the latter directed that a muchilika be taken from one Rajagopala Iyer agreeing to pay ground rent for the portion encroached on by him by erecting a shed in the street in front of his house.
Do.	Do.	1204 / 8—12—94.	Granting permission to Subbaya Pandaram for erecting a pandal in front of his chattram on payment of ground rent.
Chairman.	President.	5—7—94.	Applying for a notice against Gnanambal Ammal to remove a shed erected in the street opposite to her house in spite of protest.
Do.	Do.	2 / 30—7—94.	Reporting that the notice received with order 660, 18—7—94 was duly served on the woman on 22—7—93 but that she did not remove the encroachment within the notice time, viz., a week. Unon this, sanction to prosecute her was accorded by the Taluq Board, Mannargudy, at their meeting subsequently held.
President. T. B.	Chairman.	5—12—94.	On a Petition addressed by Gnanambal Ammal to President Taluq Board regarding the above encroachment, permission was granted to her for payment of ground rent on the portion encroached on.
Union Maistry.	Do.	10—8—95.	Stating that (1) Gnanambal Ammal (2) Muthu Josier and (3) Velamuthu have erected pavements in front of their houses.
Chairman.	Karnam.	111/13-8-95.	Asking for a report on these encroachments after measurement.
Karnam.	Chairman.	28—8—95.	Reports that there were no encroachments in front of Gnanambal Ammal & Muthu Josier's houses but that they have repaired old pavements and that the encroachment in front of Velamuthu's was a new one.
Chairman.	Karnam.	31—8—95.	Asking for a report how the lands on which these erections were made, are measured in Paimash accounts and to send a statement in the form in which he was ordered to prepare it some time ago.
Do-	Do.	414/22-10-95. 437/13-11-95.	Requesting to send a complete list of encroachments which then remained unremoved.
Karnam.	Chairman.	8/18-11-95.	Reporting that it would take six months before the list could be prepared.
Chairman.	Tahsildar.	460/29-11-95.	Reporting the impertinent conduct of the karnam & asking the Tahr. to direct the karnam to send the complete list called for with reference to the one which appeared to have been prepared some years ago.
Tahsildar.	Karnam through Chairman.	497/16-12-95.	Fining the Kurnam 8 annas and directing to send the list within 31st December 1895.
Karnam.	Chairman.	16/2-1-96.	Sending an incomplete list of only 11 cases.
President. Tq. Bd.	Do.	9/13-4-96.	Calling for a *complete* list of all the existing cases of encroachments, *old* and *new*, with remarks in each case for his own orders.
Chairman.	Karnam.	75/22-5-96.	Directing to send the complete list called for (excluding the encroachments already removed.)

A. Ramaswamy Iyer

43.
1,000 -10-8-96.

Pension (1899) Department.

CURRENT No. 137

G. No - 142

Order, 28th Feb. 1899 No. 143

Hm 22-2-99

The Govt. sees no reason to reconsider

orders already passed.

Hm 18/2/99

Rs. 25

(Hm A)

Please see notes under 80. No. 540 of 25-7-98.

was considered sufficient in the case, and this was sanctioned.

Sd 17.2.99

Seen 18/2/99

From The Collector of Kis[illegible]stna.

agabhush[illegible]

Kistna D[illegible]

servant

owing m[illegible]

GOVERNMENT OF [illegible] MADRAS.
13 FEB. 1899
PENSION DEPARTMENT.

No. 3121.

Dated 3/2/99.

Received 13/2.

Registered do

Enclosures /

Spare copies. Nil.

SUBJECT.

Forwarding a petition from Dr. Nagabhooshanam, late 2d Abkari Clerk, Collector's office, Kistna, praying that G.O. 540 25-7-98 Pension granting him a reduced pension, may be reconsidered and that he may be granted the full pension admissible under the rules.

Read from R.D. on 21/2/99.

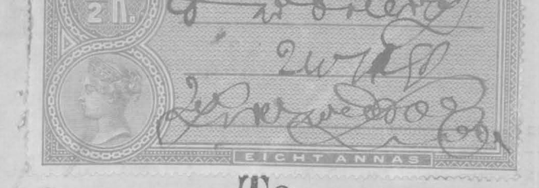
C 23/2/99.

BACK PAPERS.

G.O.	No.	Department.	Date.
	540	Pensions	25-7-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.



To

His Excellency the Right Honorable Sir Arthur Elibank Havelock C. M. G; K. C. M. G. G. C. M. G.,

Governor of Madras Prsidency,

FORT ST. GEORGE, MADRAS.

GOVERNMENT OF MADRAS 131 PENSION DEPARTMENT.

The humble memorial of Manepally Nagabhushanam a pensioner residing at Masulipatam Kistna District.

MAY IT PLEASE YOUR EXCELLENCY:—

1. That memorialist is the unfortunate Government servant who had lost his appointment of Deputy Tahsildar and Sub Magistrate for borrowing money from an individual within his jurisdiction.

2. That the punishment awarded for the offence was suspension from office from the 20th April 1897 to the 21st February 1898, a period of 10 months or a fine of Rs. 1000 and reduction to the post of a clerk on Rs. 25 from Rs. 100 the pay of Deputy Tahsildar (vide. G. O. 54 mis dated 6-1-98 Revenue)

3. That after the very severe punishment, the G. O. did not contemplate punishing memorialist further.

4. But that, as if to aggravate memorialist's poor case, he by the time the order of punishment was received became incapacitated for further service his sight being affected by the extreme mental agony to which he had been subjected owing to suspension from office which ended in his ultimate reduction to the very low post of a minor clerk.

5. That had his health been good, he would have had ample opportunities of retrieving his lost position and character by putting in a meritorious subsequent service as a set off for any previous imprudence on his part the punishment awarded to him already serving a lesson for him but that he was prevented from serving Government further on account of his failing eyesight.

6. That prior to the punishment referred to above memorialist passed for an honest Officer and never gave any occasion for the displeasure of Government and admittedly there was nothing against him throughout the whole of his previous Official carier for over 23 Years (Para 5 of B. P. No. 4657 Mis. Confl No. 152 Decr. 7, of 97).

7. That at an unlucky moment he borrowed money to defray family expenses without any baser motive and that absolutely he had no knowledge that the debt could possibly be construed into placing himself under an obligation to a private individual subject to his Official authority as is evidenced by the fact that the loan taken was an open transaction and no secrecy was attached to it unlike the dealings of designing people who would have adopted all necessary stratagems to cover up the matter without the possibility of its ever seeing the light of the day.

8. That memorialist is humbly aware that there is no use of pleading his innocence at this stageof his case but that he approaches Your Gracious Excellency in Council with his humble prayer that Your Excellency's Merciful disposition may take compassion upon him and reconsider order No. 540 July, 25, 98 Pension Department reducing his pension for which he is otherwise eligible under the ordinary provision of the Civil Service Regulations.

9. That memorialist does not dispute that the full pension awarded in any case is for wholly approved conduct nor does he dispute the right of Government to curtail any pension according to circumstance but that he seeks for mercy and mercy alone in praying for the grant of a pension under the ordinary Rules in consideration of the severity of the punishment already awarded to him for his childish act of entering into money dealings with a person said to be subject to his official influence.

10. That the memorialist's qualified service was over 23 years including his service of nearly 4 years in the late small cause court Masulipatam which was declared by the head of the Department in the service register as permanent and qualifying after some correspondence with the Collector of the District in 1874.

11. That the pension he would have been eligible but for the above recklessness is about Rs. 38-0-0 against Rs. 20 granted by Government and that this reduction of nearly 48 per cent in his daily means of future livelihood is a hardship which can better be imagined than described seeing that the original order of punishment was final and did not contemplate further punishment than what was awarded in it.

12. That under the above pitiable circumstances memorialist prays that Your Excellency will be mercifully disposed towards him and grant him the full benefit of the pension regulations which the merciful British Government has granted to so many thousands.

That for the above act of bounty, memorialist and his poor family shall ever as in duty bound pray for Your Excellency's long and useful Government.

He begs to remain,
Your Excellency's most obedient
and humble servant,
MMapathuchanum
26—11—98

Go 540
26.7.98
—B—