21/6/35
16.26

M.R.O. 1—32,400—22-11-30.

MADRAS RECORD OFFICE.

Government of Madras.

Pension **DEPARTMENT.**

G.O. No. 303 **~~Press.~~**
Mis.

Dated 16 - 1 - 1857

46—47

Not to be folded or roughly handled

Translation of a tamil Takeed issued by the Head Assistant Collector to Veema Row Acting Tahsildar of Razepoor under date the 19th October 1841

your Urjee, dated the 3d October reached me in due time & it was carefully perused by me as it is evident that you have not made proper enquiries in the Robbery case that occurred at Mulloor, you are hereby required to be at Ayotheyapatnam at 10 A.M. for personal investigation on the 12th starting from your talook immediately after you have received this takeed you are also required to bring with you the prosecutor that preferred a Complaint at Mulloor, Coraveeren, & his son Caroopen, Cooltoopalaure & Wodden & others who were sleeping in the shed in the field on the night the Robbery took place as it is necessary to examine them also on some points: you should bring with you stolen property discovered and broken box This takeed will reach you at 11 A.M. on the 9th October 1841 you should without fail be present at 12 A.M. on the 12th you are also directed to bring with you the prosecutors man & the bandyman should you not have taken down their deposition until the 9th October you are to be aware of this.

(True Translation)

(Signed) A. A. Brett
Head asst Collector

Thuon
Offg Collector

In a letter from the Offg. Collector of Salem to the Chief Secretary to Government dated 13th Decr 1841. No 147.

Translation of a Maharattah takid issued by Mr Gleig to Berma Row Acting Tahsildar of Razeepoor on the 11th December 1841.

During the last settlement of your Talook it appeared you were not very active and deligent in the discharge of your duties, therefore I warned you in person that you would not be confirmed in your acting appointment as Tahsildar if you did not exert yourself and do your duty better. On ~~the~~ consideration of the manner you have discharged the duties of your Office ever since the close of the settlement for the last one year, I find that you have shewn gross negligence in the duties of your Office. It has been reported to me that you made no enquiry whatever in regard to the Robbery that took place at Mulloor until 8. days after it had occurred. This shews that you are any thing but a fit person for the Office of a Tahsildar. You are therefore removed from the Office of Tahsildar from this date and you are directed to make over charge of the Office to Veecatasiah the Ag Tahsildar and obtain receipts from him. You are also directed to appear before Mr Brett to enable him to investigate the complaint preferred to him against you. You are to be aware of this.

(Signed) G. Gleig
Ag Collector

(True Translation)

Salem Collrs Office
11th December 1844.

Offg Collector

6 Return of a man of the Collectors (Department of Salem considered unfit for further Service

Number	Rank	Name	Present age	Disease or medical reason for considering the man unfit	Summary and period of previous treatment with Opinion as to benefit to be derived from further treatment
	Tahsildar of the Womalore	Beema Row	60	This Government servant (upwards of 60 years of age) has been 35 years in the service. As a Tahsildar he has constantly to be moving about investigating Police cases &ca, duties, which require a young & more efficient man I have therefore granted him the following certificate — I do hereby certify that Beema Row Tahsildar of the Womalore, is incapacitated by old age and the infirmities consequent there on for the performance of his duties contracted on general service not the result of his own imprudence — Is unfit for further Service —	He has not been under medical treatment from which I am of Opinion that no benefit would be derived —

Salem
23d December
1856

A K D Harnett
Zillah Surgeon

In a letter from the Offg Collector of Salem to the Chief Secretary to Government dated 13th Octr 1859 No 147

Copy in a Letter to E.
of 17th June 1858 No 28.

1856
December
Return of a man of the Collector's Department of Salem considered unfit for further service

H. L. D. Mauritt
Zillah Surgeon

~~Rupees~~ 1111/58

In a letter from the Collector of Salem dated 18th Aug 57 No 141.

No 2

11

List of the Services of Beemah Row Tahsildar of Womalore in the Salem District.

Particulars of Services.	Period Years	Ms.	ds
From 21st September 1830 to 15th February 1836 as Talook Sheristadar in the Womalore Talook on the Salary of 28 Rupees per Mensem	5	4	25
From 16th February 1836 to 24th June 1840 as Sheristadar in the Ruzeepoor Talook on the Salary 28 Rupees per Mensem	4	4	7
From 25th June 1840 to 10th December 1841 as Tahsildar in the Ruzeepoor Talook on the Salary of 100 Rs. per Mensem	1	5	16
10th January 1842 to 12th January 1851 as Sheristadar in the Tripatore Talook on the Salary of 28 Rupees per Mensem	9	0	3
From 13th January to 28th February 1857 as Sheristadar in the Tengaracottah Talook on the Salary of 28 Rupees per Mensem	"	1	19
From 1st to 31st March 1857 as Acting Tahsildar of Attoor Talook on the Salary of 100 Rupees per Mensem		1	
From 1st to 16th April 1857 as Sheristadar in the Tengaracottah Talook on the Salary of 28 Rupees per Mensem			16
From 17th April 1857 to 4 May 1853 as Sheristadar in the Darmapoory Talook on the Salary of 28 Rupees per Mensem	2		18

From 5th to 31st May 1853 as Tahsildar in the Attoor Talook on the Salary of 100 Rupees per Mensem			27
From 1st June to 31st August 1853 as Sheristadar in the Darmapoory Talook on the Salary of 28 Rupees per Mensem		3	
From 1st September 1853 to 31st July 1854 as Tahsildar in the Tengaracottah Talook on the Salary of 100 Rupees per Mensem		11	
From 1st August 1854 to 28th November 1856 as Tahsildar of Namakal on the Salary of 100 Rupees per Mensem	2	3	28
Total period of Service	26	1	9
Leave on Substitute from 1st to 30th April 1832		1	
Do. Do. from 21st December 1833 to 31st January 1834		1	10
Total		2	10

Salem Collector's Office

Salem 18th August 1857

E. A. Mant
Collector

Copy in a Letter to E. d/ 17th June 1858 No 28

In a Letter from the Collector of Salem dated 18th Aug/57 No 141

~~[illegible]~~

No 36

List of the Services of Bheema Row in the Salem District

[illegible]

[illegible]

[illegible]

[illegible] 1856 [illegible] 28 [illegible]

[illegible] 60 [illegible]

1857 [illegible] 19 [illegible]

13

Copy in a Letter to E.
d/17th June 1858 No 28.

In a letter from the
Collector of Salem
dated 18th Aug 1857
No 141.

~~P~~ 1111/58

No 5
certificate of the
Head Sheristadar
regarding the alleged
age of Bheema Row.

17

15

Statement of Services of Bheema Row in the District of Coimbatore

		Amount of Pay per Month			Period of Service		
		Rs	as	P	Y	M	D
–	As Goomastah in the Talook of Konghiem from 1st Augt 1818 to 13th August 1824	14	..	..	6	..	13
	As Do in the Do of Errode from 9th February 1825 to June 1828	14	..	..	3	4	20
	Total				9	5	3

Neilcumboor
24th January 1857

M J Walhouse
Sub Collector in charge

Civil Pension Depart.

in a Letter to E.
7 June 1858 No 28.

In a letter from the Collector of Salem dated 18th August 1857 No. 141.

No. 4
List of the services of Bheema Row in the Coimbatore district.

Pension Departt.

No. 116

Report of the Civil Auditor

1. The Civil Auditor has the honor to report, that the Service of Beema Row, late Tahsildar of Womalore Talook, on the Establishment of the Collector of Salem, entitling to pension extends over a period of 16 years 10 months and 20 days; Vizt: from 10th January 1840 to 28th November 1856, the date of his retirement from Service.

2. The Service rendered previously to January 1840 amounting to 18 years 7 months and 22 days is inadmissible in Consequence of Beema Row's dismissal from Service for misconduct.

3. He is therefore entitled only to a gratuity of 11 Months Salary, if the ruling that the claim to gratuity is not invalidated by any interruption in Continuity of Service is held to apply to cases in which such interruption has resulted from dismissal for misconduct, as in the pesent case; if otherwise, to 13 months Salary, which at Rs. 100 per mensem is Rs. 1,300.

Rs. 1100

11 months,

A. J. Lushington
Civil Auditor.

Civil Audr. Office,
Fort Saint George,
28 August 1857

To
The Actg. Chief Secy to Government
Civil Pension Departt.

No 141 Salem Collector's Office

Pension Department Salem 18th August 1857.

From

H. A. Brett Esquire

Collector of Salem

To

Edward Maltby Esquire

Chief Secretary to Government

Fort Saint George

Sir

Bheema Row, Tahsildar of Womaloor in my District having applied for a superannuation pension I have the honor to submit the Register of application in the amended form as directed in an Extract from the Minutes of Consultation dated the 30th May 1855 with the several papers required in such cases by the existing orders of Government.

- 1. Register of application.
- 1. Invalid Certificate.
- 1. List of servants in the Salem District.
- 1. Do in the [illegible] District.
- 1. Certificate of [illegible] of alleged age of the applicant.

2. The Zillah Surgeon has certified that the applicant is incapacitated by old age and infirmities to conduct the duties of a Tahsildar with efficiency.

The

3/6 Separate

Public 1857 Separate

No 384

From

The Civil Auditor

Dated 28th ?

Recd 31st August 1857

1111 58

Reports on the service of Bheema Row late Tahsildar in the Establishment of the Collector of Salem.

Copy in a Letter to C. E. 1st June 1858. No 28.

E2/6
127

3. The applicant's total period of service amounts to 35 years and 6 Months. His service in this District was for 26 years 1 Month and 9 days. He also served 9 years 5 Months and 3 days in the Coimbatore District.

4. He was 3 times dismissed twice in Coimbatore and once in Salem. The grounds on which he was dismissed and the periods for which he was unemployed on each occasion are shewn in the margin.

Period	Y. M. D.	Grounds of unemployment
From 14th August 1824 to 8th February 1825	" 5-26	Dismissed on a charge of Bribery preferred against him and certain other in the Coimbatore District.
From 29th June 1828 to 28th September 1830	2-3-22	Dismissed in the Coimbatore District for having [illegible] without [illegible]
From 11th December 1841 to 9th January 1842	" 1 0	Dismissed in the Salem District for neglect of duties.
Total	2-9-18	

5. The first two breaks amounted in the aggregate to Yrs Ms Ds 2-8-18. He is therefore precluded from counting for pension any of the time which he passed in the public service previous to his second dismissal.

6. His service from the 21st September 1830, up to the time when he applied for a pension, was continuous with the exception of one Month

Month at the end of 1841. On that occasion he was dismissed a third time, but after the lapse of one month was reemployed in an inferior situation.

7. The total period of service, reckoned from the 21st September 1830, was Yrs Mo D 26-1-9, which would have given him a claim to one third pension, if he had appeared to be a deserving person. But the number of occasions on which he was dismissed shews that the applicant has not borne an unexceptionable character. I am also bound to state that very recently he was suspected of gross misconduct in having, from motives of enmity, committed to the Criminal Courts, a person of good character on a groundless charge of forgery.

8. I therefore do not think the case is one in which I can properly recommend a monthly pension, but looking at the fact that he is now worn out, and will find

it impossible, to obtain his livelihood by his own exertions, I beg to suggest that he be allowed a small gratuity, amounting to Rupees 182, which would equal half a months pay as Taluk Sheristadar for every two years, commencing from the 7th and ending with the 20th, as provided in para 2 of the gratuity rules.

I regret that an unusual period has been allowed to elapse in submitting the application in question.

I have the honor to be
Sir,
Your Most Obedt. Servt

Salem Collector's Office
Salem 18th August 1857

Collector.

To Edward Maltby Esqre
Chief Secretary to Government
Fort Saint George.

Salem Collector's Office
185 .

Pension Dept

1857 Dept
From No. 367
The Collector
of Salem
To
The Chief Secretary
to Government
Fort St. George

Dated 18th Augt/57
Received 22d

Do 141

Enc. 5

~~Rs 799/58~~

Do

Forwarding a Register of an Application for Superannuation pension from Bheemarow Tahr of Womaloor & recommending the grant of a gratuity.

Pension
No. 272
5 Enclosures

Copy in a Letter to E.
d/17 June 1858 No. 28

Forwarded to the Civil Auditor for the usual verification.

Fort St. George
22d August 1857

D. F. Carmichael
Dy Secy to Govt.

To
The Civil Auditor No. 22/~~1857~~
Recd 25 Augt 57
28 Augt 57.

C.A.

C 2 Sep
R 7

E
No. 644 of 1858

From Beema Row
late Thasildar of
Oomalore in the Zillah
of Salem & now
at Madras.

Dated 1st &
Rd. 6th March 1858

With 1 enclosure

4- R 799/58

Requests the Government to Send for the
urzee presented by
Ramasawmy Naicken
Moctadar and investigate the matter whether
the petitioner has any
concern in the stated
forgery, if it be found
that he has, he is
willing to forfeit his
claim for pension-

Returned
under para 4 of
the Petition Rules
with reference to
the orders of Govt.
dated 9 Septr. 1857.
No. 247 in the Separate
Pub. Dept.

D. Carmichael
Dy Secy to Govt.
3 March 1858.

In a letter from the Collector of Salem
dated 18th Decr 1857
No. 141-

R 799/58

No. 1-

Register of an application for a superannuation Pension from the Establishment of the Collector of Salem preferred under the rules passed by Government under date the 22nd. December 1835.

Salem Collector's Office
185

Separate Public Department

No. 247

Extract from the Minutes of Consultation
Dated 9th September 1857

Read the following letters

From the Collector of Salem. Recommending the grant of a gratuity to Bheema Row Tahsildar of Womalore Talook in his District	His letter 18th August 1857
From the Civil Auditor	" " 28th "

It appears from the Civil Auditor's report that applicant's services would entitle him to a gratuity of 1100 Rupees. The Collector however, recommends him (as a man of a character by no means unexceptionable) for a modified grant of Rs. 182.

Resolved therefore that a gratuity of Rupees (182) One hundred and eighty two be granted to Bheema Row late Tahsildar in the Collectorate of Salem, in

Would be better to refuse gratuity altogether than to give such a miserable sum as this. In fact the rules prescribe that gratuity should only be given ~~at all~~ in cases of good conduct in consideration of his service for a period of about 17 years.

D. F. Carmichael
Dy Secy to Govt

To The Collector of Salem Despd 10/9/57
" Civil Auditor / " do — —
" Pubc Departt Despd 10th
Entd & Retd 17th

D. F. C.
Dy Secy to Govt.

Draft to stand.

Council
8/9/57

Copy in Letter to E.
17th June 1858. No 28

Council

Separate
Public 1857 Department
No 242
Extract
Dated 9th September 1857

Judl. F. No. 878/58

C2 Sep
R7

Fort Saint George, Revenue Consultation of 15th June 1858.

No. 27. Read the following Petition from Beema Row late Tahsildar of Oomalore; to the Secretary to Government Judicial Department dated Madras 11th May 1858.

SIR,

I beg to forward the accompaning Memorial, in triplicate, to the Honorable the Court of Directors and will feel thankful by your causing it to be forwarded in the usual way.

No. 28. ORDER THEREON, No. 794; dated 10th June 1858.

Ordered that the Memorial received with the above address be forwarded to the Honorable Court of Directors, and that intimation of its despatch be afterwards made to Beema Row.

(Signed) W. H. BAYLEY,
Acting Secretary to Government.

To The Honorable the Court of Directors
of the East India Company.

The humble petition of Beema
Row late Thasildar of Wooma-
-lore in the District of Salem
Presidency of Madras.

Respectfully Sheweth

That your petitioner's service under your Honorable Company extends over a period of 36 years 27 of which have been uninterrupted and continuous and he believes faithful and zealous

That in the month of September 1856 your petitioner unintentionally displeased the Magistrate of Salem H. A. Brett Esqre by the committal of one Ramasawmy Naicken a Mootadar within your petitioner's Talook for forgery who had presented a petition to the Magistrate of Salem complaining of the intended committal during the investigation.

That the Magistrate thereupon sent for your petitioner and urged him to send in his application for pension.

That your petitioner altho deeply feeling the injustice of the Magistrate acting on his own private view of a case which was undergoing investigation in a Superior Court nevertheless yielded to the suggestions of Authority and preferred his application for pension.

That on so doing your petitioner was surprised to learn that instead of being recommended for the pension to which his long services had entitled him his immediate Superior Mr. Brett had informed your local Government that there were 3 breaks or dismissals in your petitioner's service and that he had recently committed an innocent man for trial.

That your petitioner in vain represented to your local Government that the former statement was disproved by documentary evidence attested by the Collector himself and that the proceedings taken on the Complaint of Ramasawmy Naicken were irregular and obviously illegal and unjust

Your humble petitioner now begs to forward the following attested Documents in support of his Case.

No 1 - An attested copy of the endorsement of the Collector and Magistrate of Salem to your petitioners application marked **A**

No 2. A Takeed dated the
shewing that the alleged dismissal between the 29. June 1828 and 20. Sepr. 1830 was in fact a voluntary resignation - marked **B**

No. 3 - 2 Takeeds dated the 11th & 29th Decemr. 1841 shewing that the alleged dismissal between 11th Decr. 1841 and 9th Jany. 1842 was in fact a suspension during enquiry and that the same terminated in restoration to employment without blame. - marked **C**.

No 4 - An attested copy of the proceedings taken on the Complaint of Ramasawmy Naick a Mootadar marked **D**.

That the dismissal alluded to in the statement attached to the endorsement of the Magistrate as having occurred between August 1824 & 8th February 1825 was at a period when no order or regularity prevailed in the District and was without investigation and under any circumstances could not affect your petitioner's claim to pension as he grounds it on subsequent service.

That your petitioner has adduced unquestionable documentary evidence that he was not dismissed on the other two occasions referred to in the Collectors endorsement.

That the proceedings held by the Collector and Magistrate will speak for themselves and are suggestive of the following facts.

That there was no apparent reason for this complaint not having been forwarded to the Court where the enquiry was proceeding

That tho' the committal is declared "improper" by the Sessions Judge. yet that similar errors of judgement are as frequent with Magistrates as with Thasildars and are never known to form the subject of punishment with the former and it would ill accord with justice to exact superior knowledge from the least responsible the least paid and least educated.

That on referring to para 11 of the same proceedings it must be obvious to the judicial department of your Honorable Court that the evidence your petitioner is accused of suppressing was no evidence whatever in a preliminary investigation, evidence as to character being only required in a doubtful case and previous to conviction and a report of a Monegar of a pagoda who was living and could be called was waste paper and could not be received in evidence in any Court.

That your petitioner has in the above proceedings been declared subject to suspicion because he committed a person upon sworn evidence to whom he owed Rupees 50 - while it is admitted that the corrupt conduct imputed to your petitioner in para 12 has not been proved.

That such reasoning is altogether inadmissable in any judicial proceeding the converse being

the converse being that had your petitioner refused to entertain the charge he would be subject to no suspicion whereas he humbly submits that a prima facie cause of undue partiality might with justice have been asserted.

That your petitioner's attempts to obtain redress from your local Government or even an investigation of his case have utterly failed and the petition E enclosed with the endorsement thereon is sufficient in itself to raise a strong presumption that it has never even been perused inasmuch as the abstract of contents are not those of the petition.

Your humble petitioner therefore prays your Honorable Court will declare the proceedings of the Collector and Magistrate marked D to be illegal and that the facts inserted in the endorsement of the Collector with regard to the asserted dismissals may be tested and proved and that if found not founded in fact your petitioner may be allowed to reassert his claims to pension according to the merits of his claims and the Rules in force for which act of grace your petitioner as in duty bound will ever pray.

Madras.
28 April 1858.

(Signature) Beema Row

P/911/53

A

Endorsement.

Petitioner states that he was distinctly informed by the Collector that, on petitioner applying to resign, an application would be made for a pension to him. He further states that his claim to a pension rests on his unblemished service of 36 years, 27 of which were continuous; and that he never was dismissed from the public service.—

2. The petitioner prays for a copy of the petition presented by one Ramasamy Naik against petitioner in October or November 1856, with a copy of the Endorsement thereon; and 2ndly, he prays that his case may be reconsidered, and a due reference made to the Public Records, with the view to his being recommended for a pension for his long and arduous services.—

3. It appears from the Public Records that there were 3 breaks in the petitioner's service, and that these 3 breaks arose from his having been on three different occasions dismissed from the Public service. The particulars are shewn

in the subjoined statement.—

A

Period	Yrs	Mo	D.	Grounds of unemployment.—
From 14th Augt 1824 to 8th Feb 1825.—	"	5.	26.	Dismissed on a charge of bribery preferred against him and certain others in the Coimbatore District.—
From 29th June 1828 to 20th Septr 1830—	2.	2	22	Dismissed in the Coimbatore District for having gone to Tanjore without leave.—
From 11th Decr 1841. to 9th January 1842.—	"	1.	"	Dismissed in the Salem District for neglect in certain Police duties.—
	2.	9.	10.	

4. A copy of the two petitions presented by Ramasamy Naik, and a copy of the order recorded by the Magistrate on those petitions, are now given.

5. When the petitioner resigned and applied for a pension, no pledge was given him that he should obtain such pension. His application for a pension was submitted to the Government with the Collector's report, and the Collector does not see that there are any circumstances in the case to call for reconsideration.—

D. Scott
Collector.—

3

In No 843 of 1858.

A Rd 26/1/58.

To

H. A. Brett Esquire
Collector of Salem

The humble petition of
Beema Row late Thasildar
of Omalore.

ectfully Sheweth.

That your humble petitioner having understood on the 30th September last thro the Thasildar of Thurmapoory that he was prepared to pay your petitioner 182 Rupees in lieu of pension, he humbly and respectfully prays a reconsideration of his case for the following reasons.

That your petitioner was distinctly informed by your Honor that on his applying to resign an application for a pension would be made.

That your petitioners claims to pension rest on an unblemished service of 36 years 27 of which have been continuous and in the same department.

That your petitioner has never been dismissed from the public service, and that in the only instance, except the last in

this

in which from the invidious nature of his employment a charge has been made against him, it has resulted in a confirmation of his employment and eventual promotion.

That the only instance in which your petitioners character was the subject of serious official scrutiny was when acting Thasildar of the Raspoor Talook in 1841, when, on being accused of negligence and delay by the prosecutor in a case of Theft on a petition to your Honor then Head Assistant, the complaint was investigated by order of Mr. Gleig the then Collector and the charge of negligence not being considered proved your petitioner was continued in his former appointment of Sheristadar; his acting one of Thasildar having been in the interim filled.

That from the above period (1841 to 1856) your petitioners career was interrupted by no imputation of irregularity tho' holding the invidious appointment of Thasildar a considerable portion of the time.

That in October 1856 on the occasion of Committal of Ramasawmy Naik Mootadar of Salem for forgery, your petitioner received the accusation thro Ramiah a Brahmin connected with the Taramangalm Pagoda and was bound to investigate the

case: and if grounds appeared, to commit the same to a higher Court.

That it was notorious, and admitted by your petitioner, that the above Mootadar had, previous to the accusation, agreed to become security for your petitioner and that such agreement was still subsisting.

That a dismissal or refusal to investigate the case would have subjected your petitioner to grave suspicion.

That your petitioner hears with grief that your honor has been pleased to regard the fact of the above Mootadar's subsequent acquittal as establishing the crime of Committing an innocent man to the Criminal Court.

For the above reasons your humble petitioner respectfully prays a reconsideration of his case and a due reference to records with a view to his being recommended for the pension due to his long and arduous services.

Your petitioner also humbly and respectfully prays for a Copy of the petition presented by Ramasawmy Naik against your petitioner in October or November 1856 with endorsement thereon

this

thereon, in compliance with the C. O. Fort St. George Gazette 1851 page 386.

Your petitioner respectfully requests that the endorsement to this petition may be delivered to your petitioners agent who will await the same.

And your humble petitioner as in duty bound will ever pray.

~~[illegible]~~

Madras
25 January 1858.

P 711/58

Inc No 874 of 1858

4

A

~~[illegible]~~
-१७३

[illegible]

49

Inc No 873 of 1858

~~[illegible]~~

51

2

Jan No 873 / 1858

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Translation of Takeed C. No 1

From Mr. J. D. Gleig Principal Collector of the
Zillah of Salem

To
Beema Row acting Thasildar of the Raspore
Talook

When I appointed you to the above Talook as acting Thasildar I personally warned you that unless you evinced activity and intelligence in your duty you would not be confirmed in the situation — I see that you have acted negligently in not reporting a Robbery that took place at Mulloor in September last

I therefore consider you are unfit for the above situation unless you can satisfactorily explain the same to Mr. Brett the Head Assistant whom I have appointed to investigate the matter You will therefore give charge to Venkatasah and proceed to the Head Assistant.

Dated 11th December 1841 Station Salem

(Signed) J. D. Gleig

Translation of Takeed C No 2

From Mr. J. D Gleig Principal Collector of the
Zillah of Salem

To Beema Row late Thasildar of Raspoor

I hereby appoint you as acting Talook Sheristadar of Teropatoor therefore on receiving this Takeed you will immediately proceed to the above Talook ~~with~~ take up the above situation you will have your pay from the day you take charge

Dated 29th December 1841
Station Hoossoor

(Signed) J. D. Glig

Translation of two Takeeds

C 799/58

D

Complainant

Ramasawmy Naik Mootahdar of Curkulwaddy in the Salem talook.	vers	Beema Row Head of Police of the Wooma-loor talook.

Committed 19 Sept

The Complainant, in a petition to the Magistrate dated the 18th September last, complained, that the Head of Police of Woomaloor was about to commit the Complainant to the Sub Court on a groundless charge of forgery, that the Head of Police was in the Complainant's debt, and that the proceedings then adopted against him were suggested by private motives, and feelings of personal enmity.

2d petition 30 Oct

2. In a 2d petition the Complainant brought to notice that certain important evidence which would have proved the falsity of the charge against him was withheld by the Head of Police, when that

D

Officer forwarded the Case to the Sub Court.

3. The Complainant was Committed to the Court, charged with forgery, on the 19th September 1856. The Case was dismiſsed at the Sub Court.

4. Subsequently, an appeal was preferred to the Seſsion Court by Ramien, one of the Witneſses for the prosecution, and the person on whose Complaint the proceedings against the Mootahdar originated. Ramien Complained that the case had been dismiſsed by the Sub Judge, when there was sufficient evidence to prove the charge.

5. The Seſsion Judge recorded the following order.

"There was no case against "the prisoners. They might have been "released from the bar without trial, "or at all events their Committal on a charge of forgery was altogether

"improper. The charge moreover is no "correctly set forth. This petition is dism

6. It appears from the rec that a person named Ramien prefe a Complaint before the Head of Police on the 5th September last, stating that Ramasamy Naiken, the Moota-dar of Curkulwady, had fraudulently written a Takeed in the name of his brother Govinda Naiken, purporting that Govinda Naiken (who was one of the trustees of the Teravmunga-lum pagoda) dismiſsed the petitioner by the Takeed in question from his Office of Cook, in the Pagoda.

7. The Head of Police examined the petitioner on the 8th September, and on the same date iſsued a warrant for the Mootahdar's apprehension. The Mootahdar was brought up i custody on the 16th.

8. The Mootahdar denied that he had signed his brother's

name to the takeed. He stated that he employed some one to write the takeed, and then sent it to his brother to be signed; that the takeed was returned by his brother with his signature, and was then given to the petitioner Ramien.

9. The Head of Police examined 4 witnesses on behalf of the complainant. 3 of these witnesses deposed that they, with the petitioner Ramaen, were present when the takeed was written; that the Mootahdar signed it in their presence in his brothers' name; and that the takeed was at the same time delivered to petitioner.

10. The Head of Police on this evidence committed the Mootahdar for forgery. He also committed Govinda Naiken, the brother of the Mootahdar in the same case, on a charge of having given a wilfully false

deposition in stating that the signature to the takeed was his own.

11. The evidence referred to by the Mootahdar in his 2d petition consisted of 2 documents, viz, a Mahazurnamah sent by the Head of Police of Salem, certifying to the Mootahdar's good character, and, 2dly, a report by one Soobroyen, the Monigar of the Pagoda (4th witness), confirming the truth of the Mootahdar's explanation in regard to the takeed.

12. The Magistrate has examined 2 witnesses on behalf of the Mootahdar. These witnesses were cited to prove that the Head of Police offered to drop the proceedings provided the Mootahdar would consent to return a bond given by the Head of Police for Rs 200, and would withdraw a suit then

pending against the Police Nayaum for a debt of 350 due to the Mootadar.

13. The Head of Police admitted that he had borrowed from the Mootahdar 200 Rupees. He alleged that 150 Rupees of this sum had been repaid before Ramien prefered his complaint.

14. He further admitted that the 2d document referred to by the Mootahdar, as proving his statement, was produced before the case was committed. He explained on this point that the record was closed before the paper was produced.

15 The Magistrate finds that the two facts referred to in para 12 have not been proved.

16. As to the rest of the charge he is of opinion that the conduct of the Head of Police is open to strong suspicion.

17. The case was not properly investigated. The evidence produced for the Mootahdar supported his explanation; and, under any circumstances, a charge of forgery could not be sustained. If these several points are considered in connection with the fact that the Head of Police was in the Mootahdar's debt, there is reason to suspect that the Head of Police was actuated by motives of the kind alleged.

18. The Magistrate will defer passing a final order in the case, till the circumstances have been reported to higher authority.

Oossoor
26th November 1856

(Signed) H. A. Brett
Magistrate.

(True Copy)

H. A. Brett
Magistrate

D

Dis No 873 of 1858

D 99/58

No 644 of 1858

13

To 6-3-58

The Right Honorable the Governor
in Council of Fort St. George.

The humble petition of Beema
Row late Thasildar of Oomaloor
in the Zillah of Salem.

Humbly Sheweth

That your petitioner has served your Honorable Government in the Revenue Department for 36 years 27 of which have been continuous.

That in the month of November 1856 your petitioner was induced to send in an application for Pension at the instance of the Collector of Salem H. A. Brett Esquire who had become dissatisfied with your petitioners proceedings in the investigation of a charge of Forgery.

That in the month of September 1854 your petitioner received an intimation from the Thasildar of Durmapoory that the sum of Rupees 182 as a gratuity in lieu of Pension would be given to your Petitioner and which he had been instructed to pay but as your petitioners salary for the last 3½ years was 100 Rupees per month this scale is not recognised by any regulation.

That your petitioner has

reason to believe that the Collector of Salem has been informed that petitioner had been thrice dismissed the service and had latterly committed an innocent man to the Criminal Court that under this misapprehension your petitioner has not even been recommended for $\frac{1}{3}$d pension to which his services entitle him.

That your petitioner thereupon addressed a petition to the Collector of Salem copy of which is hereto annexed and to which he has received no answer of endorsement.

Your Petitioner therefore prays a consideration of his case on the following grounds.

That an investigation of the Records will shew that your petitioner has not during 27 years been dismissed from his situation and that his service has been continuous

That the committal of an innocent person in a criminal charge, to make it an offence must be done wilfully, otherwise every acquitted person might allege the same against all Thasildars & Magistrates and would have daily opportunities of so doing.

That if your Petitioner labors under so serious an imputation it is competent to your Lordship in Council to

to order an investigation in order that his character may be cleared.

That your petitioner has reason to believe and in fact knows that the person accused of Forgery (Ramasawmy Naick Mootadar) was permitted to address the Collector in an Arzee on the subject of his committal and trial and ultimate release by the Sessions Court and your Petitioner respectfully submits that it was not competent to the Collector to receive Arzees or sit in judgement on a matter already sifted by Judicial Authorities, where, if the prisoner had any complaint to make it might and would have been investigated.

That your petitioner believes he has been unlawfully dealt with; unlawfully in his having his official conduct which had undergone judicial enquiry investigated on the petition of a released prisoner and unfairly in making the result of that illegal enquiry the grounds for depriving him of Pension which his long service had entitled him to, a proceeding which if permitted destroys the independence of all judicial and magisterial proceedings

Your petitioner courts a de-

deliberate investigation of this subject and respectfully submits that he is entitled to the same.

Your humble Petitioner therefore prays your Lordship in Council that the Arzee presented by Ramasawmy Naiken Mootadar & may be called for and perused and that a competent enquiry may be instituted and that if found to be connected with the merits of a judicial enquiry already disposed of he may be declared by your Lordship in Council free from blame and entitled to a Pension in accordance with his past services and Conduct.

And your petitioner as in duty bound will ever pray.

Madras.
1st March 1858.

Signature of Beema Row
late Thasildar of Comalore

(Petitioner will apply in person for endorsement.)

[illegible] Rec. Secty
[illegible] dated 11th May 1858
[illegible] Beema Row
late Tahsildar of Comalore

To
The Secretary to Government
Judicial Department

[illegible] 1858

Sir

I beg to forward the accompg Memorial in triplicate to the Honorable the Court of Directors and will feel thankful by your causing it to be forwarded in the usual way

I am
Sir
Your most obt Servant

Madras
11 May 1858.

Signature of Beema Row late
Thasildar of Comalore

One set of original documents are enclosed with the exception of the Takeed B which is unobtainable.

Separate Pub Depts.
Extt. Mof Cons. d/ 9th Septr. 1857
No. 247.

Copy in a Letter to E. I.
d/ 17th June 1858 No 28.

~~Judicial~~ Revenue 1858 Deptt
Dd. to Cons. 15 June
No. 799.

From Beema Row,
late Thasildar of Oomaloor
Madras.

2/11
~~[illegible] May /58~~
Recd 21st May 1858.
15 Enclo. No 870.
A memorial in triplicate & 3 sets of Enclo.

Forwards a memorial in triplicate to the address of the Hon: Court detailing the circumstances of his Case in regard to his application for pension, & requests its transmission.

No. 27 & 28

With an order
No. 794. 10th June 1858

c 2d June

No. 794.

Ordered that the memorial received with the above address be forwarded to the Honorable Court of Directors and that intimation of its despatch be afterwards made to Beema row.

Fort St. Geo.
10 June 1858

W H Bayley

(Petitioner will apply in person for endorsement.)

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REVENUE DEPARTMENT.

No. 28 OF 1858.

To

THE HONORABLE THE COURT OF DIRECTORS
OF THE EAST INDIA COMPANY.

HONORABLE SIRS,

Consultation 15th June 1858, Nos. 27-28.

Para. 1. We have the honor to forward a Memorial to your address from Beema Row, lately a Tahsildar of the Oomaloor talook in the Salem District, representing the circumstances under which he was induced to resign his employment, and his failure subsequently to obtain a pension in consequence of certain representatives made to Government by his immediate superior, the Collector, regarding his conduct and service, which debarred his claim to that provision; and praying that those representations may be tested, and if found not founded in fact, that he may be allowed to re-assert his claim to a pension according to the Rules in force.

Public Department Separate.
From Collector of Salem 18th August 1857, No. 141, with five enclosures.
From Civil Auditor 28th August 1857.
Ex. Mins. Cons. 9th September 1857, No. 247.

2. The accompanying papers will inform your Honorable Court of the precise state of Beema Row's case. On the 18th August 1857 Mr. Brett, the Collector of Salem, reported that the above individual had applied for a superannuation pension and that he had in consequence submitted the usual register of application and other papers required by the orders of Government. He stated that the applicant had served the Government 35 years and 6 months, but that having been dismissed on different occasions, there were breaks in his service which was not in consequence continuous. He thought however that the period which could be reckoned upon would have given Beema Row a claim to one-third pension if he had been a deserving person, but as he did not entertain this opinion of him, he recommended that a gratuity of 182 Rupees should be granted to him for his past services.

3. The Collector's letter was sent to the Civil Auditor for the usual verification, and in his report of the 28th August 1857 Mr. Lushington gave it as his opinion that Beema Row was entitled to a gratuity of 11 months' salary or Rupees 1,100. Bearing however in mind the character given of the individual by the Collector of Salem we resolved in Extract Minutes of Consultation 9th September 1857, No. 247, to adopt his recommendation and accordingly authorized the payment of a gratuity of 182 Rupees to Beema Row.

FORT SAINT GEORGE,
17th June 1858.

We have the honor to be,
With the greatest respect,
Honorable Sirs,
Your faithful humble Servants,

Dist. Proceedings of the Madras Govt. 75

Read the foll.g } here enter No.
Min. of Con. } 437. R. D. of 30-3-59.

Order thereon dated 25th May 1859 No. 179

1. The Govt. request that copies of Mr. Fleig's orders dated respectively 11th & 29th Decr. 1841 may be furnished them, together with any other papers which may place in a clearer light the grounds on which Bheem Rao was dismissed upon that occasion and the view which was finally taken of his conduct upon the Hd. Asst.'s report.

JP C. S.

Acting Collr. of Salem

Sect/25/5/59.

Separate
Public 1859 Septr
No. 119
Proceedings of the Madras Government
Dated 25th Aug 1859.

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REVENUE DEPARTMENT.

No. 437.

Extract from the Minutes of Consultation under date the 30th March 1859.

The Right Honorable the Governor in Council proceeds to pass orders on the letter in this Department from the Right Honorable the Secretary of State for India dated 15th December 1858, No. 6.

Para. 11. Para. 9. This para. and the Memorial to which it refers will be transferred to the Public (separate) Department, where the case of Beema Row will be reconsidered as directed by the Home Government.

Extract from a letter from the Right Honorable the Secretary of State for India, dated 15th December 1858, No. 6, para. 11.

Letter dated 17th June (No. 28) 1858.
Forwarding a Memorial from Beema Row late a Tahsildar in Salem, praying to be granted a pension.

Para. 11. The Civil Auditor reported that the service rendered by Beema Row, previously to 1840, was inadmissible, in consequence of his dismissal for misconduct, but that he was entitled to a gratuity of Rupees 1,100, or Rupees 1,300. You however resolved, in consideration of his being represented by the Collector of Salem "as a man of a character by no means unexceptionable," to give him a gratuity of only Rupees 182. From the Takeed of Mr. Gleig dated the 11th December 1840, submitted by the Petitioner (if correctly translated) it would appear, not that Beema Row was dismissed, but that the Collector withheld his confirmation to his appointment to the Tahsildarship of the Raspoor Talook, in which he was then acting; and on the 29th of the same month, he was appointed Acting Talook Sheristadar of Teropatoor, so that the misconduct with which he was then charged must be presumed to have been either inconsiderable in itself, or that his explanations were deemed satisfactory. I desire, therefore, that his claim to a pension may be again taken under your consideration. I observe that the abstract of the Petition presented to you by Beema Row on the 1st March last does not (assuming the transcript to be accurate) correspond with its actual contents.

(True Extracts.)

J. D. Bourdillon
Secretary to Government.

To the Public (Separate) Department.

Exd. H. M. Elliot.

Fort St. George Offg Collector

Salem Collector's Office 79

No. 147

Hosoor 13th October 1859

From, T. J. Knox Esqre.,
Officiating Collector of Salem,

To, T. Pycroft Esqre.,
Chief Secretary,
to the Government,
Fort St. George.

Sir,

In reply to the Proceedings of the Madras Government, dated the 25th May last, No. 179, calling for Copies of Mr. Gleig's orders dated the 11th and 29th December 1841, together with any other paper that may be on record shewing the grounds on which Beema Row was dismissed, I have the honor to transmit herewith translations of two orders of the dates given in the margin x and to state, that I have not been able to trace any other paper amongst the records of my Office touching the dismissal of Beema Row.

19th October 1841.
11th December 1841.

I have the honor to be,
Sir,
Your Most Obedient Servant,
J Knox
Offg Collector

To
T. Pycroft Esqre.
Chief Secretary
to the Government,
Fort St. George

Separate
Public 1859 Department
No. 174

Ex: Mins Cons: in the Revenue Departt.

Dated 30th March 1859.
Received 5th April 1859.

Passing orders on a letter from the Right Hon'ble the Secy. of State on a Memorial forwarded by this Govt. from Beema Row

c 28 Oct
R 3 Nov

Separate
1859. Public Department
No. 302
From,
The Offg Collector of Salem
To,
The Chief Secretary to Government, Fort Saint George
No. 147
Dated 13th October 1859
Recd 17th " "
For Orders

Forwarding Translations of two Takeeds connected with Beemarow's dismissal.

No. 160

Salem Collector's Office
Ossoor 10th November /59.

From,
J. J. Knox Esquire,
Offg Collector of Salem

To,
J. D. Bourdillon Esquire,
Secretary to Government. P. D.
Fort St. George.

Sir,

With reference to your Deputy Secretary's Memorandum dated the 5th November 1859 P. D., I have the honor to inform you, that from the record of this Office, it appears, that the service of Beema raö as Tahsildar of Womalúr, ceased from the 29th Novbr 1856, and he is reported now to be permanently residing in the Village of Cauverypatnum, close to the Kistnaghery Talook Treasury, from which

Treasury he is anxious, to draw his pension.

Salem Collr's Office }
Ossoor 10th Novr. 1859 } I have the honor to be,

Sir,

Your most Obt. Servt.

Theod. [illegible]

Offg: Collector.

To

J. D. Bourdillon Esq,

Secretary to Government P. D.

Fort Saint George.

Separate

1859. Public Department.

No. 538

From

The Offg. Collector of Salem

To

The Secretary to Govt. P.D.
of Fort Saint George

No. 160.

Dated 10th Novr./59

Recd. 12th "

Giving information on Bhema Row's services &c.

P.D. 363 16/11/59

Sep: Pub Deptt

Proceedings of the Madras Government

Read E. M. C. dated 30th
March. No. 437: of 1859.
Rev. Dept.

Read also the folls.
papers:-

Fr: Colls. of Salem dated
18th Augt. No. of 1857.

Fr: Civil Auditor dated
28th Augt. No. 384 of 1857.

E. M. C. dated 9th Septr.
No. 247 of 1857. Pub. (Sep.) Deptt.

Fr: Offg. Coll. of Salem
dated 13th Octr. No. 502
of 1859. Pub. (Sep.) Deptt.

Order thereon dated 16 November 1859. No. 363

As the Petitioner had
served for 27 years since
his last removal from the
service, which was for absence
without leave, I agree
~~[illegible]~~ that
should be allowed
Pension

W. H. Car[illegible]
29 Oct/59

In 1857. Bhim Rao
was refused pension, he being
unable to show sufficient
length of 'continuous'
service. Considering
that he had been thrice

dismissed, and that there was in the Collector's opinion the strongest ground for believing that, in a recent case of alleged forgery which he ~~had~~ Bheem Row had committed to the Criminal Court for Trial, he had been actuated by motives of enmity, the Govt. on the recommendation of the Colr. awarded a gratuity of only 182 Rs. being ½ the amount allowed by Sec II. of the gratuity rules.

Manual Ch III. para 160.

3. The case was appealed home and has been returned to this Govt. with a view to Petr's claim to pension being reconsidered.

4. It seems clear from the copies of the ~~[illegible]~~ orders of 1841, now

furnished by the Acting Collr., that the word "dismissal" as applied to the latter of those orders was, as remarked in the Despatch under reference, a misnomer. The then Collr. merely withheld his confirmation to Petr's appointt. as Tahsildár, and placed him in the same month, in a subordinate position as Acting Táluq Sheristadár. It is reasonable, therefore, to suppose that the offence was not considered ~~in~~considerable or that the ~~[illegible]~~ explanations given were accepted as satisfactory.

5. The 2nd break in Bhim Ráu's service was for a period of 2 years and 2 months between 1828 and 1830. The cause of dismissal

on that occasion being Departure from the district without leave - the offence itself was not a very serious one, but the rules are explicit in declaring that a break exceeding *one* year whether occasioned by misconduct *or other cause* renders all previous service inadmissible in reckoning for pension -

Civ. Auditor's Manual. Chap. III. para 116.

6. Dating, then, from 1830, the year in which he was ~~[illegible]~~ re-employed after dismissal, Petr can show 27 years continuous service, and for this the rules allow a pension equal to 1/3 of the average salary for the last five years -

Manual. Chap III. para 155.

7. Strictly speaking 87 to entitle a servant to pension, his character conduct & past services must be favorably certified - This condition has not been complied with in the present case but looking to Petr's length of service - upwards of 35 years - the Govt. will not object to relax the rule so far as to ~~allow~~ grant a pension calculated in the ordinary way for the 27 years shown to have been continuous.

If this be done he should not be called upon to refund the gratuity.
W.E.

8. Petr will, of course, refund the gratuity paid him in 1857.

1/3 of Rs 74-9-7.

9. Resolved accordingly that a pension of Rs 24-13-10 p.m. be made payable to Bhim Rao from the Salem Treasury, the same to take effect from the date ~~of their~~ on which he ceased to be employed.

J.J.

To Collr. of Salem desp. 15/11/59 with original & copy of certificate.
To Revenue Depr. desp. 15/11/59.
To Civil Auditor desp. 15/11/59 with copy of certificate.

L.D.

Separate

Public 1839 deptt

No. 313

Secy of Government

Dated 16 June 1839

Bhim Row's pention

Tahsildar on the Collr Dt. Salem