

MADRAS RECORD OFFICE.

Government of Madras.

Pension

DEPARTMENT.

G.O. No. 382

Press
Mis.

Dated 5-12

1859.

Not to be folded or roughly handled

my

To

His Excellency

The Right Honorable

Sir Charles Edwards Truvelyan, Kt. G. B.

Governor & President in Council.

Sea of Sea

Fort St. George.

The Humble Petition of
Just Gants,

Respectfully Sheweth,

* Vide Circular
dated 10th Oct: 1843.

1. That Your Memorialist, whilst holding the appointment of Revenue Surveyor in the Madras Collectors' Cutcherry, received a Circular addressed to the Naib Sheristadar, the Amildar and the Surveyor, directing them to inspect and report upon the waste lands of the Collectorate. This Circular directed the parties to proceed in the usual manner, "with reference to the Collecting Conicopoly's Memo: to the different spots indicated therein," and to submit a "joint report on the propriety or otherwise of relinquishing the arrears of quit rent on each year."

2. In accordance with the above order, different spots were visited, and reported upon, from time to time for a period of three years, and among others a particular spot was pointed out by the Conicopoly, as being held under Certificate Numbered 3201 and so entered in his Memo: which he produced at the time.

3. The spot thus pointed out was perfectly barren,

and

and Your Memorialist conjointly with his coadjutors reported accordingly. Some three or more years after this occurrence or in February 1849 a Petition was addressed to the Collector by one Nagena Pillay representing that "Quit rent on certain land" held by one Saravanaperma Moodely, had not been collected "for 10 Years, on the plea of its having been waste, altho' the land was productive and yielded a sufficient return to the owner." Saravanaperma Moodely was himself a Conicopoly for the collection of Quit rent and found no difficulty in evading the demands on his land which on investigation he admitted to be the very one represented by N^o. 3261.

4. On receiving this information the Collector directed by an Order dated 1st March 1849 the Sheristadar, Surveyor and Amildar conjointly, to report upon the matter, intimating at the same time the probability of having to submit the explanation to the Board of Revenue, "in order that that neglect, if any, of the party most to blame may be brought prominently forward to their notice." This order having induced the necessity of a second inspection of the spot Your Memorialist and the Amildar proceeded to their duty, but found to their surprise, that the spot to which they were conducted on this occasion was different from that which they had formerly inspected; the first being a barren spot at Perewankum, whilst the latter was situated in the heart of the same village, running beside a street with three houses built in front, and Coconut trees growing in the back. The enquiries then made elicited the fact that Saravanaperma Moodely held the latter ground, under the Certificate N^o. 3261, and derived an Annual Revenue of Rupees 21, while the barren spot before alluded to was likewise held by the same individual but under a different Certificate, viz. N^o. 9737.

5. It has been stated that Your Memorialist and the Amildar were conducted to this spot. It is now necessary to explain that the party who conducted them was the Conicopoly, whose business it was to point out the sites of lands, and who had

always performed this duty. On being questioned as to the reason of his pointing out a spot of ground different from that previously pointed out, he replied that he was not aware of any Certificate having been issued in the name of Saravanaperma Moodely for the spot containing houses and a plantation, but as Saravanaperma Moodely held possession of several Certificates for land, both cultivated and waste, he was under the impression that this spot was held by him under a Mraffy Title, and had accordingly entered it in his Memo: as waste land. Whether this Conicopoly's proceeding was the result of design or ignorance it is difficult to say; be this as it may, Your Memorialist had no means of detecting the fraud or error, and he would have been as fully convinced now as he was when he first inspected the waste land, that that was the land represented by N^o. 3261 had not other cultivated land been afterwards pointed out to him.

6. It is further to be urged that Your Memorialist had not to measure the land, but merely to inspect its condition, whether it were waste or productive; it was not therefore in his power to detect the error, by comparison of its actual measurement with that stated in the Certificate; nor had Your Memorialist a Map or Plan for his guidance. It must also be explained, that prior to October 1843, the duty of inspecting the lands was performed by the Deputy Collector, whose precedent of not measuring the waste, was a necessary guide to Your Memorialist, acting as he did in strict conformity with the orders of the Collector, which directed the inspection to be made "in the usual manner with reference to the Collecting Conicopoly's Memorandum."

7. On the result of this second investigation being reported to the Collector, on the 5th March 1849, that Officer subjected Your Memorialist and the Amildar to fines on the ground of neglect; the sum in which Your Memorialist was mulcted was Rupees Ten.

8. On the 15th September 1849 Your Memorialist received an intimation from the Collector that the Government had

had directed Your Memorialist's dismissal from the Service, and that Your Memorialist could not again be employed without special sanction; and stating that Government observe "that, whilst gross neglect was confessed, there is also what can scarcely be regarded but as a wilful falsification, and that "the application to No 3261 (a spot of ground held by a Certificate bearing that No), of the description of circumstances belonging to No 9737, was made with intent to deceive, and for no other end than to obtain a remission of the demand upon No 3261, falsely represented as unproductive.

9. Your Memorialist was accordingly removed from his employment; he then applied to the Collector for copies of documents having reference to his case, but received a refusal. It is here necessary to state, that throughout the circumstances which led to Memorialist's dismissal, no reference was made to him, nor any explanation demanded, save in the single instance when the Collector desired to be informed under what circumstances the land had been brought under the head of waste land.

* 2nd October 1849.

10. Your Memorialist then ^{*}appealed to Government making the foregoing the substance of his appeal. Upon this an investigation was held before the Board of Revenue, under orders of Government; at which all parties concerned underwent a searching examination, and the result so far as Your Memorialist was concerned was a modificatory Order from Government No 731 of 3rd August 1850, to the following effect: "The Government decline to authorize the re-instatement of the Memorialist in his former appointment, but are pleased so far to modify their orders of the 11th September last, as to permit his being entertained without the previous sanction of Government in any Public Office in which he can obtain employment."

11. It will be obvious from the foregoing statements that the charges of wilful falsification with intent to deceive, was no longer applicable to Your Memorialist, for the inaccurate description

description of the spot of ground held under Certificate No 3261, by which Irit rent on that spot had been evaded; as it has been clearly shown that he was himself, together with the Aik Shindardas and Amildar, deluded into an error in regard to it; no more can the charge of "gross neglect," be still imputed to Your Memorialist, for having been led into an error, which even the most circumpect could hardly have avoided, under the circumstances described.

12. At the time these occurrences took place Your Memorialist had already been in the service of Government

* Service	Salary.	Period.	* 29 Years 9 Months and 27 Days, five
From 1st Feb 77 to 31st Dec 1819. Payd 70 -	" 11 "	Civil Archd's Office	Years and half of which were spent
" 1st Jan 1820 to 15th Apr 1824 -	52 8	" 3 15. Engineer's Dept.	in Foreign Service, under peculiar
" 16th April 1824 to 30th Nov -	140 -	" 7 15. Foreign Service Bazaar	privations and difficulties at Rangoon
" 1st Dec 1824 to 30th Sept 1826 -	200 -	" 10 - Office of Water Survey	soon during the Wars, and at Penang.
" 13th Oct 1826 to 9th Feb 1829 -	105 -	" 2 3 15. Collectors	During the whole course of this long
" 17th Nov 1829 to 18th Sept 1829 -	103 4	" 19 9 29. Catcher	
" 19th Sept 1829 to 15th Sept 1849 -	260 -	" 19 9 29. Madras.	
Total Service of Years -			29-9-27.

Break of Service.
Between
30th Sept and 7th M: D:
30th Oct 1826 } " 13
" 9th Feb and 7th " 9-8
17th Nov 1829 }

service, it was his good fortune, never once to have incurred the displeasure of Government, nor even the censure of those functionaries under whom Your Memorialist more immediately served; excepting in the single instance, which in its consequences, proved to Your Memorialist so disastrous and fatal. Your Memorialist was therefore emboldened to supplicate Government in a Memorial dated 30th September 1850, the boon of a retiring pension, equal to one half of the salary he enjoyed as Revenue Surveyor in the Collector's Catchery. Your Memorialist was aware that public servants who had toiled the full term of thirty Years, were alone entitled to half pension, but yet he was led to entertain the hope, that the short term of 63 days, required to complete that period, would not be a bar to his obtaining such a pension, especially when his infirmities and the arduous nature of his late duties involving as it did both mental and bodily exertion of no ordinary description were taken into consideration.

13. In reply Your Memorialist was informed by an Edict from His Highness of No 527 of the 3rd June 1851, to the effect that the Right Honble the Governor in Council does not think

think "that the various short periods included in the letter of the
"Board of Revenue of the 28th April 1851, as Mr. Justhant's services,
"can be admitted without an objectionable infringement of the Pension
"Rules, and the establishment of an inconvenient precedent, but look-
"ing to all the circumstances relating to this individual, he resolved
"as a special case to recommend to the Honble the Court of Directors
"to allow Mr. Gante a pension of Rupees fifty per Mensem, from
the present date, but the Pension will not be drawn until the Court's
"reply has been received." The Honble the Court of Directors re-
fused this application, and Memorialist was induced himself
to appeal to that Authority, but so strong was the impression of
Your Memorialist's offence, that he could get no favorable hearing.

14. On the opening of the Central Office, Public Works,
on the 1st August 1855, Memorialist obtained employment as
Second Draughtsman on a salary of 100 Rupees per month to
teach the Apprentices and Junior Draughtsmen Plan and Map
drawing and Estimate making. In January 1857, Memorial-
ist was promoted to Head Draughtsman on Rupees 140 per
Month for the same purpose, and general duties of the Department
in which he still continued.

15. Memorialist now served the Government for
upwards of 33 Years with zeal, and he can conscientiously affirm,
with fidelity, and his growing infirmities make him desirous of
retiring from public life, but he cannot do so without having some
provision to subsist upon. He ventures therefore to throw himself
on the benevolent consideration of Her Majesty's Government for a
pensionary provision commensurate with labors and services.
Your Memorialist submits that he cannot be charged with fraud,
or with connivance at fraud, in the matter which led to his remo-
val from employment, he was no interested party, and he has
shewn that the error which led to his misfortune, was at the
best an error, was unavoidable, and would have been com-
mitted by another party similarly situated. The Collector
himself designated it by no other name than neglect, and
the

* See preceding Paragraph

the Government though in momentary wrath, directed his dismissal
and prohibited his employment, was the first, when the circumstances
of the case became better known, to withdraw the prohibition, and after-
wards even went so far as to recommend a pension to Your Memorialist.

16. Your Memorialist has taken the liberty to allude to
these circumstances to shew that his offence, if it be one, was not of that
grave character, with which it was at first characterized, and the
fact that he has been employed and raised up to the position which
he occupied in the Collector's Cutcherry would indicate the estima-
tion in which his services and character are still held. Your
Memorialist further begs specially to bring under the consider-
ation of Her Majesty's Government, that for what has been termed
as an offence he has already been subjected to double punishment
first by a fine of ten Rupees, and secondly by dismissal, and he
very respectfully submits, whether it would be proper, now
that his old age and declining health necessitate his retiring
from public service, to subject him to the further punishment
of starvation.

Madras
5th September
1859.

And Your Memorialist
Shall, as in duty bound
Ever Pray.
Justhant
Head Draughtsman, Central Office, D. O. M.

Central Office of P. W.
Fort St. George
15th September 1859.

From
The Chief Engineer
To,
The Secretary to Government
Public Works Department

Sir,

Public
Enclosure 4
1. Memorial in
Triplicate
1 Ex tract from Office
Register.

I have the honor to enclose a Memorial, dated 5th September 1859 from Mr. Jas. Gaulty Head Draughtsman Central Office P. W. praying that he may be allowed a Retiring Pension.

2 Mr. Gaulty first entered the service on the 1st February 1819 as a Clerk in the Civil Architects Office and he served between that date and the 15 September 1849 in the several Capacities of Clerk, Draughtsman, and Revenue Surveyor, 29 years 9 months and 27 days.

Dated 11th Sept. 1849
Vide Govt. order of the 3rd
August 1850 N^o 737.

3 On the 15th September 1849 he was dismissed from his Situation of Revenue Surveyor by a Government order the particulars of which are given at length in para 8 of the Memorial and in which his reemployment without Special Sanction was prohibited.

4 In October 1849 Mr. Gaulty appealed to the Government in the matter who ordered a full investigation before the Board of Revenue following on which (on the 3rd August 1850) the Government declined to re-instate him in his Situation, but permitted his being retained, without the previous Sanction of Government, in any Office in which he could obtain employment.

5 Subsequent to this Mr. Gaulty petitioned for a Pension on the ground of his wanting but 3 months to complete 35 years service. By Ex. M. C. 3rd June 1851 it appears the Government must recommended his case to the late Honorable Court of

of Directors for a Pension of Rupees 50 which however was refused.

6 On the 1st August 1855. He was appointed 2nd Draughtsman in the Central Office, and was afterwards promoted to Head Draughtsman, which position he at present occupies on a monthly salary of Rupees 145.

7 Mr. Gantz has now served upwards of 33 years; he is quite worn out and from the infirmities of age unfit for any further service. He has while in his present situation conducted himself with uniform propriety, steadiness, and attention. And as it would appear from para 5 above that, on a full investigation of all the circumstances attendant on the charges which led to his dismissal from the service, the Government of the day took a more favorable view of his conduct. I am induced now that he is over 33 years service and unable to earn a livelihood to recommend his case to the favorable consideration of the Honorable the Governor in Council.

I have the honor to be

Sir

Your most obedt. Servant
Lieut. J. H. Bell
Chief Engineer

Central Office of P.W.
Fort St. George
15th Sept. 1857.

Separate

Public Department
Proceedings of the Madras Government

From

Chief Engineer

Read the following letter

Here enter 15th September 1857
No. 5006.

Order thereon Dated 6th October 1857

No. 326.

1. The Chief Engineer, submits, with his support, an Application for Pension from Mr. Gantz Head Draughtsman in the Central Office of Public Works.

2 In 1849 the Government ordered an investigation into a case of fraud which had been perpetrated in the Quit Rent Department of the Madras Collectors Office and finding there were the strongest reasons for suspecting Mr. Gantz of having been privy to it, they directed his dismissal from the service, and forbade his re-employment without special sanction.

3 In the following year they so far modified the order as to permit his re-employment by any Officer who might be willing to employ him.

4 Mr. Gantz upon this applied for pension, and the case was referred home, but the Honorable Court declined to sanction the grant of a retiring Pension.

5 In 1855, after 6 years without employment, he obtained an appointment in the Central Office. He has since served there up to the present time and being now worn out and quite unfit for further active duty, he refers to the Chief Engineer's favorable notice of his Character and Conduct, and to his long service extending over a period of 33 years, and asks for a Pension.

6 The Government must observe that, independently of the Honorable Court's decision above noticed the more recent order conveyed in para 3 of a despatch dated 15th August No. 45 of 1855 would debar Mr. Gantz from all benefit under the pension rules. The para referred to runs thus. "If an Uncondemned Servant be dismissed for misconduct, and he subsequently re-admitted to employment his first service is not to account for Pension."

7 The Government do not consider that the circumstances of the present case would warrant them

*Fort St. George
Gazette of 1855 page 126

them in departing from a principle distinctly and
absolutely laid down.

True Extract

Signed L. Forbes

Dated 2nd Decr to Govt

To

The Chief Engineer

for information and communication to

Mr. Gantz

N^o 5989

Communicated to Mr. Gantz for information

Central Office of P. W.

Fort St. George

11th October 1859

(Signed) J. H. Bell. S^t Col^l
Chief Engineer

Ed: J. Gray

Mr. J. Gantz

To

The Nait Sheristadar,

Amildar and

Mr. Surveyor Gantz

The Board of Revenue in the concluding part
of Para 4 of their Proceedings dated 21st August last having
called for an early Report of the particulars of such sums as may
be irrecoverable out of the balance of land revenue outstanding
at the close of the Fudhy 1252, which, after deducting the re-
missions sanctioned at a recent date amounting to Rupees 2,152-
2-10. You will proceed in the usual manner, with reference to the
Collecting Conicopolis Memo: to the different spots indicated
therein and will submit your joint report on the propriety or
otherwise of relinquishing the arrears on each, with sufficient reasons
for your recommendation of any remission.

Madras

16th October 1853.

(Signed) J. A. Huxley
Collector

This is to certify that Mr. J. Gantz has served
in the Engineer Department on foreign service in the Capacity of a
Draughtsman under my orders, whilst Commanding Engineer at
Rangoon from the 15th April to the end of November 1824 and followed
me to Prince of Wales Island where he served as Assistant Surveyor
under my orders from the 15th January 1825 to the end of August 1826
during which time he behaved to my entire satisfaction and I found
him active, intelligent and trustworthy.

Prince of Wales Island
November 24th 1827.

(Signed) Edward Lake
Capt. Madras Engineers

Surveyor General's Office.

To,

Mr. Just Gantz

Later 2nd Draughtsman, Surveyor General's Office.

Madras

Sir,

In reply to your letter of the 14th Instant, I have to acquaint you that the Right Honourable the Governor in Council has been pleased to permit you to resign your situation in my Office which will have effect from this date.

I would be wanting in justice, if on this occasion I did not express my sincere approbation with your conduct during a period of upwards of two years. you have been under my orders, which combined with your abilities as a Draughtsman makes me doubly regret that the state of your health precludes you, from longer continuing from services in this Department.

I have &c

Madras

9th February

1859

Signed J. D. Montgomery

Deputy Surveyor General

Let from the Major of the several members of the Central Office of N. W.

Mr. Gantz has been very useful as an Instructor to the Draughtsman Apprentices partly induced in whose behalf he has published a very useful work in Architectural Architecture, which is likely to lead to much more correct Drawing than hitherto practiced.

He is a skilful, draughtsman, but the general infirmities of age and illness, are rapidly disqualifying him for prolonged session of the Drawing Table.

Signed C. E. Tabor

Chief Engineer

Madras

12th April 1859

To

His Excellency The Right Honorable
Sir Charles Edward Trevelyan, K. C. B.
Governor and President in Council.
yca yca yca
Fort St. George.

Right Honble Sir,

In soliciting Your Excellency's forgiveness for the intrusion, I beg most humbly and briefly to state, that after a period of 33 Years service, I applied in September last, thro' the prescribed channel for a Pension, but to my great misfortune have been refused. The accompanying papers contain in detail, my unhappy case, and it is to implore Your Excellency to reconsider the subject, and to exercise in my behalf Your prerogative as Governor and President in Council, that I have thus ventured to address Your Excellency; and I pray, and feel assured, that Your mercy, which is never withheld from the unfortunate and injured, will be extended to

Right Honble Sir,
Your most obedient and very Humble servant
Just Gant^r

Madras }
12th November 1859. }

reference to the
Memorial. Though
late I should be glad
to see justice done
yes very
S. Goldingham
Nov. 10th

My dear Saml. Chas.
W. Gaulty, Head
Draftsman, in the Engineer's
office, is about to present a
Memorial to Govt. about a
Pension. I ask you to
tell me that I know of him.
I have known him since 1824
when he went over with the
1st Regt. of Artillery

Engineer to Rangoon in the
first Burmese War - I saw
him after the Burmese War
at Penang, still under the same
Engineer (Major Lake) who
was Town Major, Engineer &
there - He always bore a very
high character - both at
Penang & subsequently at
Madras. When under the
Collector of Madras he was
deceived by a Canakapilly

as to the occupation of a piece
of land - the case was laid
before God - Sir N. Pakington
took an extreme view of it
and Mr. Gaulty's dismissal
but a year afterwards
permitted him to be re-employed
With reference however to
these proceedings Mr. Gaulty
applied for a Pension
was refused. He is again
applying for a recommendation

of his case. I do not know
if God will be hampered by former
proceedings in giving him
answer to the memorial but as
I am acquainted with W. G. & the
case, as it passed through the
H. of Rev. Lane, I cannot but view
it as one of extreme hardship.
I may say the original decision of
dismissal, which is the origin of all, was
unjust. (Chas. Bell knows the case)
I believe & if God desire it I
should be glad jointly with Bell to
give a report on the case with

Separate

Public Sept.

13

Pres. of the Madras Govt.

Recd the following

From Mr. L. G. G. G.

Forwarding a Memorial
addressed to the Bt. Gen. - here enter 12 Nov 1849.
The President in Council, and
praying for a reconsideration
of the order of Feb. 6th
1849 refusing him a pension.

Order. Sept. 1849. No. 382

The Hon. The G. in C.

has attentively perused
the papers which detail
the circumstances under
which Mr. G. G. was
dismissed in 1849. and
has given the present
adding his careful
consideration -

The inquiries, he
observes, which were
instituted in the above
year satisfied the Bt.

through the gross
negligence & want
of duty, if not by the
connivance of the
* Into this ques-
tion, so fully
discussed at
the time, he
does not deem
it necessary
now to enter.

of Revenue & the Govt
that a ^{shameful} fraud had
been perpetrated in the
Unit. unit depart-^t of the
Madras Coll^{rs} Office, ~~that~~ ~~Pet^r was being~~
it. The severity of the
first decision - which
directed Pet^r's dismissal
and exclusion from
the service - was subse-
quently, it is true, in
some degree relaxed,
and ~~his~~ application
for pension was re-
ferred to the same
authorities for favor-
able consideration,
but as the Hon. Court
^{has twice} declined to sanction
any retiring allowance,
and as the rules are,
now more than ever,
adverse to the claim,

See Fort St. George
 Gazette of 1855.
p. 1426.

14
the G. in C. must adhere
to the decision ^{conveyed} conveyed
in the Pro. of the Govt
dated 8th Ult^o.

L. J.

Office
See that the papers
received from the Board
Office are carefully
returned
L. J.

To

Mr. J. Canty Secy 8/2/59

Copy
Public 1839 (Defunct)

No 382

Proceedings of Court

Date 5th December 1839.

Deputy to the
Mr. J. P. P. P.