Number of pages, 1 to 40
Date of repair, 24-7-35
Initials of Referencer.

M.R.O. 1—88 400—22-11-30

MADRAS RECORD OFFICE.

Government of Madras.

pension DEPARTMENT.

G.O. No. 21 ~~Press~~ Mis.

Dated 17 1 1862.

Not to be folded or roughly handled

24-7-35

Enclosure. One.
Application for Pension

125

[illegible]

[illegible]

[illegible]

1834 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 19 [illegible] 1861

العبد [illegible]

Recd on the 19 November 1861

P.A.

Application who made ~~[illegible]~~ for the grant of a Pension to this Gomastah.

P.A.

Nov 19/61

This is to Certify that I have this day Examined Meer Fakiroodeen Saib 2d Gomastah of the Principal Sudr Ameens Court W appears unsteady in his mind, quite silly, idiotic, is totally unfit for the Service

Contracted on General Service, to the best of my belief, not the result of his own imprudence —

Garrison Surgeon

Bellary
16th Novr 1861

Enclosure Two

Certificate of the Garrison Surgeon.

Register of an Application for a Superannuation Pension from the Establishment of the Court of the Principal Sadr Amin of Bellary preferred under the Rules passed by Government under date the 15th May 1851.

Name of the person by whom the pension is applied for with the name of his father	Number on the Establishment	Identification of Applicant's person	Size		Age of Applicant at the time of application			Religion, Caste or Tribe	Where residing			Present Employment	Total period of Service			Applicant's service continuous or not	From how long unemployed and under what circumstances	Date of Application to Government	Average salary or authorized official allowances per mensem for the five years preceding the date of Application	Salary or authorized official allowances per mensem at the time of Application	Abstract of grounds of Application	Remarks by the Head of the Office	Proposed amount of Pension per mensem and date from which to commence	Treasury at which the party pensioned wishes to draw his pension	Order of Government
			Feet	Inches	Years	Months	Days		Province	Pergunnah	Village		Years	Months	Days										
Meer Fakroodeen Sahib. Shumshoddeen Sahib.	7	Scars on the middle of the right arm and another on the pit of the stomach. Pock marked on the face and body.	5	7	46	2	4	Mahomedan	Bellary	Bellary	Bellary	3rd Gomastah of the Principal Sadr Amin's Court, Bellary.	27	1	4	Continuous	Was dismissed from the service on 5th Decr 1851 and reinstated on 3rd Feby 1852.	19th November 1861.	Rupees 16-1-7	Rupees 17-8-4	Incapacitated for further service from mental infirmity.	The Princl. Sadr Amin has been satisfied with the Applicant's Conduct.	Rupees 5-5-10 to commence from 20th November 1861.	Principal Sadr Amin's Court Bellary.	

Court of the Principal Sadr Amin
Bellary 26th November 1861.

I do hereby certify that on referring to the Records of the Office, I find that the age of the Applicant has been correctly inserted.

G Seenivasarow
Sheristadar.

J. R. Davies
Principal Sadr Amin

Judicial (1861) Department
Enclosure Three

In a Letter from the Principal Sudr Ameen of Bellary dated 26th November 1861. No. 290.

To
P. Irvine Esquire
Civil Judge of Bellary

Register of an Application for a Superannuation Pension from the Establishment of the Court of the Principal Sudr Ameen of Bellary preferred under the rules passed by Government under date the 15th May 1851.

No. 290

Court of the Principal Sadr Ameen
Bellary 26th November 1861.

From
The Principal Sadr Ameen of Bellary.

To
P. Irvine Esquire
Civil Judge of Bellary.

Sir,

I have the honor to forward an application for a Superannuation Pension from Meer Fakroodeen Sahib, the 2nd Goomastah of this Court.

2. The Applicant is a Mahomedan was first entertained in the Public Service as Jail Vaseel of the late Zillah Court on the 20th Sept 1833 ~~15th September 1834~~, on a salary of Rs 6-6-8, per mensem. On the 16th October 1834 he was promoted to the post of Naik of the said Court on a salary of Rs 14. On the 14th December 1837 he was appointed Moonshee of the above Court on a salary of Rs 20. On the 16th September 1843 he was made 3rd Goomastah of the Sub Court on a salary of Rs 14, and on the 27th November 1858 promoted to 2nd Goomastah (the situation held by him at the date of his application for

Pension)

Pension) on a salary of Rs 17-8.. The total period of his service amounts to 27 years 1 month & 4 days exclusive of that during which he was employed on less than 10 Rupees per mensem..

3. Meer Fakroodeen's age at the date of his application was 46 years 2 months and 4 days, and he has been rendered incapable for further service from being "unsteady in his mind, quite silly and idiotic"*

4. The Applicant was, on the 26th November 1851, suspended on a charge of Corruption, dismissed on the 5th of the following month and restored to office on the 3rd February 1852. With the above exception, he appears to have borne a generally good character and I have myself had no reason to find fault with him - And, considering the mental condition he is reduced to, as certified by the Zillah Surgeon, I would recommend that his application for Pension may be sanctioned, and that he may be allowed from the 20th Instant a Pension of Rs 5.5.10, being the one third of the average monthly salary he has drawn for the past five years Vizt. Rupees 16-1-7, Meer Fakroodeen proposes to draw from this Court the Pension that may be granted him by the Government..

5. The Register required by para 2 of the revised Pension Rules is herewith transmitted.

I have the honor to be,
Sir,
Your Most Obedient Servant,

Principal Sadr Amin

*Vide Medical Certificate herewith forwarded..

Judicial (1861) Department

From The Prin.l Sud.r Ameen
Bellary

To The Civil Judge of
Bellary

Dated 26th } November 1861
Recd }

No 290

Enclosures 3

Forwarding an Application for a Superannuation Pension from Meer Fakrodeen Sahib 2nd Goomastah of this Court.

No 92.

Civil Court Bellary
28th November 1861.

From,
P. Irvine Esquire
Civil Judge of
Bellary

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

Sir,

I have the honor to forward herewith an application received from the Principal Sudder Ameen at this station, for the grant of a Superannuation Pension to Meer Fakrodeen Sahib, the 2nd Goomastah of his Court.

I have the honor to be,
Sir,
Your Most obedient Servant

P Irvine
Civil Judge.

Paymaster
Referred to the Civil ~~Auditor~~ for the usual verification.

Fort Saint George,
2d Decr 1861

Depy. Secy. to Government.

To
The Civil ~~Auditor~~. Paymaster Dec 2/12

432/4

Pension
~~Jud~~. (1861) Deptt
No 92.

No. 665

From
The Civil Judge
Bellary.

To, The Chief Secretary
to Government

Dated 28th Novr. 1861.
Recd. 2d December "

Forwards Application received from the Principal Sudder Ameen for the grant of a Pension to Meer Fakrodeen Sahib, 2d Gomastah of his Court.

P.W. 21

With an order

C 8 Jany/62

635 2

General Department.

Civil Paymaster's Office:

Fort Saint George 10th December 1861.

No. 473.

REPORT OF THE CIVIL PAYMASTER

on Government Order of the 2nd December 1861.

The Civil Paymaster has the honor to report that the authorized official allowance drawn by Meer Fakrodeen Sahib, late 2nd Gumasta on the Establishment of the Prinl. Sudr Ameen's Court of Bellary has averaged for the last 5 years of his service, Rs. 16-1-4 per mensem, and that his service, qualifying for pension, extends over a ~~continuous~~ period of 26 years 11 months and 7 days; Viz.

From 16th October 1834 to 4th December 1851. 17-1-20.
" 3rd February 1852 " 19th November 1861. 9-9-17.
Total. 26-11-7.

His service prior to 16th October 1834 is not included in the above calculation, as it was in grades which do not count for pension.

For the interval between 4th December 1851 & 3rd February 1852, 1 Month & 29 days, Meer Fakrodeen was unemployed in consequence of having been dismissed the service, apparently on a charge of corruption. the particulars of which, however, the Prinl. Sudr Ameen has not stated. Should Govt. be pleased to count this period in favor of the applicant, he will be entitled to a pension of one third of his average salary, if otherwise.

He is entitled to a gratuity of three Months salary.

Civil Paymaster.

To
THE CHIEF SECRETARY TO GOVERNMENT.

Civil Pension Department.

Pension 1861. Department

W 185

From

The Civil Pay Master

To

The Chief Secretary to Government.

Dated 10th December } 1861.
Received 12 " " }

No. 473.

Enclosures

No.

P. W. 21

Verifies the service of Meer Fakrodeen Sahib late 2nd Gumastah on the Establishment of the Princl Sudr Ameen's Court of Bellary and reports that he is entitled to a gratuity of 3 Months salary.

[illegible]

Pension Deptt

Memo

The undersigned is instructed to request that the Civil Judge of Bellary will be good enough, with reference to his letter No 92 dated 28th ulto, to call upon the Principal Sudr Ameen of Bellary to report, for the information of Government, the circumstances under which Meer Fakooddeen Saheb, a Gumastah on his establishment, was dismissed in 1851, and after an interval of 2 months restored to office. —

Fort St. George }
16 Decr 1861 }

R. S. A.

To

The Civil Judge of Bellary desd 16/12/61.

No. 322.

Court of the Principal Sadr Ameen
Bellary 23rd December 1861.

From
The Principal Sadr Ameen
Bellary.

To,
P. Irvine Esquire,
Civil Judge of
Bellary.

Sir,

Adverting to the memo:× of the Acting Deputy Secretary to Government of the 16th Instant, I have the honor to report the circumstances under which Meer Fakrodeen sahib, a Goomasta on this Establishment, was dismissed in 1851, and afterwards reinstated.

× herewith returned.

Meer Fakrodeen sahib was accused by the Plaintiffs in O.S. No. 214 of 1851, of having extorted from them the sum of Rupees 230 — out of 450 Rupees which he was alleged to have received from the Defendant for payment to the Plaintiffs in satisfaction of the Decree in the suit. Satisfied with Meer Fakrodeen's assurance to hand them the Rupees Four hundred & fifty they filed a Receipt for the money in Court. The following

Memo

Dated 16th Dec 1861.

following day Meer Fakrodeen paid them Rupees 190, and endeavored to account for the balance of 260 Rupees by stating that it was expended in Costs and Court fees. This explanation was not accepted by the Plaintiffs, to whom Meer Fakrodeen afterwards remitted Rupees 30, promising to pay whatever may be found to be due on a settlement of accounts. Subsequently he filed a suit against the Plaintiffs before the Moonsiff Sadr Ameen for the recovery of Rupees 266. This suit Meer Fakrodeen Sahib said he would withdraw if the aforesaid Plaintiffs would execute to him a Deed of acquittance acknowledging the receipt of the sum of Rupees 451 abovementioned. This was the substance of the complaint made. The Subordinate Judge Mr. R. G. Clarke, held an enquiry in the matter, and in his Order× dismissing Meer Fakrodeen he thus expresses himself, vizt;

× dated 5th Decr. 1851.

"The Court has carefully weighed the
"evidence before it and maturely considered
"all the circumstances connected with this Case.
"A Decree was passed in favor of Pe-
"titioners (Plaintiffs) in O. S. No. 214 of 1851, for Rs.
"665; they agreed to receive Rupees 450 in full
"of all demands against the Defendants &
"filed a receipt for the same in Court on the
"promise Petitioners assert, of the Court Goo-
"-masta Meer Fakrodeen in whose word they
"placed confidence, that he would receive the
"money, and bring it home to them. The
"Petitioners aver that they have received
"only a part of their dues and seek to recover
"the remainder from Meer Fakrodeen."

"It appears from the evidence that
"the Defendant (Courts 1st Witness) in the suit
"abovementioned had money in the hands
"of one Vencataramsetty (Courts 2nd witness),
"whom she commissioned to pay the amount
"due by her to Plaintiffs. Vencataramsetty
"employed Tungtoor Chenchoo (Petitioners 1st
"witness) with whom he was in the habit of
"having money dealings to advance the sum of
"Rupees 450, and this sum the said Chenchoo
"states that he paid into the hands of the
"Goomasta Meer Fakrodeen. Chenchoo's account
produced

"produced and examined in Court show that this transaction between Venatramsetty and himself took place on the 13th October /51, the date of the receipt filed in Court by Petitioners. The evidence of the 3rd, 4th, 6th & 7th Witnesses shows that Meer Fakrodeen did not deny the receipt of the sum Rs 450, but merely urged the payment by him on account of costs and Court fees of the balance demanded by Petitioners."

"The 5th Witness cited by Petitioners denies all knowledge whatever of the transaction between Petitioners and Meer Fakrodeen whilst the Petitioners and the 3rd, 4th, 6th & 7th witnesses assert that he was present and took part in the attempt to induce Petitioners to Razee with Meer Fakrodeen. It moreover appears from the depositions of the 3rd & 7th Witnesses that Meer Fakrodeen mentioned "that he had given money to this (5th) Witness as security in the Case."

"The Evidence given by the Petitioners' Witness is not, in the Opinion of the Court

"Court, contradictory as asserted by Meer Fakrodeen in his defence, nor is any disagreement observable between the statement & accounts of Jungtoor Chinnaloo (10th Witness). The explanation given by Petitioners why they filed in Court the receipt for the money which they now seek to recover is plain, probable, and in the judgment of the Court, satisfactory."—

"The Circumstances connected with the suit filed by Meer Fakrodeen in Moofty Sudr Amin's Court against the Petitioners but afterwards withdrawn are very suspicious. The reason of the withdrawal of the suit is stated by Meer Fakrodeen to have been the payment to him by Petitioners of the money he sought to recover, yet he can produce no witness to the payment of the money by Petitioners, and further although according to Meer Fakrodeen's own admission his claim against the Petitioners has been satisfied, the Bond on which the suit was based, is still in his possession.

"Again the alleged writer of this bond,

a

a bramin, is stated by Meer Fakrodeen to be unknown to him, although a resident in the Cowl Bazar and employed by Petitioners with Meer Fakrodeen's consent. The Court Nazir represents that the said bramin is not to be found, and that the name even is not known in the Cowl Bazar. Only two of the attesting witnesses moreover are forthcoming, and they admit that they did not see any money given by Meer Fakrodeen to the Petitioners. There is no attempt on the part of Meer Fakrodeen to discover the bramin, the alleged writer of the Bond, or to produce the remaining witnesses stated to have attested and signed the document, and all the 3 Petitioners declare on oath that they never before saw either of the two attesting witnesses who appeared in Court, and that the men are unknown to them even by name."

"The facts above recorded speak so strongly against Meer Fakrodeen as to leave no doubt of his guilt in the mind of the Court."—

"Meer Fakrodeen is therefore dismissed from his situation of Goomasta in the Bellary Subordinate Court.—It is further adjudged to refund to Petitioners the sum of Rupees 230, minus Rupees 96-11-6 — the costs due by Petitioners as Plaintiffs O.S. No. 241 of 1851 being Rupees 133-4-6, and to pay a fine of three times the amount of this last named sum to Government, under the provisions of Regulation VII of 1822 and of Clauses first and eighth Section XII Regulation XII of 1802."—

The dismissed Goomasta preferred an appeal against the Order of the Subordinate Judge, and the Civil Judge, Mr. E. Story, held a voluminous Proceeding in the case, recording his opinion on the various objections raised in appeal which the Civil Judge arranged under 17 distinct heads. He summed up his views in paras 23, 24, and 25, which were as follows:—

23 "That the complainants× have been defrauded is evident, but it is not proved to

× In M. P. 588/51 Sub Courts file.

to the satisfaction of this Court that Peti-
"tioner is the man who defrauded them,
"though the Court admits that there are
"circumstances× which bring him under
"suspicion; but as suspicion
"alone is not sufficient to deprive
"petitioner of his situation,
"the Court is therefore constrained
"to request that the
"Subordinate Judge will be
"so good as to restore him to
"his situation, impressing upon
"him (petitioner) at the same time,
"that this is not done, because this Court =
"considers him wholly guiltless but because
"the charges have not been brought home to
"him."

× 1 The very nature of the charges. 2. The complainants withdrawal of the charges. 3. The statements of the complainants 3rd, 4th, 6th, 7th and 10th Witnesses though they are contradictory. 4 The account book of 10th Witness and all the circumstances = connected with the filing of O. S. No. 317 of 1851, Inootti Saoo Anin's file by the petitioner. —

24. "If any part of the petitioner's pay
"during suspension is in deposit it can
"be paid him, but as after his dismissal
"the person appointed in his room would
"draw the full pay, no portion of it can
"be restored to the petitioner. And as the =
"Court is of opinion that the charges are

neither

"neither frivolous, vexatious, nor groundless,
"petitioner must bear his own costs.

25. "The amount collected by the Subordinate
"Court from the petitioner to be returned
"to him."

The above Proceedings is dated the 29th January 1852. On the 2nd February 1852 Mr. R. G. Clarke represented to the Civil Court that the above complaint was not the only one against Meer Futtroodeen, and requested that as he had lost all confidence in the man, it may be left optional with him to re-employ him on his Establishment, or, at all events, that he may be allowed to defer the Goomasta's reinstatement till it may be ascertained whether the complainants (Plaintiffs in O.S. No. 214 of 1851) intend preferring a special Appeal to the Court of Sudr Udalut. The Civil Judge, declining to comply with the request of the lower Court, Meer Futrodeen was again installed in his post

of

of Goomasta, &c. duties of which he re-sumed on the 3rd February 1852.

I have the honor to be,

Sir,

Your most obedt. Servant,

J. R. Davie

Principal Sudr. Ameen.

Sd. M. Burke.

Hd. C.

No. 105

Civil Court Bellary
23d Decr 1861.

From,
P. Irvine Esquire
Civil Judge Bellary

To,
The Acting Deputy Secretary
to Government
Fort St. George

Sir,

With reference to your Memo of the 16th Instant, I have the honor to enclose the information called for respecting Meer Fakrodeen Saheb, a gomasta on the Establishment of the Principal Sudder Ameen's Court of Bellary

I have the honor to be
Sir
Your Most obedt. Servant
P. Irvine
Civil Judge

E/4HC.

Judicial (1861) Department

From the Principl Sudr Amin
Bellary

To, The Civil Judge
Bellary

Dated 23d Decr/61.
Recd 4th Jany/62.
W. S. W.
No. 322.

Reporting the Circumstances under which Meer Fakrodeen Sahib, a Goomasta on this Establishment, was dismissed in 1857 & afterwards reinstated.

No 6

Pension Department

Proceedings of the Madras Government

Read letters of the Civil Judge of Bellary

Here entered 28th Novr & 23rd Decr 1861.

Read Report of the Civil Paymaster

Here entered 10th Decr 1861.

Order thereon

17th January 1862 No 21.

I quite agree. but I do not think that this man ought to have been restored to his situation.
WD

With the former of these letters the Civil Judge of Bellary forwards a communication from the Principal Sudr Ameen of Bellary giving cover to an application for Pension from Meer Fakroodeen Saheb a Gomastah on his Establishment who is compelled to retire from the public service in consequence of failing mental faculties.

WM

EM

Pension
~~Judl~~ (1862) Dept
No 105.
From The Civil Judge Bellary
To The Actg. Dy. Secy. to Govt Fort St. George
Dated 23rd } Decr 1861.
Recd 4th } Janry 62
M.S.N.

No 17

Forwards the information called for respecting Meer Fakroodeen a Gomastah in the Pl Sudr Ameen's Court

P. W. 21

2. It appertains that the applicant's service, qualifying for pension, extends over a period of 26 y. 11 m. 7 d., from the 16th October 1834, but in this a break of 2 months occurred, from the 4th December 1851 to the 3rd February 1852, in consequence of his Fakroodin's dismissal on a charge of corruption that had been brought against him, and he is, according to the Rules, in consequence only entitled to reckon from the last named date a period of 7 y. 9 m. 17 d. service qualifying him for a gratuity of 3 months salary.

3. The Principal Sudr Ameen omitted to furnish any particulars respecting the dismissal and restoration to office of Fakroodin after so short an interval; & this information the Civil Judge supplies in the latter of his letters quoted above.—

4. It appears from the enclosures to this letter that the applicant was dismissed after a careful investigation by the Sub. Judge on a charge of having kept back & appropriated to his own use the sum of Rs 230 out of Rs 450 with which he had been entrusted for the purpose of

payment to certain Plaintiffs in whose favor a Decree of the Court had been passed. — Meer Fakroodeen was also at the same time sentenced to refund the money he was considered to have appropriated, and to pay a fine of three times the same amount to Government. — From this Decision he appealed to the Civil & Sessions Judge who quashed the sentence, and ordered his restoration to Office with an intimation at the same time to the Appellant that he felt constrained to pass such an order, not because he believed Fakroodeen to be guiltless, but because the charges had not been brought home to him — and that the evidence of the case showed clearly that the complainants had been defrauded, while the greatest suspicion attached to Meer Fakroodeen. —

5 With this exception the Principal Sudr Ameen speaks favourably of the applicant, and recommends him for a Pension of one third his salary. The Governor in Council does not, however, consider that any exception to the Rules should be made in the present instance, and resolves to order the payment to

Mr. Sakroodeen of a gratuity of Rs 52-8- or three months salary to which he has been declared entitled by length of service. —

A. S. H.

Actg Secy to Govt

To The Civil Judge of Bellary (Do. 17/1

The Civil Paymaster (Do. 17/1 Entd & Recd 20-1-62

Ol. P.

41

Reg

④

Pension 1862 Depart^t

No. 21

Proceedings of Government

Dated 17th January 1862

Under the circumstances detailed sanction a gratuity of 3 months salary to Meer Fakroodeen Saheb late 2nd Goomastah on the Establishment of the Principal Sudr Ameen of Bellary.

465

C8 Jany/62
R17"