M.R.O. 1—77,006—8-6-37.

(1) Number of pages 36.

(2) Date of repair 11·12·40.

(3) Initials of the Referencer CA

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No. 365

Press
Mis.

Dated 21-7- 1873.

Not to be folded or roughly handled

Proceedings of the Madras Government, Pension Department, 21*st July* 1873.

Read the following papers :—

From the Acting Collector of North Arcot, dated 8th May 1873.
,, Deputy Accountant-General, dated 3rd June 1873, No. 107.

ORDER THEREON, 21st July 1873, No. 365.

In this case the Deputy Accountant-General reports that the applicant "would be" entitled to a pension not exceeding Rupees 10, but points out that he was tried for embezzlement and found guilty, and that on the conviction being quashed he was not reinstated, but recommended for a superannuation pension instead.

2. The Government, however, are clearly of opinion, that, when a competent Court has declared an officer not guilty of the offence on account of which he has been suspended, the mere recommendation for superannuation pension is a reinstatement within the meaning of Section 44 (*c*), and that consequently there has been no solution of continuity of service. The alternative of a nominal reinstatement for a short period would be a manifest absurdity.

3. His Excellency the Governor in Council, therefore, resolves to confer upon Negapatam Hanumantha Rao, late Goomastah of Chendragiri Taluq, North Arcot District, a superannuation pension of Rupees (10) ten per mensem, to which he is entitled for his qualifying superior service of 28 years, 11 months, and 26 days, with effect from the 25th March 1873, the date of the medical certificate.

(True Extract.)

Acting Under Secy. to Govt.

To the Collector of North Arcot.
,, Accountant-General, with Register.

Exd. J. Wright.

Govt. of 1873 Madra

PENSION.

The COLLECTOR of NORTH ARCOT,
&c., &c.,

ated July, 21st.
ecd.
Encl.

G. O., 21st July 1873, No. 365.

JULY.

Granting a superannuation pension of Rupees
to Nagapatam Hanumantha Rao, late Goomaste
of Chendragiri Taluq, North Arcot District.

Index 253 To be returned with reply on reverse (3)

Audit DEPARTMENT.

Led/112

No.

25/5/73

J. D. C. H. 22. 73.

Fort Saint George,
Accountant General's Office,
20th May 1873.

FROM THE Dy ACCOUNTANT GENERAL
TO THE GOVERNMENT OF MADRAS,

TO THE Acting Collector of North Arcot

~~Sir~~, Vide yr Office application for pension on behalf of N. Hanumantha Row.

The Undersigned has the honor to request explanation on the following points.

1. By what name was Kudapanatham Taluq known from 1852, as that Taluq does not appear in the Annual returns of 1 May/52 and subsequent years?

2. Why was the applicant not sent back to his post of Gumasta immediately after the sentence on him was quashed by the Sessions Court and was released?

Please forward Copy of letter No 308 dated 17 March 73 from the Asst Collr the same not having accompanied the application, though stated to have been sent with it.

Dy Accountt Genl

No. 23

North Arcot Collector's Office
Camp Vellore 30 May 1873.

From,
Henry Sewell Esqr.
Ag. Collector of North Arcot.

To,
J. Lushington Esqr.
Accountant General Madras.

Sir,

With reference to your office letter dated 20th Instant on the reverse, I have the honor to state that the several defects therein noticed are explained as below.

1. The name of Kadapanatham Taluk has since the year 1852 been known as Palmanair Taluk.

2. As the applicant was found unfit for further effective service owing to his old age he was not sent back to his post.

3. Copy of the Asst. Collector's letter was sent with register of application but the No: of that letter is 137 & not 308 as entered by mistake. A copy of this letter is now again sent herewith lest the former one may not have come to hand.

I have the honor to be
Sir
Your most obedt. Servant
Henry Sewell
Ag. Collector

Accountant General's Office
Recd 2 6 1873
Ansd.

Regr: No. 3745 of 73

End 3/17

North Arcot Asstt Collr's Off
Camp Dhoranakamba
17th March 1873

No 137.

From
Robert Sewell Esquire
Asstt Collector of North Arcot

To
W. S. Whiteside Esquire
Collector of North Arcot

Sir,

In forwarding the correspondence noted in the margin× regarding the services of Hanumantha Rao the late Juma of Chendragery Taluq, I have th honor to inform you that the sai Hanumantha Rao appears to be entitled to pension if the Medical Officer certifies him to be unfit. He has hitherto borne a good character and the Tasildar's* opinion of him is favorable. But owi his age he is no longer a very efficient public Serva and I have therefore directed him to appear b the Zillah Surgeon for Medical examination with view to his applying for pension. He himself is anxi to retire.

×Petition of Hanumantha Rao dated 20th January No 251
Arzi from the Vernacular Record Keeper dated 28th February No 37 and its enclosure.
Letter from the Dy Collector dated 10th March No. 257.

*Vide Arzi of 10th February 1873 No 59

I have &ca
(Signed) R. Sewell
Asstt Collect

(True Copy)
Dy Collector

(7)

ARTHUR F COX
27 MAR 73

Forwarded [illegible]

I G. W. S. Ogg M.B. M. A. Civil Surgeon Chittoor do hereby certify that I have carefully examined the late Goomashtah Hanumuntha Row of Chendraghery Taluq, that his age is, by his own statement + 55, and by appearance about the same, and that I find him to be unfit for further service from old age, the result of general service, and not in my opinion attributable to intemperance or other irregular habits.

+ Fifty five

G. W. S. Ogg. M.B.
Civil Surgeon

Chittoor
25th March 1873

Rev. Ser. No. 345 of 73.

No 11

In the Court of Session of Chittoor

Wednesday the 8th January 1873

Present.

C. G. Plumer Esquire Session Judge

Criminal petition No 55 of 1872

Hanumantha Row Appellant
2d Prisoner.

Appeal against the sentence of the Dy Magistrate on General duties North Arcot in Case No 155 of the Calendar for 1872.

This appeal coming on for hearing the Court delivered the following Judgment. The Prisoner was a Gumasta in the Taluq Cutchery - he was convicted under Section 409 of the Penal Code of having embezzled Rupees 15 being the amount remitted to the Taluq in November 1868 on account of the Jody of a Shotriem

Village and sentenced to undergo one month's simple imprisonment and to pay a fine of Rupees 150, in default to undergo a further term of simple imprisonment for 2 months.

2 Against this conviction and sentence the prisoner appeals on the ground that the conviction is against the weight of evidence.

3 In my opinion this conviction cannot be sustained; it rests mainly on the evidence said to have been afforded by the Irsalnamahs which it is alleged were signed by the Prisoner and the Shroff who was tried and convicted with him. These Irsalnamahs it is said, showed that in November 1868 Rs 16 were received in the Taluq from the Shotriemdar but they

were not credited in the Taluq Accounts. In June 1870 a sum of 15 Rs was credited in the Taluq Accounts for the Jory of this village whereas it is alleged that this sum did not appear in the Irsalnamahs: the case for the Prosecution is that this Prisoner and the Shroff embezzled the Rupees 16 sent to the Taluq in November 1868 and repaid it subsequently.

4 This charge was brought against the Prisoner in 1870 - it was pending for upwards of 2 years in the office 1st of Mr Gibson and then of Mr Chamberlain those Officers having left the District it is impossible to obtain any explanation of this most unsatisfactory delay — suffice it to say that when the case was enquired into by the Dy Magistrate the

original Irsalnamahs by far the most material evidence in the case could not be found.

5 It is true that a Gumastah swore that he had compared certain copies with these originals in 1870 that the copies were correct and that the originals bore the signatures of Prisoner and the shroff; and his evidence was corroborated by the evidence of Shotrimdar – but I do not think that implicit reliance can be placed on their evidence, it is perfectly clear that the Supervision of Accounts in this Talug has been most defective it is admitted that the entry of the remittances in the Irsalnamah for November 1868 did not bear the signature of either the Tasildar or of the Sheristadar as it should have done – In the absence of these Irsalnamahs

Rev: No 345 of /73

for which the prosecution alone is to blame (for if the case had been as it ought to have been enquired into at once the Irsalnamas would have been produced) I think that it would be most unsafe to convict the Prisoner of embezzling money said to have been remitted about 4 years ago – even supposing that the Irsalnama did purport to bear his signature it is quite possible that the shroff may have taken the money and put Prisoners signature to the Irsalnamah: there is no direct evidence that Prisoner took the money and as I have said at this distance of time and in the absence of the Irsalnamah I think Prisoners Conviction cannot be sustained I quash the conviction and direct that Prisoner be be released and that the amount of fine if levied be returned to him.

(Signed) C. G. Plumer
Session Judge

(True Copy)

(Signed) V. Vadaghery Pillai
Head Writer

(Signed) V. Siva Rao
Sheristadar

(True Copy)

E Marjoribanks
Dy Collector

(1)

No 137

North Arcot Asstt Collrs office
Camp Dhoranakambala
17 March 1873

From

Robert Sewell Esqre
Asstt Collector of
North Arcot

To

W S Whiteside Esquire
Collector of
North Arcot

Sir,

In forwarding the correspondence noted in the margin* regarding the services of Hanumanta Row the late Gumasta of Chendrageri Talug, I have the honor to inform you that the said Hanumanta Row appears to be entitled to pension, if the medical officer certifies him to be unfit. He has hitherto borne a good Character and the Tahsildars opinion of him is favorable. But owing to his age he is no longer a very efficient public servant and I have therefore directed him to appear before the Zillah Surgeon for medical examination with a view to his applying for pension. He himself is anxious to retire.

*Petition of Hanumanta Row dated 20th Jany. No 251. Arzi from the Vernacular record keeper dated 28th February No 37 and its enclosure
Letter from the Dy Collector dated 18 March No 257

Vide Arzi dated 10 February 1873 No 59

I have the honor to be
Sir
Your most obedt. Servant
(Signed) R. Sewell
Asstt Collector

(True Copy)
A Marjoribanks
Dy Collector

Rev: No 345 of 73

Takeed No. 168.

From

W. S. Whiteside Esquire
Acting Collector of the North Arcot

To,

Prakasam Naidoo
Tahsildar of Palamanair

I have this day transferred Hanumantha Row 2d Gumastah of your Taluq to Wandiwash Taluq as 2d Gumastah and Subbiah [illegible] Gumastah of Wandiwash Taluq to be Gumastah of your Taluq in the place of Hanumantha Row. The Pay Abstract should be prepared accordingly and Hanumantha Row should be ordered to join Wandiwash forthwith.

(Signed) W. S. Whiteside
Ag Collector

Camp Palamanair
1st September 1870

(True Translation)

Henry French
Acting Collector

Exd COS

Rev: No. 345 of 73

Rev. No 345 of 43

Taked No. 93.

From,

W. S. Whiteside Esquire
Acting Collector of North Arcot

To,

Bakesam Naidoo
Acting Tahsildar of
Palamanair Talug.

In your Arzi No. 100 dated 18th Instant you bring to notice that Hanumantha Row, Gumastah of your Talug who was once fined by the Assistant Collector Mr Jones for his late attendance, still continues to attend Office at late hours and that on the 15th Instant though he attended Office at the proper time yet went away to his house in the noon and returned after a long absence. You further state that on being questioned by the Talug Sheristadar as to his being away from Office so long, he opposed him and bawled out in the Office in an unbecoming manner, that he did not take any steps to prepare the Revenue Arrears Accounts according to your Orders, that he is not fit to be in the Office and that he should be transferred to to some other place

For the above reasons I have suspended Hanumantha Row for two months from the 25th and from the date of the expiration of the suspension time he has been transferred as Gumastah to the Sub Magistrate of Venkatagiri-kota. The Pay Abstract should be prepared accordingly.

(Signed) W. S. Whiteside
Collector

Camp Ayreddipolly
25th June 1870

True (Translation)

Henry Newill
Acting Collector

End Co.

[illegible] (95)

[illegible] 168

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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[illegible]

[illegible]

[illegible] 1870 [illegible]

[illegible]

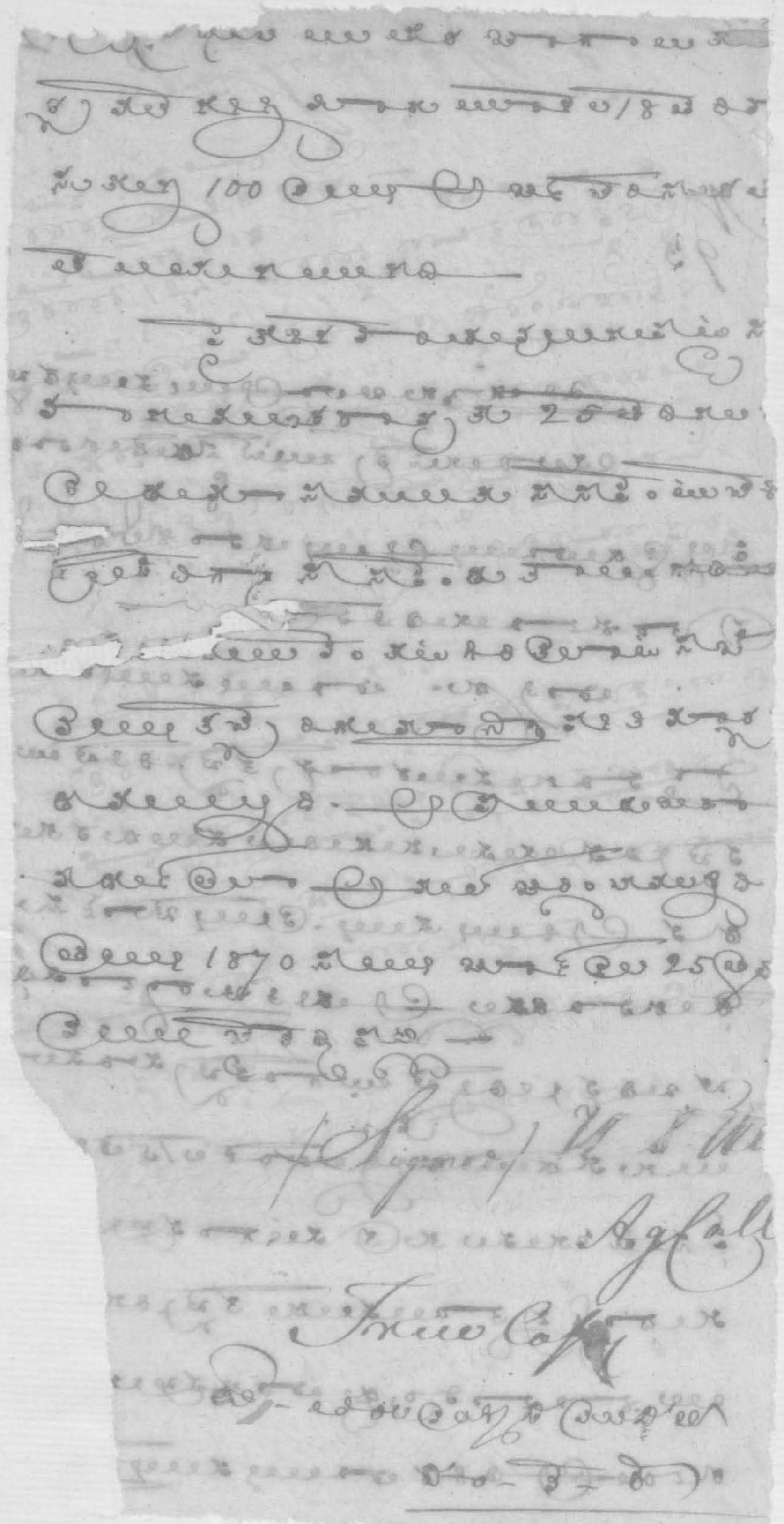
(Signed) W S Whiteside
Ag Collector

True Copy
[illegible]
[illegible]

Rec: No 345 of /73

97

93



(Signed) V. S. W

Ag Coll

True Copy

Rec: No 2457/73

Rec: No

(2)

APPLICATION FOR { PENSION ~~GRATUITY~~

1. Name of Applicant. Nagapatnum Hanumantha Rao

2. Father's name. Nagapatnum Baboo Rao

3. Sect or Caste. Mahratta Bramin.

4. Residence. Chendraghirri

5. Present or last employment. Gumastah of Chendragirri Taluk

6. Date of beginning of service 21st July 1842.

7. Date of end of service 24 March 1873

		Y.	M.	D
8. Length of service including breaks	... ...	30	8	4
of which superior	... ...	28	11	21
inferior	... ...	"	"	"
non-qualifying and breaks	... ...	1	8	13

9. Class of { pension ~~gratuity~~ } applied for, and cause of application.* C. Section 56. The medical certificate is herein enclosed.

	Rs	A	P
10. [Average] emoluments or pay.	20	"	"
11. Proposed Invalid pension.	10	"	"
12. Proposed gratuity.	"	"	"

13. Date from which to commence. 25th March 1873

14. Place of payment. Chendragirri Taluk in North Arcot District.

15. Age of applicant on this date. 55 years — 1 M. — " D.

16. Height. 5 feet - 5 inches.

17. Marks. A long scar on the right side of the back, and a small one on the right shoulder. Face Pock marked.

18. Date. 8th May 1873.

Accountant General's Office
Recd 17 5 1873
~~Ansd~~

Henry Gaunt
Acting Collector
SIGNATURE OF THE HEAD OF OFFICE.

* If the application is for a compensation pension or gratuity, the nature of the change of establishment which has given rise to the claim should be fully stated.

HISTORY OF THE SERVICE (SHOWING BREAKS) OF Nagapatnum Hanumuntha Rao

Establishment.	Appointment.	Pay. RS.	A.	P.	Acting allowance. RS.	Date of beginning.	Date of end.	Period reckoned as service. Y.	M.	D.	Period not reckoned as service. Y.	M.	D.	Remarks.	How verified.	Remarks by Accountant-General.
	Gumasta of Kadapanuttum Taluk	10	12	"	"	21st July 1842	30th June 1860	17	11	10					Verified by the Huzur Records.	Verified from the records of this Office. Applicants Qualifying service after deducting the periods of leave, suspension &c is Years 28-11-26.
	Do of Palmaneir	20	"	"	"	1st Do. 1860	11th March 1863	2	8	11						
	Private affairs leave				——	12th March 1863	11th April 1863	"	"	"	"	1	"			
	Do of Do ——	20	"	"	"	12th April 1863	25th May 1864	1	1	13						
	Private affairs leave					26th May 1864	25th July 1864	"	"	"	"	2	"			
	Do of Do ——	20	"	"	"	26th July 1864	23rd October 1865	1	2	28						
	Private affairs leave					24th October 1865	8th December 1865	"	"	"	"	1	15			
	Do of Do ——	20	"	"	"	9th December 1865	7th November 1866	"	10	29						
	Private affairs leave					8th November 1866	7th December 1866	"	"	"	"	1	"			
	Do of Do ——	20	"	"	"	8th December 1866	1st February 1869	2	1	24						
	Private affairs leave					2nd February 1869	21st March 1869	"	"	"	"	1	20			
	Do of Do ——	20	"	"	"	22nd March 1869	24th June 1870	1	3	3						
	Under suspension				——	25th June 1870	24th August 1870	"	"	"	"	2	"			
	Do of Do ——	20	"	"	"	25 August 1870	31 Do 1870	"	"	7						
	Do of Wandawash	20	"	"	"	1st Septr 1870	2nd February 1871	"	5	2						
	Do of Chendragiri	20	"	"	"	3rd February 1871	16th Do 1872	1	"	14						
	Sick leave				——	17 Do 1872	16th June 1872	"	"	"	"	4	"			
	Do of Do ——	20	"	"	"	17th June 1872	16th August 1872	"	2	"						
	Sick leave				——	17th August 1872	30th Septr 1872	"	"	"	"	1	14			
	Under trial				——	1st October 1872	8th January 1873	"	"	"	"	3	8			
	Out of employ				——	9th January 1873	24th March 1873	"	"	"	"	2	16			
	Total period of {superior / ~~inferior~~} service...						....	28	11	21	1	8	13			

REMARKS BY HEAD OF OFFICE.

1. As to character and past conduct of Applicant. Good.

2. Explanation of any suspension or degradation. The applicant was suspended from 25th June to 24th August 1870 for disobedience of orders of the Taluk Sheristadar as per accompanying copies of translation of orders of the Collector.

3. Regarding any gratuity or pension already received by Applicant. See Chapter XX. None

4. Explanation under Section 47, Rule 1, so far as the Head of the Office can give it. None.

5. Any other remarks. The applicant was tried by the Dy Magistrate of North Arcot in October 1872, & was convicted under Section 409 of the Penal Code of having embezzled 15 Rs, being the amount remitted to the Taluk Treasury in November 1868, but the sentence was quashed on appeal by the Session Court of Chittoor. Vide the accompanying copy of the Appeal decision No 11 dated 18th January 1873. Copy of the Assistant Collector's letter No 308 dated 17th March 1873 is herewith sent.
No service book was supplied to the Applicant as he was on leave from 17th August 1872.

North Arcot Collector's Office
May 1873

E. Mayimbanler
Dy Collector

SIGNATURE.
Henry Elwick
Ag Collector

No. 107.

CERTIFICATE AND REPORT OF ACCOUNTANT-GENERAL.

Certified that (subject to the remarks below recorded) qualifying service in {~~inferior~~ superior} grades has been duly proved for 28 years 11 months and 26 days; and that a Superannuation {pension ~~gratuity~~} not exceeding Rs. 10 " " per mensem, ~~is~~ would be admissible under Section 57 of the Civil Pension Code. The calculations have been duly verified. The applicant on the 1st October 1872 was tried for embezzlement, and found guilty of it, and was convicted by the Deputy Magistrate; but the conviction was quashed by the Sessions Court; and the applicant was released on the 8th January 1873.

It is to be observed that the applicant since then was not reinstated, but was recommended for pension from 25 March 73, the date on which he was certified by the Surgeon to be unfit for further service.

The Collector in explanation of the cause of not reinstating the applicant after release states that he found him to be unfit for further effective service owing to old age. Vide para 2 of letter No 23 of 30th May last.

The applicant is spoken of well. Vide letter No 137 dated 17th March 1873.

~~Deputy~~ Accountant-General.

Fort Saint George,
Accountt. Genl's Office,
3rd June 1873

To
The Under Secretary to Government
Pension Department.

Pension Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters from

The Acting Collector of North Arcot, dated 8th May 1873

" Dy Accountant General dated 3rd June 1873 No. 107.

Order thereon 21st July/73 No. 365

In this case the Deputy Accountant General reports that the applicant would be entitled to a pension not exceeding Rupees 10 but points out that he was tried for embezzlement and found guilty and that on the conviction being quashed he was not reinstated but recommended for a Superannuation pension instead.

The Government however are clearly of

opinion

Pension 1873 Sept 4 No. 345

Application for {Pension ~~or~~ ~~Gratuity~~

Date of application.
8th May 1873

Name of applicant.
N. [illegible] Rao

Last appointment.
Gumastah

Class of {pension ~~or~~ ~~gratuity~~.

Amount of pension sanctioned.

Amount of gratuity sanctioned.

Date of commencement.

Date of sanction.

O. No. 365/73

23/6 5 O. No. 365

opinion that when a competent Court has declared an Officer not guilty of the offence on account of which he has been suspended, the mere recommendation for superannuation pension is a reinstatement within the meaning of Section 44 (c) and that consequently there has been no solution of continuity of service. The alternative of a nominal reinstatement ~~him~~ for a short period would be a manifest absurdity.

H.E. the Governor in Council therefore resolves to confer upon Nagapatnam Hanumantha Rao late Gumastah of Chandragiri Taluq North Arcot District

a Superannuation pension of Rupees (10) ten per mensem to which he is entitled for his qualifying Superior Service of 28 yrs 11 months and 26 days with effect from the 25th March 1873 the date of the Medical Certificate.

To The Collector of North Arcot
" Accountant General with Register } desp'd 28/7/73.

Pension to Nagapatnam Hanumantha Row
Gumasta, Chendragiri Taluq
N. Arcot District

2/8/83
22/8/85

11/3/84

Govt. of {1873} Madras.

Pension

The Collector of North Arcot

ated 21st July }
ecd. }
1873, No. 365

Nos·

Granting a Superannuation pension of Rupees 10 to Nagapatnam Hannumantha Row late Gumastah of Chendragiri taluq North Arcot District

C8/7 R17/7