

ORDINARY, MS.

Public DEPARTMENT.

G.O., DATED 2-9-92

No. 616.

When given for copying. 57.

[Despatch Abstract.]

Declining to modify
by the order passed
in the case of Mr. S.
J. Roberts' sole clerk
in the P.W. Secretariat

READ AGAIN ORDER OF GOVERNMENT, DATED
18, No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

LITTED OF GOVERNMENT.

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DEBATOR
IN ORIGINAL (not pagod).

N.B.—

- A = Copy in full.
- B = Not to be copied.
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BACK PAPER, No.

FURTHER PAPER, No. 1492 10000 of 18 93
3476 of 94 = 8990
10.12.93

To

HIS EXCELLENCY

THE RIGHT HONORABLE

BEILBY LORD WENLOCK G. C. I. E.

Governor of Madras.

&c. &c. &c.,

The humble Petition of
SAMUEL TURNBULL ROBERTS,
late a Clerk in the Public Works
Secretariat, Madras.

MAY IT PLEASE YOUR EXCELLENCY.

That with reference to G. O., No. 302 dated 4th May 1892 in the Public Department removing your Excellency's Petitioner from the Public service, after having toiled for a period of more than 17 years, he begs leave most respectfully to bring the following facts to your Excellency's generous and favourable consideration with the earnest hope, that your Excellency will do petitioner the justice of perusing this his petition and deal with your Petitioner with justice and mercy.

2. That your Petitioner was entertained in the Public Service in May 1875, on a salary of Rs. 30 per mensem in the P. W. Secretariat, and on the date of his removal from the service on the 7th May 1892 was on receipt of a salary of Rs. 88 per mensem and was a Clerk in the III class 1st grade salary Rs. 80—100.

3. That in November 1878, while Petitioner was with the Government at Ootacamund his wife died suddenly at Madras after confinement, and owing to sickness and various other causes your Petitioner was involved in pecuniary difficulties and managed to avoid attachments against his salary till 1881, when his salary was attached. In November 1886 he applied for the benefit of the Insolvent Act and was suspended from office and only granted a subsistence allowance of Rs 15 per mensem, one-fourth of his pay, and he did not draw his full salary till July 1887, the consequence was, that during the period of his suspension, nearly seven months, having a large family to support and to meet the expenses of his second wife's confinement in February 1887, it was impossible for him to live without borrowing, as he had none to help him, and had only Rs. 9 left after paying house rent Rs. 6 from the subsistence allowance of Rs. 15 per month.

4. That these debts your Petitioner managed to pay till 1889 and in that year, while he was at Ootacamund with the Government, his wife and 2 of his children

having been taken seriously ill they were laid up in St. Bartholomew's Hospital for some time—on recovering a little, they were sent down to Madras, but after coming here his wife was laid up for some time and your Petitioner was in consequence put to considerable expense. In March 1890 his salary was attached so that he was left with only a moiety of his pay viz Rs. 42. Your Petitioner was financially crippled and in his straitened circumstances he had to meet from the moiety of his pay, his household expenses &c., and pay the demands of creditors who were unwilling to attach his pay,—the only source opened to meet these was by borrowing from one and paying the other. In addition to these difficulties, during the cholera epidemic of 1890, 4 of his children were laid up on the 1st September within 3 or 4 hours of each other and after their recovery from this dreadful sickness they were ill with dysentery &c., for a short time—all these circumstances which were quite unexpected and unforeseen—put your Petitioner to great difficulties and he had no other alternative left but either to see his wife and children lying at death's door or to borrow at exorbitant interest from Soucars to meet the expenses and place himself at their mercy—your Petitioner's debts thereby increased solely by exorbitant interest which your Petitioner was compelled to give the creditors to keep them off from harrasing him, as otherwise he would have been placed in great difficulties. Of the *total* amount of his debts about 2000 and odd, he actually got only about one-third and of this he has paid by attachments more than Rs. 700.

5. In October 1890, the then Deputy Chief Engineer, Major Baddeley R.E, directed your Petitioner to submit a schedule of his debts in accordance with G. O., Public Department No. 184 of 3rd July 1888, and on his doing so, Major Baddeley sent for him and made *personal inquiries* into the circumstances which led him to these difficulties, and on obtaining his explanation, with which he was *satisfied*, as will be seen from the following, Major Baddeley who clearly understood that the *inevitable cause of the difficulties* was mainly due to his suspension for a long period, and that the relief obtained by him by his first discharge in the Insolvent Court was *merely nominal*, very kindly brought the case of your Petitioner to the notice of the Chief Engineer Col. Pennycuik R.E, with the result, that his case was submitted to Government with a *strong recommendation that he should be permitted* to seek relief in the Insolvent Court without being suspended—In his Memo. No. 4001 C dated 7th October 1890 submitting his case together with another clerk's Col. Pennycuik states " * * * "it is desirable that they should retain the posts they now occupy as they are capable of doing good work if relieved from their difficulties * * * but the undersigned would strongly recommend that they may be allowed to seek relief in the Insolvent Court without being suspended * * * The services of the men are as follows:—

* * * * *

" Mr. Roberts' Actual service from 1st May 1875
Pensionable service from 1st May 1875."

6. That your Petitioner earnestly begs your Excellency will kindly take into consideration the generous view both of Major Baddeley and Col. Pennycuik of your Petitioner's case after a personal inquiry by the former officer and the *very strong recommendation* made on behalf of your Petitioner—to be permitted to seek

the benefit of the Insolvent Act without being suspended—to retain his post in the office.

7. The Government in their order in the Public Department on the above memo., permitted your Petitioner to continue in service another year, after which a report was to be submitted of his indebtedness and declining to grant the request of the Chief Engineer, to permit him to obtain the benefit of the Insolvent Act without being suspended—the rule then in force being that applicants to the Insolvent Court for relief should be suspended.

8. About the middle of 1891 an order was passed by Government empowering heads of departments to deal with such applicants as to the matter of suspension—On this order being issued your Petitioner obtained the permission of both the Deputy Chief Engineer and the Chief Engineer to continue in his post on his applying for the benefit of the Insolvent Act—your Petitioner applied for the same and obtained his discharge on the 28th of March last and was ordered by the Court to pay Rs. 15 a month towards his debts.

9. That from the above your Excellency will form an opinion that it was not through extravagance or any misconduct on the part of your petitioner, but from circumstances over which your Petitioner had no control, he got into difficulties and that *he was compelled to obtain the benefit of the Insolvent Act* to retain his post, and that if he did not choose to borrow at the only rates that could be got by one already involved, your Petitioner had only *one other course left* and that was to see his dear ones left to chance for their maintenance and for their recovery during the dangerous sicknesses they were attacked with.

10 That your Petitioner was not guilty of fraud or any Criminal offence, nor was he found incompetent to perform his duties that he should have merited the severe punishment of dismissal, after spending the best part of his life and strength (he is now 46 years of age) in the Public service for *more than 17 years*, but he simply had the misfortune of being in debt on account of circumstances over which he had no control and further his indebtedness did not interfere with the due performance of his duties.

On the appointment of Colonel J. Shaw-Stewart R. E. Consulting Engineer for Railways, as Joint Secretary to Government Railway Secretariat, your Petitioner was the only Clerk deputed to do the clerical work of the Railway Branch Secretariat, under the *immediate* orders of Colonel Shaw-Stewart, the testimony borne by this officer, which your Petitioner begs to quote below, will speak for itself as to how your Petitioner conducted his duties.

" I have every reason to be satisfied with the mode in which Mr. Roberts has carried on the business of the Railway Branch Secretariat and should gladly see his pay increased".

11. That your Excellency's Petitioner encouraged by the Head of the Deptt. being satisfied with his explanation and *feeling sure*, that he would not be removed from the service—and then only did he file his papers in the Insolvent Court. Had he expected that he would have been thrown out of the service, or the *slightest hint* given to him of this, he would have made other arrangements and not sought the benefit of the Insolvent Act.

12. Further your Petitioner begs to point out another great hardship that has been visited on him—your Petitioner applied to the Chief Secretary Public Department on the 21st May last regarding his re-employment and in reply received the enclosed order, stating that he is ineligible for re-employment in the Public service—your Excellency will see from this, that besides the loss of employment after more than 17 years service, he is now shut out and prevented from getting any employment, and is thus it may be said sentenced to starvation and death.

13. That the Government have been pleased in a large number of cases to reinstate Insolvents in their appointments after they obtained the benefit of the Insolvent act several times—The following are some of the cases.

Ramakristna Moodly. Clerk, Presidency Port Office.
Srinivasa Moodly. Clerk, Presidency Port Office.
Cundasawmy Moodaliar. Cashier, Sanitary Commissioners Office.
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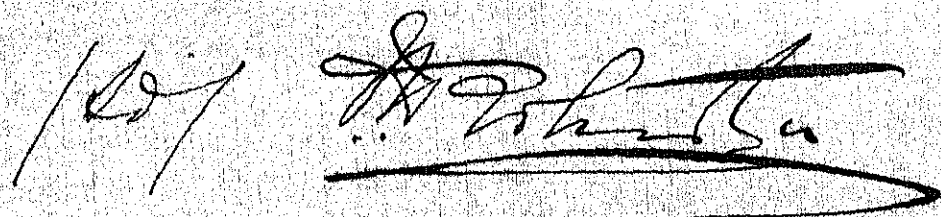
These men were reinstated for the second, third and fourth time whereas your Petitioner obtained the benefit of the Insolvent Act a second time only, and the inevitable cause of this was his long suspension, when he sought the benefit the first time, and he was not holding a position of trust or responsibility nor was he in charge of money, to disentitle him to hold the post he was occupying.

14. Your humble Petitioner has a wife and 10 children the eldest 20 years and the youngest 6 months old and his aged father and 2 sisters widows dependent on him—If his case be taken into your Excellency's favourable consideration and he be reinstated in his appointment it will be the means of bringing him and his large family forward in the world otherwise a deplorable, sad and a most distressing state awaits them. It is with a bleeding heart that your Petitioner begs to approach your Excellency with this appeal, and being emboldened by your Excellency's kindness and sympathy, to those over whom your Excellency was elected to rule, it is with the greatest hope and confidence, that your Petitioner begs to submit his very hard case, for your Excellency's favourable consideration, and to beg for his reinstatement in the Public service from the date of his removal from the same, and for which act of mercy, may the Lord bless your Excellency's reign, with prosperity and happiness to yourself, and to your Excellency's subjects.

15. I regret that owing to a severe relapse of the influenza with which your Petitioner was laid up he was unable to submit this appeal earlier.

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Petition from *Two Sparrows*
S. J. Roberts petition

DATED

189

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15. I regret that owing to a severe relapse of the influenza with which your Petitioner was laid up he was unable to submit this appeal earlier.

WITH THE GREATEST RESPECT

YOUR HUMBLE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

[Signature]

TRANSFERRED to the Chief Secretary to
 Government for disposal.

(By Order.)

[Signature]

Private Secretary.

GOVERNMENT HOUSE,
 12th August 1892.

WARRANT NO.

(1892) DEPARTMENT.

Public DEPARTMENT.

C No. 2106

From
THE PRIVATE SECRETARY TO THE
RIGHT HONORABLE THE GOVERNOR,
To
THE CHIEF SECRETARY
TO GOVERNMENT,
DEPARTMENT.

Dated 12th August 1892.
Received

CHIEF SECRETARY
12 AUG 92
ENCLOSURE.

Subject.
Two spare copies of
TRANSFERS a petition from S. J. Roberts
late a clerk in the P.W.
Secretariat, in continuation
of his previous petition

- 2 s.e. of Sub-202 2106 of 92.

From Mrs. J. Roberts, Clerk, P.W. Secretariat.

Dated 189 .
FOR ORDERS.

None. It is more upland
homage.
16/8/92

There is Chief Engr. Note in G.O. No. 372
dated 4.5.92.
I submit that the P.W. Sec. should now
forward some commiseration for him
& his family for a reconsideration of
the orders already passed in this case.

16 Aug.

This man's case (that of his
family (if truly represented) is
very pitiable - which is clear
he has been utterly reckless in
knowing - having been in
debt to the extent of Rs. 2400/-
between 1882 & 1890 (when he
took the benefit of the Act for
the first time), he borrowed
2700/- again between 1890 & 91.
He gets only 10/- of the sum
for it; he gave a promise -
but unfulfilled, even in
circumstances of great diffi-
culty, cannot, I fear, be
overlooked -
25/8/92 H.S.

Send the papers to H.S. for
for.

The man ought to be in a
humane asylum. He is not
fit to be at large - with a
large family dependent on him.
Such recklessness does not justify
any alteration of the orders
passed.

Public

Letter from Insolvent S.T. Roberts

1. H.M.

2. H.M. the Governor

3. H.M. the Governor

To

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18/8 C. 26/8
R/17/8 R/26/8 R/30/8

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On the appointment of Colonel J. Shaw-Stewart R. E. Consulting Engineer for Railways, as Joint Secretary to Government Railway Secretariat, your Petitioner was the only Clerk deputed to do the clerical work of the Railway Branch Secretariat, under the *immediate* orders of Colonel Shaw-Stewart, the testimony borne by this officer, which your Petitioner begs to quote below, will speak for itself as to how your Petitioner conducted his duties.

" I have every reason to be satisfied with the mode in which Mr. Roberts has carried on the business of the Railway Branch Secretariat and should gladly see his pay increased".

11. That your Excellency's Petitioner encouraged by the Head of the Deptt. being satisfied with his explanation and *feeling sure*, that he would not be removed from the service—and then only did he file his papers in the Insolvent Court. Had he expected that he would have been thrown out of the service, or the *slightest hint* given to him of this, he would have made other arrangements and not sought the benefit of the Insolvent Act.

Petition from S. J. Roberts

12. Further your Petitioner begs to point out another great hardship that has been visited on him—your Petitioner applied to the Chief Secretary Public Department on the 21st May last regarding his re-employment and in reply received the enclosed order, stating that he is ineligible for re-employment in the Public service—your Excellency will see from this, that besides the loss of employment after more than 17 years service, he is now shut out and prevented from getting any employment, and is thus it may be said sentenced to starvation and death.

13. That the Government have been pleased in a large number of cases to reinstate Insolvents in their appointments after they obtained the benefit of the Insolvent act several times—The following are some of the cases.

Ramakristna Moodly. Clerk, Presidency Port Office.
Srinivasa Moodly. Clerk, Presidency Port Office.
Candasawmy Moodaliar. Cashier, Sanitary Commissioners Office.
Aroonmogum Moodly. Clerk, Military Secretariat.
Mr. Paul. Clerk, Military Secretariat.
Mr. Stubbs. Clerk, Military Secretariat.
Cunnoo Pillay. Clerk, Revenue Secretariat.
Thamotheram Pillay. Clerk, Revenue Secretariat.

These men were reinstated for the second, third and fourth time whereas your Petitioner obtained the benefit of the Insolvent Act a second time only, and the inevitable cause of this was his long suspension, when he sought the benefit the first time, and he was not holding a position of trust or responsibility nor was he in charge of money, to disentitle him to hold the post he was occupying.

14. Your humble Petitioner has a wife and 10 children the eldest 20 years and the youngest 6 months old and his aged father and 2 sisters widows dependent on him—If his case be taken into your Excellency's favourable consideration and he be reinstated in his appointment it will be the means of bringing him and his large family forward in the world otherwise a deplorable, sad and a most distressing state awaits them. It is with a bleeding heart that your Petitioner begs to approach your Excellency with this appeal, and being emboldened by your Excellency's kindness and sympathy, to those over whom your Excellency was elected to rule, it is with the greatest hope and confidence, that your Petitioner begs to submit his very hard case, for your Excellency's favourable consideration, and to beg for his reinstatement in the Public service from the date of his removal from the same, and for which act of mercy, may the Lord bless your Excellency's reign, with prosperity and happiness to yourself, and to your Excellency's subjects.

15. I regret that owing to a severe relapse of the influenza with which your Petitioner was laid up he was unable to submit this appeal earlier.

WITH THE GREATEST RESPECT

YOUR HUMBLE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

S. J. Roberts

DATED

189

TRANSFERRED to the Chief Secretary to
Government for disposal.

(By Order.)

W. A. L. L.

Private Secretary.

GOVERNMENT HOUSE,

10th Aug^t 1892.

Public (1892) DEPARTMENT.

4/3/92 No. 302. In
31/3/92 No. 216
13/6/92 No. 396277 ✓

From

THE PRIVATE SECRETARY TO THE

RIGHT HONORABLE THE GOVERNOR,

To

THE CHIEF SECRETARY

TO GOVERNMENT,

DEPARTMENT.

Order of 2^d Sept 1892. No. 616

The petitioner will
be informed that the
Govt. sees no reason
for modifying the orders
already passed in his
case.

/ from orders /
S. J. R.

Dated 10th } August 1892.
Received 11th }

S. J. R.
30/VIII

ENCLOSURE. SECRET
11 AUG 92
DEPARTMENTAL
Subject.

TRANSFERS a petition from S. J. Roberts
late a clerk in the Public
Works Secretariat praying
that he may be restored
to his appointment

Petitioner with one enclosure
5/9

RECORDED
7 SEP 92
IN M.S.

WITH ORDER