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30-9-06
12-11-07

ORDINARY, MS.

Wosson
6-8-16

Public DEPARTMENT.

G.O., DATED *2-2-93*

No. *611*

INDEXED.

When given for copying.

[Despatch Abstract.]

*Withholding petition
for P. Kallathandy
Pillai Lali Kopp after
the Local Friend
dispensing Kalyan
has now decided
to the Govt of India
praying for action
on his part*

14/8

19. 10. 1906
withheld from public

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NOTE FOR THE CHIEF SECRETARY.

6-1990

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2. With reference to the latter part of the

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1892 no 760 and the protest memorial

as a further appeal made upon 6

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1. Attached to Bureau General Office

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Local Post.

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His Excellency the Governor General in Council
Calcutta

May it please your Excellency -

The humble requests
of Paul Nallathambi late Hospital Assistant
Velgode Kurnool District and now residing
at mangnanapuram Tinnevely District
most humbly approaches your Excellency with
a printed petition that was first submitted to
His Excellency the Governor in Council Madras for
justice and which was not considered by that
Council of Madras vide G.O. No 328 dated 25 April 1893
for your Excellency's most benign consideration
for justice and orders thereon

He begs to remain
your Excellency's most obedient Servant
Paul Nallathambi
Hospital Assistant

27 May 1893
mangnanapuram
Tenkan Taluk
Tinnevely District

To.

General
His Excellency the Governor in Council,

MADRAS. *Calcutta*

*The humble appeal petition from Paul Nallathamby
late hospital assistant No. 392 of the Local
Fund Dispensary, Velgode, Kurnool District,
now residing at Shermadevi, Tinnevely
District.*

MAY IT PLEASE YOUR EXCELLENCY.

1. The humble memorialist humbly and respectfully begs permission to approach your Excellency with the following few lines for favour of kind consideration and orders.
2. The appellant was a medical subordinate in the Medical Department and has been serving the Government faithfully for over 8 years in different parts of the Madras Presidency and was suspended on the 12th September 1892 and afterwards dismissed from public service (Vide G. O. No. 760 dated 4th November 1892.)
3. Dr. Staunton M. B. late acting District Surgeon Kurnool and M. R. Ry. L. D. Swamikanu Pillay Avergal M. A., B. L. late General Deputy Collector and President Kurnool Taluq Board have remarked in the visitor's book that the Dispensary at Velgode had very much improved and the attendance greatly increased under the medical charge of the appellant.
4. While at Velgode the appellant applied for permission to appear for the 2nd grade Hospital Assistant examination as he had already been in service 7 years and also for the allowance of Rs 2 for colloquial knowledge of Telugu, the appellant being a tamil man. On receiving this application Dr. Maidment asked the appellant the length of his service, but did not permit him to appear for the examination, nor made any provision to test his colloquial knowledge of Telugu.
5. On the 19th July 1892 the appellant was ordered by the said District Surgeon to proceed to Kurnool without handing over charge of the dispensary to any one and on arriving here appellant was ordered to do cholera duty in the Town of Kurnool. There were many medical men besides the District Surgeon in the place at the time namely the Assistant Surgeon, a civil Apothecary doing duty, 2 Hospital Assistants in the Municipal Dispensary and one Police Hospital Assistant. Still petitioner was ordered to leave of his dispensary and go to Kurnool.
6. After ten days were spent on cholera duty the appellant was ordered to proceed to Cumbam on cholera duty again and report himself to 1st class Hospital Assistant Lazarous. On the way to Cumbam by the shortest route by Velgode the appellant was badly attacked with acute dysentery and reported the matter at once to the District Surgeon and begged him to grant 15 days leave. Receiving this report

the District Surgeon sent an order of suspension without making any inquiry into appellant's state of health. This order though dated on the 3rd August was not put into the appellant's hands till the 15th. Meanwhile the District Surgeon sent another order through the Deputy Tahsildar Atmakur stating "Hospital Assistant Nallathamby Pillai who is under suspension will hand over charge of his Dispensary to the Reddy and Carnam whom the deputy Tahsildar may depute and proceed forthwith to Cumbam and report himself to the General Deputy Collector in charge of Famine works. He will report to this office the date of his departure and arrival."

7. In accordance with this order appellant tried to hand over charge of his Dispensary to the Reddy and Carnam, but none of them could understand anything about medicines and Instruments. Whereupon appellant represented the matter to the District Surgeon and asked him to send a qualified person to take charge of these medicines and Instruments (Here appellant humbly begs Your Excellency to notice that this order of the District Surgeon to hand over charge to non-medical men is quite contrary to the orders of the Surgeon General, which strictly prohibits handing over charge even to a compounder)

8. On receiving this report the District Surgeon removed the order of suspension and ordered appellant to send in his returns and prepare fresh indents for medicines, which order was instantly obeyed.

9. Eight days after, appellant received another order from the District Surgeon to proceed to Cumbam and report himself to the General Deputy Collector in charge of famine works taking with him the keys of the dispensary. As appellant was not still strong enough for a long journey he applied for a months leave. On receiving this application the District Surgeon sent the appellant an order of suspension enjoining him to hand over charge of his Dispensary to Hospital Assistant Samuel and the appellant did accordingly (copy of the suspension order is enclosed).

10. The appellant then represented his circumstances to the Surgeon General through the District Surgeon and begged him to cancel the order of suspension. In reply to which petition appellant received the order of dismissal without mentioning any reason for the same.

11. The appellant then wrote to the Surgeon General on the 5th December 1892 requesting him to supply him with a copy of the charges brought against him for which he was dismissed from public service. To this he received a reply on the 4th March 1893 No. 1067 dated 18th February 1893, stating that the request was inadmissible and that appellant was duly informed of the charges brought against him and his explanation obtained. The appellant humbly begs to bring to the notice of Your Excellency that the only thing that the District Surgeon Kurnool asked the appellant is how it was that the appellant fell sick when he looked healthy on leaving Kurnool. To which the appellant had replied that the attack was sudden and unexpected owing to hard travel. Besides this the District Surgeon brought no charge against the appellant and no explanation obtained from him.

12. When the appellant received no reply to his letter of the 5th December

92 he made an application on the 17th January 1893 to the Surgeon General requesting to send him a copy of the charges brought against him. To this he received a reply No. 384 dated 24th January 1893 stating that it was inadmissible (copies of appellant's petition and the replies he received and the Post office receipts are enclosed).

13. Hence the appeal.

(a) The appellant most humbly begs your Excellency to notice the following things which will prove that the District Surgeon was prejudiced against the appellant and did everything out of ill-feeling towards him. The appellant even after 7 years of service as a third class Hospital Assistant was not allowed to appear for the 2nd grade examination and this is contrary to the orders of the Surgeon General which allows a 3rd class Hospital Assistant to appear for the 2nd grade examination after 4 years of service.

(b) When there were so many medical men in the Town of Kurnool itself namely The District Surgeon, the Assistant Surgeon, a civil Apothecary doing duty 2 Hospital Assistant on the Municipal Dispensary and one Police Hospital Assistant the appellant was ordered to go on cholera duty at Kurnool, leaving so many urgent cases behind him at Velgode. And one case of serious internal injury which was under the appellant's treatment and which was improving, suddenly proved fatal on account of appellant's absence.

(c) And again after being 10 days on cholera duty at Kurnool, the appellant was ordered to go on cholera duty at Cumbam at a distance of about 100 miles from Kurnool. And when the appellant fell sick on the way owing to hard travel, he was suspended simply for being sick without assigning any reason for the suspension.

(d) Before this order of suspension was received the District Surgeon sent another order through the Deputy Tahsildar Atmakur pressing the appellant to proceed to Cumbam handing over the charge to the Reddy and Carnam who were quite incapable to understand the medicines or the instruments. And this order of the District Surgeon is quite contrary to the express orders of the Surgeon General which does not allow even a compounder to take charge of a dispensary.

(e) Besides when the District Surgeon sent the order of suspension he did not ask one word about the appellant's state of health, when he was still unable to go on a long journey. A week after, the District Surgeon again sent an order compelling the appellant to proceed to Cumbam, though he had applied for a month's leave, showing that he had not taken a single day's leave for a period of 6 years. The repeated orders of compulsion will evidently show that the District Surgeon was determined to ruin the prospects of the appellant.

(f) When the appellant petitioned on the 5th December 1892 requesting the Surgeon General to send him a copy of the charges brought against him to enable the appellant to appeal to Government for justice. The Surgeon General simply said in his reply dated 18th February 1893 that the appellant's request was inadmissible and that he was duly informed of the charges brought against him and the appellant's

explanation obtained; whereas the appellant was only asked how it was that he fell sick so suddenly. The delay of the reply shows that the District Surgeon Dr. Maidment had prejudiced the Surgeon General also. (It is the express order of the Government that when any one is dismissed from public service, he should be provided with copies of the charges for which he was dismissed). But in the petitioner's case no charge of dishonesty, disobedience or neglect of duty are mentioned either in the suspension or dismissal orders.

(g) And when the appellant begged the Surgeon General again on the 17th January 1893 to furnish him with a copy of the charges he received a reply dated 24th January 1893, stating it was inadmissible. This petition though dated the 17th January 1893 was replied on the 24th January 93 that is in a week's time, but the petition dated 5th December 1892 was replied on the 18th February 1893, that is after two and a half months. This long delay will clearly prove that the unfortunate appellant was wilfully ruined.

Under these circumstances the humble appellant most humbly begs your Excellency to take his poor circumstances into your Excellency's most benign consideration and give orders that the order of dismissal be withdrawn and appellant restored to duty again or if your Excellency thinks it otherwise, may it please your Excellency graciously to allow him to resign.

For which act of charity and benevolence the appellant will as in duty bound ever pray.

March 1893.

Mangnanaparam
Tendari Talug
Tinnevely District
27. May 1893

Paul Mallathambay
Hospital Assistant

U. C. Press, Tinnevely.

Dept.	
No.	12
To	
Date	1995-

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Current No 1475

DEPARTMENT.

From

Paul Nallathambiy

No.

Dated 19-vii-93

Received 22-vii-93

Reqd 24-vii-93
Enclosures

SUBJECT.

Requesting that the
Enclosed pety may be
forwarded to the Govt
of India

Made - off.

20/7

[Handwritten signature]

order of 8 August 1893, No. 611.

The petition will be withheld under
Section II Rule 3 of the B Memorial Rules
18/93

Extract from B—Memorial Rules.

Sec. III, Rule 3.—Local Governments are vested with discretionary power to withhold petitions addressed to the Government of India in the following case:—

(10) When a petition is an appeal against an order or decision of the Local Government, and is made more than six months after the communication of such order or decision to the petitioner without satisfactory explanation of the delay.

The Petitioner with Extract
from B. Memorial Rules.
X-11/8

DESPATCHED
12 AUG 93
IN M.S.

note. The petitioner was only a 3rd class
Hospital Assistant and as such was drawing
Rs 25 per month.

P.22
28/7 The ground stated above will I submit
not do as the decision under petition
against 4 is one on appeal to Govt
but one directly ordering the dismissal
of the pet. (G.O. No 760 dated 4.11.92)
1/10 Sec. III. B Rules does not
apply the Memorial must apparently
be forwarded. The appeal made to
Govt appears to have been sent after
the expiry of 6 months from the
date when the petition was made.

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.