

ORDINARY, MS.

Public	DEPARTMENT.
G.O., DATED	16-2-94
No.	106.

INDEXED

When given for copying. 16/2

[Despatch Abstract.]

Reports under Section
rule 4(3) petition
from J. M. V. V. V. V. V.
relationships to Supd.
Duplicane Sengerkha-
na prayer that the
records of his case
may be perused
Justice done him

(1894) DEPARTMENT.

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5207 29-7-92 me
2155 15-9-85
2087 27-9-85

From C. J. Mac Carthy Esq JCS.

THE PRIVATE SECRETARY TO THE

RIGHT HONORABLE THE GOVERNOR,

To

THE CHIEF SECRETARY

TO GOVERNMENT,

DEPARTMENT.

C.S.
order 16 Feb 94 K 106

Petition Rules C.

No. V (31). 10
15/2/94

35B
13/4

Dated 2^d } February 1894.
Received }

ENCLOSURE 4
FEB 11 1894
Subject
DEPARTMENT OF

TRANSFERS a petition from T. M. Veerasami

Mudaliar, requesting to be
restored to his former post.

Petitioner with enclosures. 1916634
IN MS

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

ENCLOSURES

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT:

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

to the ...
A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

BACK PAPER, No.

OF 18

FURTHER PAPER, No.

575
1807 of 94

OF 18

94

Petition from *T. M. Veeraswami*
Mudaliar, late Supt of the
Triplicane Lingerkhana, Madras.

DATED *31st January* 1894.

TRANSFERRED to the Chief Secretary to
Government for disposal.

(By Order.)

Macart

Private Secretary.

GOVERNMENT HOUSE,
Gumidy. }
2^o February 1894. }

Government should have been that of supervision. Consequently your Petitioner ceased to interfere with the Assistant Commissioner's arrangements.

7. That this state of affairs continued for three years, during which period the Assistant Commissioner reserving to himself the purchase of rice and other commodities required by the inmates of the Institution, restricted your Petitioner to the sole duty of distributing twice a day, boiled rice to the resident and out-door paupers, at the end of which period, your Petitioner much to his astonishment received from the Commissioner an order bearing date 28th February (*Vide Encl. D.*), in which your Petitioner and the Kanca Pillay, the latter a servant of 30 years standing, were charged with dishonesty or inefficiency, the charge being based on the Annual Report submitted by the Assistant Commissioner, and dismissed the service, a summary step which was not preceded by the usual procedure which the gravity of the matter undoubtedly demanded in the shape of investigation, even the exact nature of the charge written on paper as provided by the Government in such cases not being made known to the Petitioner.

8. That your Petitioner in compliance with the order aforesaid, handed over charge to his successor in the presence of the Assistant Commissioner and thereafter applied on the 5th Feb. 93 to the Commissioner for a re-consideration of his decision and a thorough investigation of the charges preferred against your Petitioner, to which after a long silence, the Commissioner, on the receipt of a reminder (15th Feb.) from your Petitioner, who also applied, taking advantage of this opportunity, for copies of papers containing the facts and figures on which the charges against him were based, replied, saying that the Commissioner would comply on the Petitioner forwarding the Lungurkhanah, records a condition which your Petitioner in replying (22nd Feb.) to the communication, said he was unable to meet, as the said records had been by him handed over to the Assistant Commissioner in 1889, about three and a half years prior to his dismissal and just as he was about to leave for Bangalore on two month's leave, which statement, on its being repeated by your Petitioner in person to the Commissioner (27th Feb.) caused that officer to order the said records to be handed to the Petitioner who accordingly was put in possession of the papers on 10th March, *Vide Encl. E. & C.* But these being incomplete and, therefore, giving your Petitioner no adequate conception of the offences alleged against him, your Petitioner applied to the Commissioner for copies of the Annual Reports in which the accounts of the Lungurkhanah were set out in full, but received a reply that such reports cannot be supplied to private individuals without the order of Government, the upshot of which was that your Petitioner applied direct to the Government Press for the reports and obtained them on payment of a small fee.

9. That in conclusion, your Petitioner would recapitulate all the salient details of the procedure adopted against him.

(1) He was three years and a half before his dismissal deprived of all authority by the Assistant Commissioner.

(2) All the records of the Lungurkhanah were contrary to routine in the custody of the Assistant Commissioner and not accessible to your Petitioner for purposes of defence.

(3) That the Commissioner in dismissing your Petitioner acted *ultra vires* in that he neglected to carry out the orders of the Government to the effect that when a Government servant is accused, such accusation should be put in writing and the offender called upon for an explanation, both accusation and explanation being forwarded to Government for their final decision.

(4) That even after your Petitioner had applied for the records, but two out of a large accumulation were furnished him to the prejudice of his defence.

(5) That the only ground on which the Commissioner based his determination to

dismiss your Petitioner was that furnished by the Assistant Commissioner, who, according to some system of economy introduced by him, professed to show that he had managed the affairs of the Lungurkhanah at much less cost than your Petitioner which led to the inference that your Petitioner was either guilty of fraud or was incompetent.

(6) That so far as your Petitioner knows there is nothing in the records kept by him advanced as evidence against him.

With reference to clause 5, your Petitioner forwards herewith a statement in red ink in which he aided by his memory, replies *seriatim* to the misleading facts and deductions on which the Assistant Commissioner relies for bringing home the charge of fraud or incompetency to your Petitioner, and begs that your honour will give it your most careful attention. Your Petitioner would respectfully ask your honour to bear in mind that the Assistant Commissioner was actuated by animosity and self interest, animosity, because your Petitioner refused to be a consenting party to the dismissal of the Kanca Pillay, an old and faithful servant and self interest in that he had a creature of his to serve, a relative who it is notorious actually throw up the post of store-keeper in an hospital in order to supplant your Petitioner for whose post he patiently waited for six months. I may say that most of the servants of the Lungurkhanah are the Assistant Commissioner's relatives and it was to make room for them that the Assistant Commissioner plotted against your Memorialist who was in the way of the policy the Assistant Commissioner desired to carry out. Your Petitioner is sorry to make this imputation, but as motive is an essential element in this case he must be pardoned for making it.

10. Your Petitioner has served with a clear record, the Government of Mysore for 17 years and during his 6 years connection with the Lungurkhanah he afforded entire satisfaction to the gentlemen who had succeeded one another to the Commissionership. COLONEL WELDON always entertained a high opinion of him until his mind was poisoned by the Assistant Commissioner, who takes advantage of the present Commissioner, COLONEL COX, being a new officer and little conversant with the affairs of the Lungurkhanah to complete through him the work he had commenced during the regime of his predecessor, COLONEL WELDON. Your Petitioner craves bare justice at your hands and should an investigation be deemed necessary, he is prepared to meet his accuser face to face. Your Petitioner considers a searching enquiry sifting matters to the bottom the only means of effacing the stain on his character should this memorial fail to convince your honour that your Petitioner is the victim of a conspiracy. His object in addressing your honour is to clear his character and secure reinstatement, and he begs that your honour will enable him to compass both his ends by complying with his request.

For which act of benevolence the Petitioner will ever pray and remain,

TRIPPLICANE,
19th April, 1893. }

YOUR MOST OBEIENT SERVANT,

(Signed) T. M. VEERASAWMY MUDALIAR,

Late Superintendent, Triplicane, Lungurkhanah.

consideration at your Excellency's hands;
and if it is decided that the Petitioner
deserves no consideration, he is prepared to
vindicate his character in a Magisterial-
Court and to have his reputation now
defamed restored to its former position.

15. If instead of giving any weight
to those witnesses who in the Assistant
Commissioner's opinion have made out a
case against the Petitioner, they are really
examined and cross-examined, it will
be found as a matter of fact that they are
all taught to give evidence against the Petitioner
and considering the fact that the Petitioner's
Brother-in-law, Syathumbi Mudaliar and a
rice merchant named Abay Aaidoo, whose
names are cited in the Assistant Commissioner's
report were not interrogated by the Assistant
Commissioner in my presence, the case must
appear to all right thinking men as one fabricated
for the mere purpose of ruining the Petitioner.

Trusting to receive justice at your
Excellency's hands, the Petitioner respectfully
begs to remain,

Your most obedient & humble servant

T. M. Veerasawmy Mudaliar

Late Superintendent

Triplicane Lungurkhanah

Door No. 70. Banakadai Street

Triplicane

Triplicane }
31st January 1894

To

THE CHIEF SECRETARY TO GOVERNMENT,

PUBLIC DEPARTMENT,

FORT ST. GEORGE.

RESPECTED SIR,

The humble petition of T. M. Veerasawmy Mudaliar, late Superintendent of the
Triplicane Lungurkhanah respectfully sheweth.

1. That your Petitioner was after and in continuation of a service of about 17 years
on the permanent Establishment of the Mysore Government, induced to take up the post of
Superintendent of the Triplicane Lungurkhanah in the firm belief that the latter appointment
would be to his permanent advantage. He joined this appointment in April 1887, and after a
satisfactory service of six months as a probationer, the then Commissioner of Police, Colonel
T. WELDON, was pleased to confirm him in the appointment, the duties of which the Petitioner
continued to discharge diligently and to the satisfaction of his superiors.

2. That in June 1889 when the Petitioner was obliged to avail himself of two months'
privilege leave, the Assistant Commissioner, Mr. Venayaga Mudaliyar assumed charge of the
Lungurkhanah only as a temporary measure as he led the Petitioner to believe at the time,
but on the Petitioner's return from leave he was not allowed to resume charge of his duties in
full, his chief functions since then being daily distribution of cooked food to paupers and other
minor matters connected with the Institution, the Assistant Commissioner retaining all the
others in his own hands.

3. That the Assistant Commissioner had since taking the direct management of
the Institution been in the habit of inducing the servants of the Lungurkhanah by threats,
kind treatment, or presents, not to obey the order of the Memoriolist and of making misleading
and provoking statements concerning him to his friends and acquaintances very much to the
injury of your Petitioner's reputation.

4. That under the circumstances, your Petitioner believing that the Assistant Com-
missioner was hostile to his interests, was constrained to address him a letter, dated 27th
November 1889 (copy attached, Enclosure A.)

5. That on this letter with the Assistant Commissioner's remark thereon (Encl. B.)
being laid before the Commissioner, who had previously held a good opinion of the Petitioner
(vide Annual Reports on the Lungurkhanah for 1887-88 and 1888-89) he was so biased against
the Petitioner (who knew nothing of what had transpired till March 1893) that he without
the formality of an investigation, accepted the Assistant Commissioner's statement against your
Petitioner who was placed at the mercy of his accuser, and reduced to a mere cipher (vide
Encl. C.)

6. That the Assistant Commissioner emboldened by this arbitrary order of the
Commissioner did as he pleased at the Lungurkhanah, and all his instructions were given
direct to the servants, but never to the Petitioner, who contrary to the practice that had obtain-
ed ever since the foundation of that Institution was divested of all authority, which passed
into the hands of the Assistant Commissioner, whose only duty according to the intentions of

any act of dishonesty, fraud or inefficiency against the Petitioner, he has boldly and publicly asserted that "Rs 30" was misappropriated every month in 1888-89 in the matter of rice alone; that it would not have been easy to detect the frauds that were practiced in his administration; that "I am satisfied that fraud was committed" and so on, meaning directly or indirectly that the Petitioner was the author of all these.

10. That with one exception viz. the comparative statement of the items of Receipt and Expenditure, the "Haindi" deals with nothing but what the Assistant Commissioner learnt before recording his Remarks of November 1889; and includes several matters which were not noticed in the earlier record, the enquiry and report by Mr. J. P. J. being a prominent

11. Whatever might have been the Assistant Commissioner's views on this point, it is not understood why he retained in the public service for a further period of three years, persons who were in his opinion guilty of so many acts of fraud & without taking steps to prosecute or dismiss them or even calling on them for a simple explanation.

12. That the Assistant Commissioner prominently brings to notice that the Petitioner addressed him an insubordinate

(6)

petition in November 1889. Even if it were so, there was no fresh act of insubordination during the following three years, and during all this time, the Petitioner never acted against the Assistant Commissioner's orders.

13. The Petitioner most respectfully begs your Excellency to decide whether all the illusive arguments and incorrect conclusions drawn therefrom by the Assistant Commissioner in the matter of expenditure of rice, are intended to prejudice an untrained and uncautious mind, or whether they reflect ~~and~~ the want of intelligence on the part of the Assistant Commissioner or to his unfitness or to his inability to deal with such questions. Anyhow the Petitioner begs to add that great injustice has been done to him from the very beginning of his case, that he was never allowed an opportunity to clear his conduct, whenever he was accused of a misconduct, and finally that his case was evidently misrepresented before Government.

14. The Petitioner therefore trusts your Excellency will with usual kindness give a helping hand to him in his present forlorn state by perusing over all his records yourself and doing him bare justice. It will not be too much to add that a person descended from a high and respectable patronage and whose conduct has been unsullied,

"in addition to 304 shown in 1890-91 or 39 paupers in
"excess of that shown for 1888-89"

Here the Petitioner begs to bring to your
Excellency's notice, the Assistant Commissioner's
bias against him, in adding to the expenditures
for the sake of comparison 38 measures for 44
paupers (erroneously instead of 31 x 12 measures) and
convinving at the quantity (616 measures) to be
calculated likewise for 7 paupers in the
preceding paragraph; that while $\frac{26,559}{27 \times 12}$ or
82 pagodas was the average monthly cost of rice
in 1890-91, the statement that 77 pagodas were
spent every month is not clear; that if rice
were sold in 1890-91 at 32 measures per pagoda,
there would not have been the necessity for
the purchase of more than about 70 pagodas
of rice, that it is not understood how the
falling off in the price of rice from 33 to 27
measures per pagoda would speak against the
Petitioner or for the Assistant Commissioner,
and that all the sophistical arguments in the
latter part of this paragraph are to no
beneficial end.

5. These remarks apply equally to the
next paragraph in the "Minute" in which the
expenditure of 1888-89 is compared with that of
1891-92; but one thing has to be prominently
mentioned, and it is the object of the Assistant
Commissioner, in omitting to allow for a difference
of 13 paupers in the comparison.

Proceeding

(5)

or omission referred to in the Assistant Commissioner's
"Minute" as well as "Remarks" having been
explained by the Petitioner in his appeal, further
details on these points are considered unneces-
sary at present.

The Petitioner now begs to point out
that throughout the "Minute" the Assistant
Commissioner has shown only that the quantity
of rice issued by the Petitioner was comparatively
excessive, but not that it was in excess of
the scale sanctioned by Government viz.
2 ollocks for adults and 1 ollock for children; and
nor has he quoted any authority for reducing
at his pleasure the rate of allowance prescribed
for the paupers by Government. Even supposing
that the Government had vested the Assistant
Commissioner with such discretionary powers,
the Petitioner had no means of knowing it.

8. That the control of the Bungalow was
devolved on the present Assistant Commissioner
in October 1888, his predecessor in office being
in charge of it prior to that date, that the
Petitioner was always a tool in the hands
of the Commissioner and his Assistant, and
that for alleged excess of expenditure of
the kind referred to above (not amounting to
fraud or dishonesty on the part of the Petitioner,
the Commissioner or his Assistant or both were
directly responsible and not the Petitioner.

9. That notwithstanding the Assistant

the Assistant Commissioner who was careful enough to provide though incorrectly for a difference of 4 paupers against himself in 1890-91 (amounting to 392 measures of rice, but only 31 according to his calculation) fails to provide for a difference of 7 paupers amounting to 616 measures which is however in his own favor, and secondly, that the arguments adduced and the conclusion drawn therefrom were otherwise merely absurd as shown below:

(2) The Petitioner in 1888-89 27,953 measures of rice to an average number of 300 paupers per month, and the Assistant Commissioner in 1890-91 measures to 293 or say 300 paupers. Then 27,953 - 25,891 or 2062 measures would represent the excess rice or quantity misappropriated by the Petitioner according to the Assistant Commissioner's theory during 1888-89, and the saving effected by the latter in 1889-90. Therefore $\frac{2062}{32 \times 12}$ or $\frac{1031}{32 \times 6}$ or $\frac{1031}{192}$ or 5.362 would represent the monthly saving effected by the Assistant Commissioner in the matter of rice alone. But the Assistant Commissioner proceeded still further (i) deducting from the above excess 452 measures on account of decrease of price of rice, a

"31 measures for 4 paupers over 300 of 1888-89."

" $77 \times 5 \times 12 = 4620$ "

at 30 3/4 instead of 32 measures per pagoda, and (iii) deducting the resulting amount from the "savings" of 5.362 difference between the average monthly total cost inclusive of establishment, contingencies &c, and not for rice alone, and professes to show clearly that the 30 3/4 were misappropriated every month in 1888-89, in the matter of rice alone.

(2) d. The next paragraph in the "Minute" runs thus:-

"Again comparing 1888-89 with 1890-91: in the latter year there were 344 paupers and in order to make these paupers receive the same monthly average rate as in 1888-89 i.e. 7 3/4 measures, (27,953 - 25,891) or 1394 measures or 1452 measures would have to be issued. If the same price i.e., 32 measures prevailed in 1890-91 and as about 77 pagodas were spent every month in the purchase of rice in 1888-89, there would be again 4620 measures in the year, deducting this to make monthly average rate of each pauper the same as in 1888-89, and to maintain 344 paupers in the year, there would still be remaining to the institution of 3195 measures or its equivalent in money at 27 measures per pagoda 118 2/3 pagodas a year, or nearly 100 pagodas calculating the price of rice at 32 measures per pagoda or nearly 100 pagodas per annum; or putting it in another form 3195 measures would at the average rate of each pauper viz., 7 3/4 measures per month of 1888-89 go to relieve 9. 12 paupers or 35 paupers for some special work."

that he was charged and convicted for theft of Lingerkhana garden property. This gardener who was the faithful servant of the Assistant Commissioner at the Lingerkhana and by whose help the latter officer was enabled to detect most of the frauds alleged to have been practiced at the Lingerkhana, was on release from jail, taken into the private service of the Assistant Commissioner. This would ~~show~~ show that one of the most important ruling of the Government that its servants should not be those previously convicted, was entirely ignored in this case.

(2) a. As regards the next charges the Assistant Commissioner's arguments were:—

	1888-89	1889-90
Monthly average number of paupers	302	293
Rs of measures of rice issued in the year	27,953	25,891
Monthly average ~~of~~ of measures issued to each pauper	7 ³ / ₄	7 ¹ / ₅
Monthly average cost	417	377
Average ~~Rs~~ of measures per pagoda	32	30 ³ / ₄

"Comparing 1888-89 with 1889-90:— in order to arrive at the same number of paupers and the same monthly average number of measures to each pauper, (27,953 - 25,891) or 2062 measures would have to be issued in 1889-90 in excess of the quantity actually issued in that year (1889-90), but taking the prices at which rice was purchased those two years, there was a loss of 1 ¹/₄ — in 1889 saved as about

17 - 1888-89
 77 - 1889-90
 40

"there was a loss of 70 x 1 ¹/₄ on 1050 measures in 1889-90; deducting therefore 1050 measures from 2062 measures, there still remained to be made good 1012 measures only, the cost of which at 32 ³/₄ measures per pagoda is only 33 pagodas or Rs 9-10- per month. Deducting this from the savings of Rs 40/- in 1889-90 there still remains a clear saving of Rs 30/- per month in 1889-90. It is therefore clear that in the matter of rice alone the 30/- were misappropriated every month in 1889-90."

(2) b In the Petitioner's reply to this, the soundness of the comparison was first objected to on the grounds (i) that the daily rate of raw rice allowance was not uniform, but varying from 1 to 5 oblaes per pauper; (ii) that in 1888-89 as well as in previous years it was the practice for the sake of convenience, to enter the several members of the same family — receiving aid as a unit, and that in 1889-90 and subsequent years, about a dozen such numbers were split up and each pauper (whether of the same family or not) was counted as a distinct number, the result showing an apparent excess of about 30 numbers over those of the preceding year. (iii) that the monthly average numbers entered in the comparative statement include those receiving money doles, but no rice and exclude inmate paupers who are supplied with cooked food twice a day and who must therefore be properly represented by 1 ¹/₄ measures

9. That with 1012 numbers at 32 ³/₄ measures per

in not placing before Government the true facts of the case as detailed in the appeal, dis-appointing the Petitioner in his expectation to realize the proverbial saying regarding the administration of justice during the Wodehouse Government.

3. That the Petitioner begs that instead of driving him desperate into the world, your Excellency, with the paternal kindness - show him justice by granting his petition regarding the charges and explanation, yourself and taking the Petitioner's statement, if necessary, to ~~improve~~ charges alleged against him in the Commissioner's report which was not communicated to him, and protect from poverty and famine the Petitioner and his family respected for honesty &c. especially well known throughout the Province of Mysore, the Petitioner's father being Postmaster General there.

4. The Petitioner begs permission to lay before your Excellency the most important of the charges alleged against him in the Minute and his answer thereto.

(1) a. The Assistant Commissioner states that the Receipt under the head sale proceeds of plantain leaves, fruits, broken rice &c. were Rs 35, 37, 78, 189 and 172 respectively in the five years from 1887-88; and that he was therefore

"correctly or that the garden was entirely neglected."

(1) b. The Petitioner's reply to this was (Explanatory, 02) that the Longirichana garden site was handed over to the Commissioner of Police by Government in their order dated September 1885, for use as a vegetable garden for the institution, that the Red Hills water was then conducted to it by the Municipality, that the planting of the garden after its preparations and fencing could not have been done earlier, if not later, than about January 1886, that only such of the garden produce as were not required for the institution were sold; that the garden suffered severely from storms in the years 1887-88 and 1888-89, that in the latter year the Petitioner had the garden cleared, prepared and replanted with about 200 plantain sapplings, the necessary garden tools being purchased at a cost of about Rs 10; that the success of the garden in 1889-90 and the following years was only the result of the Petitioner's work in the preceding year, that the results would have been still better had it not been for the interference of the Assistant Commissioner which tended to the commission of a series of thefts in the garden undetected for several years, and so on. It was at last found that the Longirichana gardeners had

(3)
1000-20.
To
His Excellency
the Right Honorable
Lord P. B. Venlocke,
Governor of Madras,
Fort Saint George.

The humble petition of T. M. Devanda,
Kondachari, late Superintendent of the
Triplicane Lingayatana, Madras, most
respectfully sheweth.

That in disposing of the Petition
-mer appeal against the order of the
Commissioner of Police, the Madras Govern-
-ment without giving the Petitioner an oppor-
-tunity of furnishing his explanation on the
Report of the Commissioner as of dated
21st June 1890, simply declined to interfere in
behalf of the Petitioner, please see the copy
of the order attached.

2. That the failure of justice, notwith-
standing that it had clearly been proved that
the Commissioner and his Assistant failed
entirely to establish any charge against the
Petitioner, and that the Commissioner was
influenced incautiously, solely by the abstract
and biased conclusions arrived at in the
"Minute" by the Assistant Commissioner
must have been due to the various reasons