

# Public (1895) Department.

ORDINARY MS.

G.O., No. 464

DATED 10<sup>th</sup> June 1895

INDEXED.

[Despatch Abstract.]

APPEAL AGAINST DISMISSAL.

Stating that this Government cannot entertain the---from the Government service preferred by Narayana Prasad, late Head Clerk, Assistant Adjutant-General's Office, as it no longer has any jurisdiction in Military matters.

# BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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# FURTHER PAPERS.

| G.O. | No.  | Department. | Date. | G.O. | No. | Department. | Date. |
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|      | 3294 |             | 95    |      |     |             |       |
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| c    | 403  |             | 1897  |      |     |             |       |



H. E. THE RIGHT HON'BLE  
BEILBY BARON WENLOCK, G-C-I-E.,  
GOVERNOR AND PRESIDENT IN COUNCIL,  
FORT ST, GEORGE,  
MADRAS.

*At the A.A. General Office*  
The Humble Petition of T. Narrainpurshad,  
residing at No. 7, Neelavera Chetty  
Street, Triplicane, Madras.

RESPECTFULLY SHEWETH THAT:—

I. Petitioner was entertained as a Clerk in the Office of the Assistant Adjutant-General, Madras District, Fort St. George, (now called the District Staff Office, Madras District,) in the year 1884 on a salary of Rs. 20 per mensem. By good behaviour and steady work, Petitioner rose to the position of Head Clerk in the same office on a salary of Rs. 45. Petitioner received numerous certificates of good character from his Official Superiors which are entered in his Service Register herewith attached (to be kindly returned). This position Petitioner held from June 1892 till February 1895.

II. Owing to unforeseen circumstances viz., the death of his father-in-law with whom Petitioner was living since the date of his marriage in 1884, when Petitioner had as managing member of the family to undertake the payment of the family debts, Petitioner in the beginning of the year 1892 was encumbered with a debt of about Rs. 2,500. Before the death of his father-in-law, Petitioner had not incurred any debts whatever and there were no attachments on his salary. On the death of his father-in-law and Petitioner having to pay the family debt aforesaid, creditors began to sue Petitioner in Court and attachments were sent on his salary. Notwithstanding the decrees against him, Petitioner was most hopeful that he would be able to liquidate the family debt, as he expected the reversion of the property belonging to his late father-in-law, worth about Rs. 3000. Unfortunately the property aforesaid was made the subject of litigation in the High Court which lasted for over a year, and it was finally decreed, most unhappily for Petitioner, that he should not come into possession of the property. The result was that while Petitioner was burdened with the family debt (contracted by his father-in-law)

in-law and not by Petitioner) he had no means of meeting the liability. In the meanwhile Petitioner's salary was being attached by the Civil Court on account of the family debt.

III. On the issue of the "Rules regulating the conduct of Public Servants" by the Madras Government in 1893, (copy appended) the case of Petitioner (his salary having been under attachment for more than two years) was reported with reference to No. 40 of the Rules by the General Officer Commanding Madras District to the Adjutant-General Madras Army (copy of report attached marked A). From this report it will be seen that Petitioner's liabilities were not due to his own imprudence or extravagance but were the result of unforeseen circumstances over which he had no control. Moreover, Brigadier-General Van Straubenzee reported that the work of the Petitioner in office was in no way deleteriously affected by his debts but that he continued to "perform his work satisfactorily in the same manner as he conducted it when without debt." Petitioner was accordingly recommended by Brigadier-General Van Straubenzee to be retained in the Government Service and to be permitted to liquidate the family debt by attachments, which debt was already at the time of the report reduced from Rs. 2523-4-9 to Rs. 1950-7-9, a sum of Rs. 572-13-0 having been paid off by Court attachments. To this request unfortunately an unfavorable reply (copy enclosed, marked B) was returned by the Adjutant-General, and Petitioner was removed from the Government Service on the 8th February 1895. Brigadier-General Van Straubenzee was kind enough again to represent Petitioner's case to the Adjutant-General (copy of letter attached, marked C) in which it was stated that "Clerk Narrainpurshad has been able to make arrangements by which (according to his own account) the debt will be paid off three months hence. As he is a good clerk and strongly recommended by the Manager of the Office and by the Assistant-Adjutant General, I trust that His Excellency will permit his decision to be held in abeyance until 1st May 1895, the order herein contained being carried out on that date unless the debt has been paid prior thereto." To this request even, Petitioner regrets to state, an unfavourable answer was given (copy attached marked D). Petitioner then appealed directly to H. E. the Commander-in-Chief setting forth the full facts of his unfortunate case, and requesting that H. E. would reconsider his decision (copy of petition attached marked E). To this even an unfavourable reply was vouchsafed (copy attached, marked F). This final order reached Petitioner on the 13th Ultimo. Petitioner would have appealed against it earlier but he wished first to get the money to clear off all his debts within the stipulated time (three months) agreed upon by the Brigadier-General, which expires on the 1st May. This sum of money he has now with him.

IV. Petitioner most respectfully begs to state that he has been unjustly dismissed from the Government Service and he prays to be re-instated therein. He begs respectfully to point out that H. E. the Commander-in-Chief has misconstrued the rules of the Government regarding the indebtedness of Public Servants. Although Petitioner's salary was under attachment for over two years at the

time of the report, his position was by no means irretrievable. He expected to receive family property worth Rs. 3000, and only wanted time to liquidate his debts. When he was disappointed in the receipt of the property owing to the unfavourable decree of the High Court, he looked out for other means to pay off the family debt. He wanted only three month's time to pay off the debt due by him—a circumstance mentioned by Brigadier-General Van Straubenzee in his second communication (marked C) to the Adjutant General. As a matter of fact, Petitioner has now collected the money to entirely clear off his liabilities (within the three months proposed to be allowed him by the Brigadier-General, which ends on the 1st May of this year), and is prepared to rejoin his post without any debt whatsoever. The Government especially lays down in Rule 41 of the Pamphlet regarding Personal Conduct of Public Servants, that the report should take into consideration "(2) Whether the debtor's position appears to be retrievable." Petitioner's position was quite retrievable as was reported by the Brigadier-General, and as is testified by the fact that in three months' time he has been able to secure the amount required to pay up his debt. The reason why Petitioner got into debt has been explained. He has also stated that he meant to liquidate this debt out of family property that he expected to come to him. All he wanted was time. As the debt was a family one, Petitioner thought that it should best be met by family assets. The result of the High Court suit quite upset Petitioner's calculations. Petitioner belongs to a very respectable family, now alas! reduced in circumstances, nevertheless he has a few well to do relatives and friends. Had he known that he would get into such serious official trouble on account of his liabilities, he would, instead of waiting to liquidate them by the sale of the family property he expected, have adopted other means for wiping off the debt—such means as he has adopted now whereby in the space of three months he has collected a sum of something like Rs. 1900 to wipe off the balance due. The action that was taken on his case by his official superiors came like a thunderbolt on Petitioner. Copies of the Pamphlet, "Rules regulating the Personal Conduct of Public Servants", were not distributed in Petitioner's Office (the Office of the Assistant Adjutant General) when it was first issued by Government. The pamphlet was subsequently written for by Petitioner's official superiors and action taken in regard to Petitioner's case without his having received any previous warning to set his affairs in order. Had he received such a warning Petitioner would at once have taken action to extricate himself from debt which would have immediately cancelled the attachments that were sent against his salary. Petitioner has, as your Excellency-in-Council will see, been dealt with all along in a very severe manner and not in accordance with the spirit of the Government Orders touching the indebtedness of public servants. Moreover, that portion of the Government orders re indebtedness of public servants which deals with the efficiency of the clerk affected, has been overlooked in Petitioner's case. Rule 41 (Pamphlet above referred to) lays down that the report should deal with "(3) the advisability under the circumstances of retaining him (a) in the particular post he occupies and (b) in any position under Government." Here Brigadier-General Van Straubenzee's report is distinctly in favor of Petitioner.

He says, "This debt has not lessened his value as a public servant for he performs his work satisfactorily in the same manner as he conducted it when without debt. Under these circumstances I recommend that permission be granted to retain him in the service." Notwithstanding this distinct statement made in accordance with the Orders of Government, H. E. the Commander-in-Chief thought fit to dispense with the services of Petitioner. The Government has further laid down (Rule 42 of the Pamphlet above referred to) that it is disposed not to take too severe a view of the indebtedness of a public servant if it is "the result of unforeseen misfortunes or of circumstances over which he could exercise no control and did not proceed from dissipated and extravagant habits." Petitioner's pecuniary embarrassment comes entirely under this class, as can be proved any day and as has been testified to by his official superiors. Petitioner respectfully begs to impress upon the attention of Your Excellency-in-Council that many Government clerks even after the issue of the Rules regulating the Personal Conduct of Public Servants have gone the length of taking the benefit of the Insolvency Act and been still retained in the service. Petitioner's case, he respectfully begs to submit, is of a less grave nature. To avoid "the discredit attached to having recourse to the Insolvent Debtors Act" (Rule 42 of the Pamphlet above referred to), Petitioner manfully tried to personally discharge his liabilities, which was being done at considerable sacrifice to his comfort and to that of his family. Instead of being encouraged in his efforts Petitioner was stunned to find that his conduct was construed in the worst light and that he was regarded as not fit to remain in the Public Service while many an Insolvent, who had passed through the Bankruptcy Court, was permitted to retain his post in the Government Service. Petitioner feels extremely his humiliating and wrecked position; after ten years of exemplary service he has been thrown adrift on the wide world for no fault of his own. Petitioner has a family to support and other family dependents to provide for. All have been engulfed in the ruin that has overtaken Petitioner. He, therefore, under all the circumstances above detailed, humbly and most respectfully begs that your Excellency-in-Council will be pleased to take his unfortunate case into consideration and order Petitioner's restoration to his post of Head Clerk of the Office of the Assistant Adjutant General, Madras District (now called District Staff Office, Madras District) with arrears of salary for the period he has been deprived of his post: For which act of kindness your Petitioner will ever be grateful.

*T. Narrainpursbad*  
*Late A.D. Clerk*  
*Asst. Adjutant General's*  
*Office M. D.*

No. 1108.

MADRAS,

28th November 1894.

To

THE ADJUTANT GENERAL,

Madras Army.

SIR,

With reference to para. 40 rules regulating the personal conduct of Public Servants 1893, I have the honor to report that the salary of Clerk T. Narrainpursbad employed in the A. Branch of District Staff office in this District has been under attachment for more than two years on account of debt amounting to Rupees 1,950-7-0 which he states, was contracted by him on account of his Father-in-law (now deceased) under whose protection and care he had been since his marriage.

II. This debt fell on him on the demise of his Father-in-law as the member of that family.

III. This Clerk expected to pay the debt by getting a reversion of his deceased Father-in-law's property namely, a house worth about Rs. 3,000-0-0 but unfortunately he did not succeed in getting the reversion the High Court before which the case had been pending for more than a year having decided against him.

IV. I enclose a Schedule of the Clerk's debt.

The proportion of debt to salary as follows:—

Monthly salary Rupees ... 45-0-0.  
 Debts ... .. 1,950-7-9.

V. This debt has not lessened his value as public servant for he performs his work satisfactorily in the same manner as he conducted it when without debt.

VI. Under these circumstances I recommend that permission be granted to retain him in the service and to allow him to liquidate his debt by attachment.

(Signed) T. VAN-STRAUBENZIE,

Brigadier General

Commanding, M. Dt.

Schedule showing the amount of debt of T. Narrainpursbad, Clerk of District Staff Office, Madras District:—

| Total amount of Debt. | Amount paid. | Balance to be paid. | Date of commencement. |
|-----------------------|--------------|---------------------|-----------------------|
| RS. A. P.             | RS. A. P.    | RS. A. P.           |                       |
| 2,523 4 9             | 572 18 0     | 1,950 7 9           | 1st September 1892.   |

*Triphur*  
*Madras*  
*1st May 1905*

No. M. 425.

2

OOTACAMUND,  
28th January 1895.

From

Colonel **ELPHINSTONE BEGBIE**,  
Officiating Adjutant General.

To

**THE GENERAL OFFICER COMMANDING**,  
Madras District.

Reference Para 6 of your Letter, No. 1108 of 28th November 1894.

His Excellency the Commander-in-Chief does not consider it desirable to retain Clerk T. Nyrainpurshad in the public service and therefore directs his dismissal therefrom.

(By Order)

(Signed) **E. BEGBIE COLL.**,  
Offg. Adjutant General.

No: 85.

MADRAS,  
1st February 1895.

To

**THE ADJUTANT GENERAL**,  
Madras Army.

Since the despatch of my No. 1108 of 28th November 1894, Clerk Narrainpurshad has been able to make arrangements by which (according to his own account) the Debt will be paid off 3 months hence as he is a good Clerk and strongly recommended by the Manager of the Office and by the A. A. General I trust that His Excellency will permit his decision to be held in Obedience until 1st May 1895, the order herein contained being carried out on that date unless the debt has been paid prior thereto.

(Signed) **T. VAN-STAUBENZIE**,

Brigadier General  
Commanding, M. Dt.

M. 569.

OOTACAMUND,  
5th February 1895.

To

**THE GENERAL OFFICER COMMANDING**,  
Madras District.

The instructions in this Memo. are the personal orders of His Excellency the Commander-in-Chief and must be carried out.

2, The Government has in a former instance recorded that it is undesirable that a Man who is in a chronic and hopeless condition of indebtedness should be retained in the Public service and these remarks apply without qualification to the case of Clerk Narrainpurshad.

(By Order)

(Signed) **E. BEGBIE COLL.**,  
Offg. A. General.

3

E

MADRAS,  
8th March 1895.

**HIS EX. LIUT. GENERAL, C. B. CLARKE**,

Commander-in-Chief,  
Madras Army.

The humble petition of T. Narrainpurshad, late Clerk,  
Adjutant General's Office, Madras District,

**MOST RESPECTFULLY SHOWETH,**

I. That your Excellency's poor and humble Petitioner begs permission to approach your Excellency's feet with the following few lines giving expression to his most petiable grievances.

II. That your Excellency's petitioner has put in a blotless services of more than 10 years in the District Staff Office during which period he has performed his duties to the entire satisfaction of his superiors without any exception as will appear from a kind reference to the extract from his Service Book enclosed (A) copies of entries.

III. Now that your Excellency's petitioner has been all on a sudden summarily dismissed by an order of your Excellency (conveyed in Adjutant General's No. 569, dated 5th February 1895) passed on the favorable report of General Officer Commanding No. 1108 of 28th November 1894 to the Adjutant General, he is utterly undone being taken away by surprise and does not see what to do further except to seek redress at your Excellency's merciful hands.

IV. That a kind perusal of papers from the General Officer Commanding to the Adjutant General herewith submitted for your Excellency's noble consideration will surely convince your Excellency that the poor petitioner's case deserves re-consideration and favorable order.

V. That the chief points which your Excellency's poor petitioner humbly wishes urge in his favor are:—

(a) That the Debt alleged to have been contracted by him was not on account of his dissipated and extravagant habits but was the result of unforeseen misfortune or of unforeseen circumstances over which he could exercise no control which statement is corroborated by paras. 1, 2 and 3 of General Officer Commanding report No. 1108 of 28th November 1894 to the Adjutant General (copies enclosed.)

(b) That your Excellency's humble petitioner has made necessary arrangements to liquidate the debt within three months as recommended by the General Officer Commanding, Madras District in his No. 85 of 1st February 1895 enclosed.)

(c) That his position is retrievable and his value as a public servant has not the least been lessened as reported by the General Officer Commanding.

(d) That he has not the least intention to take the benefit of the Insolvent Debtor's Act.

VI. That your Excellency's humble petitioner begs to submit to your Excellency's munificent consideration, that the Controller of Military Accounts has in a similar cases been pleased to enquire whether the indebtedness of the Clerks under his Department was owing

Ootacamund  
17<sup>th</sup> May 1896

No. M  
2602-8

The Chief Secretary to the Government  
of Madras  
Public Department

Forwarded.

2. The dismissal of clerk Narainaprasad was ordered by me on a representation from the Officer Commanding Madras District that his salary had been under attachment for more than two years and that he was in a chronic condition of indebtedness.

*Amulmike*

Lieutenant General  
Commanding the Forces, Madras

*[Signature]*

to their own folly and extravagance or owing to the unforeseen circumstances and on proof to his satisfaction that it was owing to the latter circumstances he has taken exception to such cases and allowed such Clerks to have recourse to the benefit of Insolvent Debtor's Act and then ordered their retention in Service (cases occurred in 1893 and 1894.)

VII. That Your Excellency's humble petitioner belongs to a very respectable family once in affluence but now turned poor and helpless owing to the downward motion of the fortunes ever moving wheel now solely dependent on the poor employment under your Excellency's benign canopy the support of large family of 9 souls, the moment this appointment ceases all the souls of the family will have to starve.

VIII. That under these circumstances Your Ex's, petitioner humbly craves your Excellency's mercy to reconsider his deplorable case in the light of Section 41 and 42 (of Public service Proceedings) and to direct his restoration to the humble post in which your Excellency's petitioner was doing satisfactorily well for more than a decade.

IX And that in the end your Excellency's petitioner most respectfully begs to crave your Excellency for the liberty and intrusion upon your Excellency's precious hours.

ESTABLISHMENTS.

OOTACAMUND,  
9th March 1895.

No. M, 1194.  
From

Colonel ELPHINSTONE BEGBIE.  
Officiating Adjutant General, Madras Army.

To

T. NARRAINPURSHAD,  
Late Clerk District Staff Madras District.

C/o, CLERK RAJAH LAUL,  
A. A. G's, Office Madras District.

Reference your petition of 14th February 1895,

MEMORANDUM.

His Excellency the Commander-in-Chief regrets he cannot make any change in the orders already given.

2. The two annas postage stamp received with your petition, is herewith returned.

ELPHINSTONE BEGBIE COLONEL.,  
Offg. Adjutant General.

1895  
Pub.

1886

CURRENT No. 1586

Pub. Sept

From

The Lt. Genl commanding  
the forces, Madras.

No. 2602

Dated 17<sup>th</sup> }  
Recd 17<sup>th</sup> } May 1895.  
Sept 18<sup>th</sup> }

Encls. 4

Subject.

Forw. an appln from  
Varaiappanad who was  
dismissed from the Govt service

N

Order

No appeal lies to the  
Govt in this matter.  
The man was dismissed  
under an order of the civil  
dept. The Lieut Genl sends  
the case on to Govt as it might  
be that the rule had not  
been worked as intended  
by Govt. If the man had been  
dismissed under a civil  
rule there is no doubt  
Lieut Genl wd. have pointed  
out to him that no appeal  
lay to Govt. It is subn that  
as the Lieut Genl sent on  
the appeal for orders the  
draft may stand.

JDB  
27/1/95.

JDB

Adm Genl.

CHIEF SECRETARY  
17 MAY 1895  
MINIST OF

NOTE FOR THE CHIEF SECRETARY.

The man was dismissed  
under an order of the civil  
dept. The Lieut Genl sends  
the case on to Govt as it might  
be that the rule had not  
been worked as intended  
by Govt. If the man had been  
dismissed under a civil  
rule there is no doubt  
Lieut Genl wd. have pointed  
out to him that no appeal  
lay to Govt. It is subn that  
as the Lieut Genl sent on  
the appeal for orders the  
draft may stand.

JDB  
22/1/95

1  
The first thing I  
did was to  
go to the  
bank and  
get some  
money out of  
the machine  
and then I  
went to the  
store and  
bought some  
things and  
then I  
went home  
and  
slept.

C. No. 1586.

FOR ORDERS.

I don't see how we  
can entertain the appeal.  
If we did, we should im-  
pliedly assent that we  
had jurisdiction to issue  
orders in the matter  
of the L. J. Corp in India,  
which we have not. The  
proper order is to say  
"The Govt of Madras cannot  
entertain this appeal, as  
it no longer has any juris-  
diction in military matters."

BS  
30/5/95

I submit this to the Govt and am in doubt  
as to how it shall be dealt with.  
The order appealed against was issued  
in February last - before the Govt had  
ceased to entertain the appeal. It was  
prepared after the Govt had taken  
place.

Govt. has now no power in military  
matters. The L. J. Corp. cannot  
however send the case on as it  
has.

The decision of the Govt. is  
Said Commanding, when C. in C.  
It appears to me therefore that  
appeal lies to the Govt. of India  
the C. in C. of India, but which  
is the essence of this Govt.

If the merits of the case are  
to be considered I would not have  
humbled the

LD  
29/5/95

Appeal from the decision of the S. A. Board

Public No. 1526

Order d/10<sup>th</sup> June 1895 N<sup>o</sup> 464

The Govt of Madras  
cannot entertain  
this appeal, as it  
no longer has any  
jurisdiction in  
military matters

From orders

8/6/95

20B  
11/6/95

FOR ORDERS.

Hm

To Deputy Adjutant General.  
The Lieut. General  
~~has received the order~~  
with papers returned.

Desp<sup>d</sup>  
17/6

When given for copying \_\_\_\_\_  
 When copied \_\_\_\_\_  
 When examined \_\_\_\_\_  
 When signed \_\_\_\_\_

189

REPLY AGAIN G.O., No.  
 189

DATED

CURRENT No.

ENCLOSURES TO O. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPER NOT FILED UP, BEING KEPT FOR DESPATCH  
 IN ORIGINAL

N.B.:-

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