

Public (1896) Department.

ORDINARY MS.

G.O., No. 1240

DATED 19. 11. 96

INDEXED.

[Despatch Abstract.]

Furnishing Revd. William Roberts, Unitarian
Missionary, Puzosavakkam, with ~~4~~ copy
of G.O. no 1239 of 1896 withholding the me-
morial of his son, Mr. G. J. Robert, to the action
of H.E. the Viceroy

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Public (1896) Department.

CURRENT No.



From

H. A. Stuart Esq. J.C.
Private Secretary to
H.E. the Governor.

No.

Dated 10th November 1896.

Received " } 11-96.
Registered " }

Enclosures 2.

Spare copies.

SUBJECT.

Transfers a petition dated 6th November 1896 from Rev. William Robert, Unitarian Missionary, Chersuwalkum, praying that his son, Mr. S. T. Roberts, may be restored to his former post in the Public Works Secretariat.

/ By order

H. A. Stuart

N
C.

Order N. 1240 of 19-11-96

The petitioner will
be furnished with
a copy of f.D. no: 1239
of 19th Nov: 96.

25/3
18/11/96

The Pet.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To His Excellency the Right Honorable

The Earl of Elgin & Kincardine, P. C., L. L. D.,

Viceroy & Governor-General of India,

&c., &c., &c.,

*The humble Petition of SAMUEL TURNBULL ROBERTS,
late a Clerk in the Office of the Chief Engineer and
Secretary to Government, Public Works Department.
Madras.*

MOST HUMBLY AND RESPECTFULLY SHEWETH :—

That it is with the deepest sorrow your humble petitioner begs leave most respectfully to approach Your Excellency with this humble petition, with the earnest hope that Your Excellency will kindly and patiently peruse it and take petitioner's *very hard and pitiful case* into Your Excellency's generous and merciful consideration, as your petitioner, his wife and *ten* children are driven to very great distress and ruin by your petitioner's removal from his post,—the latter being the greatest sufferers

That your petitioner's case being one of those contemplated by the Government of India in their Resolution No. 1436 of 24th September 1880, your petitioner's removal having placed him and his large family in serious distress if not ruin, and as there is a reasonable prospect of a difference of opinion between the Madras and Your Excellency's Governments, not only from the circumstances set forth in his previous petition, but also from certain additional facts now brought forward, your petitioner begs that the Madras Government will do him the justice to forward this petition to Your Excellency.

That your petitioner served Government for more than seventeen years in the Office of the Chief Engineer and Secretary to Government, P. W. D., Madras, during which period his good conduct and character were unquestionable, as testified to by Colonel Pennycuik, R. E., the Chief Engineer and Secretary to Government, P. W. D. in his remarks "*He bore an excellent character.*" That your Petitioner was removed from the service on ground of his having obtained the benefit of the Insolvent Act a second time, but it will be clearly seen by Your Excellency from

the following Memorandum of the Chief Engineer himself, No. 4001-C, of 7th October 1891, how clearly and considerately Colonel Pennycuik explains the cause of Your Excellency's petitioner getting into pecuniary difficulties, as being due to his suspension for seven months during his first insolvency when he only received Rs. 15 per mensem as subsistence allowance, wherewith he had to support his large family, and strongly recommended that your petitioner (and another clerk since pensioned) should be permitted to obtain the benefit of the Insolvent Act a second time, and Colonel Pennycuik further added: "Their position is *not* considered irretrievable, and 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."

Memorandum.

No. 4001-C., dated 7th October 1891.

"The statements of their debts forwarded by Messrs. and Roberts show that it is necessary to consider their cases in the light of Public Department G O., No. 184, of 3rd February 1888.

"2. Assuming that the statements submitted represent the total liabilities of these clerks, it appears that the proportion of debts to salary (*i.e.*, yearly salary) in Mr. case is approximately $1\frac{1}{2}$ to 1 and in Mr. Roberts' case 1.2 to 1, and as it will take them at least two years to clear off their debts, it is considered that their efficiency as public servants is very much impaired. Their position is not considered irretrievable, and 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.

"3. The undersigned would invite attention to the fact that if these clerks are suspended and placed on subsistence allowance for six or seven months, the working of the office would be greatly impeded and the clerks must lose all the advantages of the Act for the relief of Insolvent debtors, as they cannot live on their subsistence allowance and will certainly incur fresh debts.

"4. If these clerks cannot be allowed to seek relief in the Insolvent Court without being placed under suspension, it would be better to remove them altogether from the Government service, but the undersigned would strongly recommend that they may be allowed to seek relief in the Insolvent Court without being suspended.

"The service of the men are as follows:—

* * * * *

"MR. ROBERTS:

"Actual service from the 1st May 1875,

"Pensionable service from the 1st May 1875.

"(Signed) JOHN PENNYCUICK, Colonel, R.E.,

"Chief Engineer, P. W. Department,

"Madras."

That with the permission of Colonel Pennycuik, R. E., the Chief Engineer and Secretary to Government, P.W.D., to continue in his post, a privilege allowed only to deserving officials, and left to the discretion of Heads of Departments by order of Your Excellency's Government, Your Excellency's petitioner applied for

and obtained the benefit of the Act, a second time, having become involved in difficulties owing to his suspension for seven months on the former occasion, and to his having a family of ten children to provide for; but on Colonel Pennycuik, R. E., submitting his papers for the orders of Government, that officer wrote that he could not recommend Your petitioner's re-instatement. And your Petitioner was accordingly removed from the service *without any inquiry having been made as to the circumstances of his case*, or any regard being paid to the fact that his second insolvency was the direct result of his suspension for 7 months, during which time it was impossible for him with a family of 12 souls to provide for, to avoid contracting fresh debts.—No reason whatever was assigned by Government for his removal which was directed in an order of two lines vide G. O. No. 302 dated 4th May 1892, copy attached. ✂

It is now more than 4 years since your humble Petitioner has been removed from the service, and although he has appealed to the Madras Government and to his officer Colonel Pennycuik R. E., the late Chief Engineer and Secretary to Government P. W. D., he has not been fortunate in obtaining a favorable reconsideration of his case, and now makes this final appeal to your Excellency in Council as the highest tribunal he can appeal to for redress and reconsideration of his case, he humbly prays that his case may not be prejudiced by the period which has lapsed since his removal, as he has never ceased during this time to prosecute appeals to the local Government, and has only this year been furnished with copies of all papers connected with his case.

Your Petitioner was promoted in the P. W., Secretariat from Rs 80 to Rs 100 in May 1889 by Colonel. R. R. E. Drake-Brockman R. E., who was then in charge of the P. W. Secretariat, and your Petitioner was drawing his annual increments regularly for approved service up to his removal.

Your humble Petitioner and his large family being in a most miserable state, he earnestly craves your Excellency will kindly consider if his removal was justified by his second Insolvency, which was applied for by the encouragement given by Colonel Pennycuik to clear himself from his embarrassed circumstances.

I. That several Government servants who have obtained the benefit of the insolvent Act for the 2nd, 3rd and 4th time also have been reinstated—the following are some of them.

Messrs. Burghona and Jones of the General Post Office, Madras.
 Ramakrishna Mudaliar Clerk Presidency Port Office.
 Srinivasa Mudaliar Clerk " " "
 Cundasawmy Pillay Cashier Sanitary Commissioner's Office.
 Arumoogam Mudaliar Clerk Military Secretariat.
 Mr. Paul Clerk " "
 Mr. Stubbs Clerk " "
 Cunnoo Pillay Clerk Revenue Secretariat.
 Thamotheran Pillay " " "

Whereas your Excellency's Petitioner only obtained the benefit of the act for the *second time only*, which was due to his suspension for 7 months when he applied under the act the first time, and your Excellency's Government finding that owing to suspension during the application for Insolvency the applicants lose the benefit of the Insolvent act, have very considerably left such suspension to the discretion of the Heads of Departments, and my case is an instance of such loss due to my suspension for 7 months.

II. That he was not holding charge of any money to disentitle him to hold the post he was occupying.

III. That he was not guilty of any criminal action —or found incompetent to be removed from the service.

IV. That his indebtedness was due to unforeseen causes over which he had no control, which prompted Colonel Pennycuik R. E. to *strongly recommend* your Petitioner to Government in his Memorandum printed above to obtain the benefit of the Insolvent Act without being suspended.

V. That no one could say that your Petitioner ever lived beyond his means, or was of an extravagant or dissipated habits.

VI. That your Petitioner humbly submits that he has submitted Petition after Petition to the Local Government regarding his case and could obtain no consideration and was refused copies of the papers until recently, hence the delay in submitting the present Petition.

VII. And lastly that your Petitioner, his wife and 10 children are under great sufferings, and the latter still more so for the future also, as their education is neglected for want of means.

Your Petitioner therefore most humbly and earnestly prays that your Excellency will under the above circumstances take his pitiful case into favourable and benign consideration, and in dealing with your Petitioner, temper justice with mercy, and as an act of grace towards your humble Petitioner's wife and children,—if not to himself, be kindly pleased to (1) Restore him to his place in the P. W. Secretariat or (2) Grant him such pension as your Excellency deems just and equitable for his acknowledged good service for 17 years under Government, mercifully considering that he has a large family to support and to educate and bring forward his children, and also sanction his re-employment in the Public service; as having spent so many years in such service he is unable to obtain a remunerative post elsewhere.

For which act of Mercy and Benevolence, Your Petitioner as in duty bound will ever pray.

Signed S. T. Roberts
late Clerk P.W. Secretariat.

8/0
Gy. O. Public Dept No. 302 dated 4th May 1892.

The Government directs Mr Roberts' removal from the Public Service.

[From Extract]
10/5/92 J. F. Prier
Chief Secretary.

The Honorable R. J. Brandel,
Acting Chief Secretary to the
Government of Madras.

Fort St George.

Honorable Sir,

I beg leave most respectfully and humbly to submit the accompanying Petition addressed to His Excellency the Viceroy and Governor General of India applying for my reinstatement or for a Pension in consideration of 17 years service under Government, and in doing so, I beg to tender the following explanation which I cannot very well include in my Petition— as to how my schedule came to be prepared in the manner it was done— which has led to my removal from the Public Service.

On obtaining permission to apply for the benefit of the Insolvent Act I borrowed Rs. 30/- from Mr. Mahomed Raza Hussain Kirmani Saib, the Cash keeper of my Office— the Public works Secretariat. and arranged with my late wife's brother to prepare my Schedule as he was a lawyer's clerk, and handed him the 30 Rs. He used the money for his own purpose and made himself scarce, after a month when my wife and I met him we spoke to him sharply, about it, on which he said that he couldn't pay me the money then but would prepare my schedule and if I got 30 Rs for stamps I could file it. I explained the whole affair to Mr. Kirmani Saib, the Cash keeper above alluded to and got another 30 Rs from him and told my brother-in-law that I was prepared with Rs 30 for stamps. He wanted me to call over to the Insolvent Court at 2 o'clock the next day— (2 o'clock being the tiffin hour in the Secretariat). that he will have my schedule ready.

I went accordingly and had just time to fix the stamps to and sign the Schedule, and handed it to the Registrar, after taking my oath as to its correctness, being fully confident that it was drawn out as instructed by me.

I was only apprised of the mischief done by improper entries in my Schedule on the first hearing of the Court, when my case was adjourned to another date, on which, being already in greatly embarrassed circumstances and fearing that my Schedule might be thrown out, I explained to Mr. Hirmani Saib, the Cash Keeper, how I was deceived and begged of him to help me with 15 Rs more to enable me to engage a Counsel. Mr. Hirmani Saib not only sympathized with me in my misfortune but very kindly helped me with the 15 Rs I asked him: with which I engaged Mr. Gantz, Barrister-at-Law, who appeared on my behalf and obtained my discharge in the Insolvent Court.

These are the facts of my case Honorable Sir, with a wife and 10 children to support and with a service of 17 years, and with better prospects before me in the office, I would never have borrowed, under any circumstances, as represented in my Schedule, and I further beg to submit, if any one, aware of the manner the Schedule was prepared, signs it to seek his own ruin, but Honorable Sir, I am to be blamed for having placed implicit confidence - as often occurs in business matters - on one who taking advantage of the same has sought the ruin of my large family and myself.

Having once taken my oath before a Court of Justice, that my Schedule contained

contained a correct statement of my liabilities, had I retracted, the result would be, that my Schedule would have been thrown out and I would be getting into still greater difficulties.

Mr. Mahomed Raza Hussain Saib will I have no doubt corroborate my statements, which are facts, and I will feel extremely thankful to you Honorable Sir, and most humbly and earnestly beg you will be so kind as to lay my petition and this explanation before His Excellency the Right Honorable Sir Arthur Havelock, G.C. & C.J. & the Governor, for His Excellency's favorable consideration, with your kind and generous support - for which act of Benevolence myself and my large family will ever be deeply grateful and thankful to you.

With the greatest respect

I beg to remain

Honorable Sir

Your most obedient and
most humble Servant
Sd. S. J. Roberts.

Clerk. Ch. K. T. W. Courtani

Meneand's Lane
Pursewan Kaur
2nd November 1896.

His Excellency

The Right Honorable

Sir Arthur Havelock, G.C.M.S., G.C.I.E.

Governor of Madras

Grindy.

May it please Your Excellency,

I beg leave most humbly and most respectfully to approach Your Excellency with feelings mingled with hope and anxiety - My only apology for intruding on your Excellency's invaluable time being the feelings of an aged parent towards a son, his wife and their 10 children who are at present in very great hardships.

My son, owing to his misfortunes, has been removed from the Public Service after serving 17 years. "during such period he bore an excellent character."

Having heard that all references to the Government of India are seen by Your Excellency and being emboldened by your Excellency's paternal solicitude for the welfare of your Excellency's subjects, my son has forwarded through the Acting Chief Secretary, a Petition, addressed to the Government of India (copy enclosed for favor of kind perusal) praying for his reinstatement &c with the earnest hope that his case will be brought to your Excellency's notice when he has every hope that his Petition will be fully considered and prove favorable to him.

Your Excellency's Charitable and generous disposition has prompted me to write this

on behalf of my son and considering the circumstances under which he was strongly recommended by his officers to Government to permit my son to seek the benefit of the Insolvent Act to get rid of his pecuniary difficulties and the explanation now submitted to him in his letter to the acting Chief Secretary, which from personal knowledge I beg to assure Your Excellency are facts. I humbly hope and beg Your Excellency in dealing with him, temper justice with mercy and thus save a large and growing family from ruin, by restoring him to his place in the Public Works Secretariat, as a vacancy is expected in that Office by the retirement of one of the Senior Clerks by the end of this year and I will feel exceedingly thankful and grateful to Your Excellency for the same.

Most humbly apologising for my intrusion on Your Excellency's precious moments and with my humble prayers to the Almighty, the Giver of every good and perfect gift, to continue to multiply His blessings upon Your Excellency, Lady Havelock and your dear children and with the most profound respects.

I beg to remain
Your Excellency's most
dutiful and obedient servant,

William Roberts.

Hindustani missionary

Meneanda Lane:
Purserunkam
6 November 1896.

When given for copying 19/11
When copied 19/11
When examined 20/11
When signed 1896

READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

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