

Public (1897) Department.

ORDINARY MS.

G.O., No. 1138

DATED 31. 8. 97

[Despatch Abstract.]

Declining to grant the request  
of Mr S. T. Roberts, late of the P.W.  
Secretariat, either to be restored  
to his old appointment or to  
be granted a pension &  
informing him that future  
petitions from him on this subject  
will not be noticed.

# BACK PAPERS.

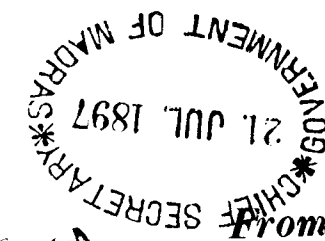
| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |

# FURTHER PAPERS.

| G.O. | No.     | Department. | Date. | G.O. | No. | Department. | Date. |
|------|---------|-------------|-------|------|-----|-------------|-------|
|      | 1237/98 |             |       |      |     |             |       |

## Public Works (1897) Department.

CURRENT No.



No. 3250C, dated 19 July 1897.

Order ~~Encl.~~

Mr. S. D. Roberts

Late clerk, P.W. Secretariat

Transferred  
to the Public Dept.

No. -

John Campbell Counsel R. S.  
Seymour

Dated 9.7.97

Received 10.7.97

Enclosures - 1

Spare copies -

conf. 90.  
Cater 1897

Recd 21 } 7-97  
Reqd 22 }

Encls - 1

SUBJECT.

Praying that he may be  
granted a pension for the  
services rendered by him  
to Govt.

To await the disposal  
on Narraim furs had's care

John  
27/97

C.W. 29.7.97  
Secretary  
Papers taken from  
Narraim furs had's care

| No.   | Date.    |
|-------|----------|
| 11257 | 51-5-97  |
| 12060 | 25-3-97  |
| 1620  | 12-1-97  |
| 585   | 21-11-96 |
| 10970 | 26-2-96  |
| 7750  | 10-2-96  |
| 5110  | 29-1-96  |
| 30130 | 12-11-95 |
| 3520  | 31-1-95  |
| 370   | 9-1-95   |
| 3231W | 17-12-94 |
| 38000 | 28-11-94 |
| 33780 | 31-10-94 |
| 2390  | 26-5-93  |
| 52530 | 16-12-92 |
| 55280 | 30-11-92 |
| 4080  | 16-9-92  |
| 10280 | 21-8-92  |
| 1406W | 7-5-92   |
| 20140 | 20-4-92  |
| 1472W | 27-5-91  |

No.

L

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.

*A since pensioned*  
 "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. |
| Arumooogam Mudaliar                                            | Clerk Military Secretariat.             |
| Mr. Paul                                                       | Clerk " " "                             |
| Mr. Stubbs                                                     | Clerk " " "                             |
| Cunoo Pillay                                                   | Clerk Revenue Secretariat.              |
| Thamotheram 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 Pennycook 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.

*Signature of Samuel Turnbull Roberts*

Madras

2<sup>nd</sup> November 1896.

To  
His Excellency  
The Right Honourable  
Sir Arthur E. Havelock,  
C. M. G. C. I. E.,  
Governor of Madras.  
re re re

The humble petition of Samuel  
Turnbull Roberts, late a Clerk in  
the P. W. Secretariat, Madras.

May it please your Excellency.

That your humble petitioner begs  
most respectfully to lay his pitiful case before  
your Excellency with the earnest hope that it  
will be taken into your Excellency's most  
favorable and gracious consideration.

That your Petitioner submitted  
the enclosed appeal to His Excellency the  
Right Honourable the Viceroy and Governor  
General of India through the Acting Chief  
Secretary to Government, the Honorable A. T.  
Arundell, with a covering letter fully and  
satisfactorily explaining that he did not  
merit the very severe punishment of removal  
from the Public Service, nor any punishment,  
but the Acting Chief Secretary withheld the  
appeal and your humble Petitioner was  
informed of the same under Public Department  
No 1239 of 19<sup>th</sup> November 1896.

That your Petitioner submitted  
a similar explanation to the Chief Engineer  
P. W. Department in his letter dated 22<sup>nd</sup>  
March

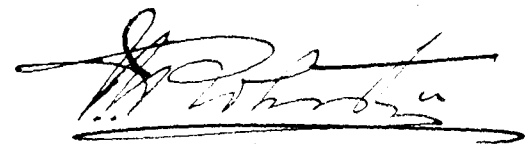
march 1897 which also proved unsuccessful.

That as the sufferings and distresses of your humble Petitioner and of his large family are very great and daily increasing he humbly & respectfully begs to submit this appeal to your Excellency and your Petitioner humbly begs that under the circumstances stated in the enclosed appeal your Excellency will, as an act of mercy, be kindly pleased to take his case into your Excellency's most favorable consideration.

That as your Excellency's Government has done various generous acts in consideration of the Diamond Jubilee of the reign of Her most Gracious Majesty the Queen and Empress and as your humble Petitioner has served Government for 17 years with the hope that he will be provided with a Pension for good and faithful service and as his services were testified as such by Colonel Pennycook R.E., the late Chief Engineer as stated in the enclosed appeal and by Colonel Shaw-Stewart R.E., then Joint Secretary in the P.W. Department, Railway Branch as follows:- "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 be glad to see his pay increased." With two testimonies of such high officers as to his labours under Government your Petitioner humbly craves that as an act of mercy on this auspicious occasion to a faithful servant and to his large family who are in great distress, your Excellency will be graciously pleased to grant your humble Petitioner a Pension for services rendered by him to the State - thereby relieving him and his wife and children from

from poverty they are enduring for a long time.

In which merciful act your humble Petitioner as in duty bound will ever pray.



Late clerk, P.W. Secretariat.

Pursevaikam  
Madras 9<sup>th</sup> July 1897.

SUBJECT

Mr Roberts' case has been much improved up to foot very frequently.

The history  
of the matter has OVERS.  
again been gone  
over because

for *Barzani* *Barzani*

Pursued as  
 The case  
 Carsummed at  
 used

*[Faint, overlapping handwritten text from other pages is visible through the paper.]*

This for the  
order to

[illegible]

H.M. remarked <sup>at</sup> N  
that the case had been  
considered over and over  
again by the different  
members of Gov.

[G.]  
25  
1,000-3-5-97.

C. No. 2711

## SUBJECT.

H. E. THE GOVERNOR.

THE HON'BLE <sup>Sir Henry</sup> MR. BLISS, K.C.I.E.

THE HON'BLE MR. GROSE, C.I.E.

Petition from an insolvent dismissed  
from Govt. service.

## FOR ORDERS.

Mr. S. T. Roberts late clerk  
in the P.W. Sectt. applied on the 29th Nov  
1886 for the benefit of the Insolvent Act  
and was therefore from that date placed  
under suspension and struck off duty. On  
the 25th of <sup>April</sup> ~~May~~ 1887, he was given a free  
discharge from his debts amounting to  
Rs. 1,517 but on the recommendation of the  
head of his office he was notwithstanding  
reinstated <sup>though</sup> ~~but~~ without arrears of pay and  
on the understanding that the period of  
his suspension should not count as pension-  
able service (G.O. No. 753, Pub., d/ 2nd  
June 1887)

2. In April 1888 Mr. Roberts  
appealed against the last restriction  
quoting the case of Mr. Foyton disposed of  
in G.O. No. 536 Pub., d/ 31st March 1888  
and Mr. Roberts was given the benefit of  
the rule laid down in para 3 of that order  
under G.O. No. 466 Pub., d/ 3rd May 1888.

3. Shortly after his reinstatement  
Mr. Roberts began to borrow again in a

most

report with go.  $\frac{302 \text{ Pub}}{4.5.92}$

H

K

C

$$F \propto D^2$$

nd also fr.  $\frac{36 \text{ lbs}}{13.6.92}$  P<sup>2</sup>

Received from Madras 26/11/1891

xx  
Appendix IV shows that  
not a person as is asked  
for can only be granted with  
the permission of the Secy. of  
State.

**E**

M

The papers referred to in the  
Orders are solicited.  
note above having been put by  
for Marram Pursad's case  
were not for some time avail-  
able. Further coupl §O. 95  
Pub-d/25.8.73 had to be  
sent to the Home

the notes with this order,  
which attention is directed,  
Honorable Members of Court  
took very different views  
with Robert's case. The  
discussion ended in  
petitioners being exempted  
from the operation of  
P.O. 396 Feb 13. 92.80  
for as his employment  
in military mail offices  
in Burma was concerned.

When in March 1895  
he proposed that Post and  
Telegraph his employment  
as a second keeper in the  
Singapore office  
on the 45th March, he  
was told - P.O. 208 Feb  
21. 3.95 - that Post  
would consider the  
matter if the Singapore  
addressed on the  
subject.

It is submitted that no  
ground for reopening  
a question discussed so  
often and at such length  
have been shown. No  
person can be permitted  
to make the Secretary  
of State.

AK.

Public Dept

Calo 2711

Order No. 1138 of 31st August 97  
this

Mr Roberts  
will be informed  
that his request  
cannot be complied  
with and that  
further petitions  
on the subject  
will not be noticed  
from C.S. orders

CW  
30/8/97  
31/8/97  
Tr (9) Dec 23/9/97

When given for copying 2/9  
 When copied 2/9  
 When examined 2/9  
 When signed \_\_\_\_\_

189

When given G.O. No. \_\_\_\_\_  
 189

DATED

When given to C. No.

When given to GOVERNMENT

A A A A A A A

When given to GOVERNMENT

When given with photo

When given to, being meant for DEPART  
 of ORIGINAL

A = Copy in full  
 B = Not to be copied  
 C = Copy abstract only  
 D = Copy heading only