

Public (1897) Department.

ORDINARY MS.

G.O., No. 753

DATED 16th June 1897

35
1896

[Despatch Abstract.]

Declining to grant to G. Nathamuni Nayudu,
late Storekeeper, General Hospital, certain
amounts of pay due to him.

BACK PAPERS.

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

FURTHER PAPERS.

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

Judicial (1897) Department.

CURRENT No. 825

From
CHIEF SECRETARY
The Inspector General of Prisons
26 FEB 1897
GOVERNMENT OF MADRAS

Order

Endorsement

Transferred to the
Public Dept.

No. C. 781.

Dated 23rd February 1897.

Received { 26-2-97

Registered { 3

Enclosures 3

Spare copies

SUBJECT.

Submitted for orders petition of
Convict N. Nadamooney Naidu con-
fined in Her Majesty's Penitentiary
Madras praying that the pay for 3
months due to him may be ordered
to be disbursed to him.

Memorandum No. 4307/13.3.97.

Referred to the
Surgeon General for his
remarks.

By order 11/3/97

Chief
Asst Secretary

30B

BACK PAPERS.

G.O.	No.	Department.	Date.
	632	Public.	16-6-96
R 80		Just.	22-1-96
R 1286		Just.	28-11-25
The Madras Mail of 13, 14, 15 August 1897			
80 800 on 13-2-96			

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[G]
[14]

4,700-13-5-96.

NOTE FOR THE CHIEF SECRETARY.

G.O. 632 d/ 16.6.96 shows that Govt- was aware of the confiscation although it did not specifically authorize it. There are however other matters in the petition which call for remarks - hence the proposed endorsement. Mr. Price has however retired & his explanation cannot

be obtained but
some future good
may result from
looking into the
matter now.

F.D.B.
9.3.97

FORM No. 53.

Nominal Roll of Convict No. 8693, Nattamuni Naislu.

Crime.	Sentence.	Date of Sentence.	Adjudicating Court.	Present Age.	State of Health.	Conduct in Jail.	Result of the Appeal to Appellate Court.	Number of previous convictions if any and remarks.
Forgery &c. Secs: 467. 468. 465. 409. 403. 511. 420 & 408. &c.	Two (2) years. P. I. and One (1) year. P. I.	14 th August 1895.	High Court Madras. and Head Assistant Magistrate: Nellore.	47.	Indifferent.	Good	No appeal against High Court. Did not appeal against the sentence of Head Magistrate.	

JAIL OFFICE,
15 February 1897.

Rules 701 and 704.

Superintendent.

No 5824
To G. Nathamuni Chaidu.
Convict No 8693.

With reference to your letter dated
the 26th October 1896, you are informed that
the three months pay due to you has been
confiscated by the order of Government.

2. The service book cannot be returned
as you have been dismissed the service on
conviction.

(By order)

W. Simpson Esq. M.B.
Surgeon-Captain

Secy Surgeon-General
with the Govt. of Madras.

Madras
13th Nov 1896

[Signature]

15. 11. 96
Done
Communicate

Ch 1542
16-11-96

2670 d/17-11-96

RECORDED

Done

Post. of Pismo-Madras
MADRAS,
10th Dec 1896.

With reference to your
letter dated the 10th Dec 96
the Surgeon General is
unable to furnish
you with copies of the
documents applied for.

(By order)
20.12.96
Thompson M.B.

Surgeon-Captain,

Secretary, Surgeon-General
with the Govt. of Madras.
G. Nathamony Chion
Convict No 8693.

76

135

communicated to no. 8693
 1841
 2000
 96
 THE SUPERINTENDENT
 Madras.
 23-12-96
 Clerk,
 Office of Surgn. Genl. with the Govt. of Madras.

To
 His Excellency the Right Honorable
 the Governor in Council
 Madras.

The humble ~~petition~~ petition of
 Y. S. Thammuni Aidu, late Store
 Keeper, General Hospital Madras,
 against the proceedings of the Surgeon
 General with the Government of
 Madras.

Most humbly sheweth,

That your Excellency's petitioner
 was appointed, as Store Keeper of
 the General Hospital from July 1st
 October 1892 on probation, and from
 May 1893 to the end of December 1894
 permanently on Rs 45 per mensem.
 Prior to this period he held appoint-
 ments in the Collectorate of Nellore
 for over 17 years.

2. That the security for this appoin-
 -ment is Rs 500/.

3. That the petitioner's services were
 dispensed with, first in November
 1892 for not depositing his cash
 security, and one Eurasian was

Appointed in his stead on the personal security of the Guarantee and surety ship association of Bombay for only Rs 250/- instead of Rs 500/-, and the petitioner in consequence had to stop from duty in November 1892 on receipt of 4 months pay together.

4. That his successor having resigned the appointment in May 1893, your Excellency's petitioner was again offered the place in May 1893, and he continued in the appointment till the end of 1894.

5. During the tenure of his appointment, he likewise produced personal security for Rs 500/- of the same association from September 1893, having been paid his salary, month after month for May, June, July and August 1893 in anticipation of depositing his security.

6. At the end of 1 year, the petitioner was ordered to deposit cash security.

7. As the petitioner was unable to deposit cash security at once, on sudden orders, his salaries for October, November and December 1894

1894 were kept in abeyance till he paid his security.

8. Unfortunately for him, the petitioner was suspended from duty on 2 January 1895, for a betment of attempt to cheat and was convicted for 2 years rigorous imprisonment in the month of August 1895, by the High Court.

9. That the petitioner was suspended and sent out without taking charge of store articles, accounts, & books which should have been done then.

10. The senior medical officer has written to him at the end of March 1895, i.e., 3 months afterwards, that on examining the accounts, and taking stock of articles, there were some deficiencies, and that the petitioner should come and explain.

11. The petitioner replied that he was not responsible for any deficiencies when the stock was taken in his absence, 3 months after he was suspended, by an irresponsible Hospital assistant.

12. In the month of June 1895 the

petitioner requested the Senior Medical officer, for payment of his salaries due to him for the period he actually worked, and for the subsistence allowance during the period of his suspension.

13. The Senior Medical officer in reply stated officially, that the money has been credited towards his cash security and cannot be paid to him.

14. The most important circumstances in this case for the most benign consideration of your Excellency, are the following:—

(1) That the primary object of the Senior Medical officer in withholding petitioner's salaries was, to compel him to deposit his cash security without delay as expressed by him in person.

(2) There was no verbal or written agreement between the petitioner and the Senior Medical officer, to credit his salaries towards his security.

(3) That the petitioner never executed any penalty bond.

(4) When petitioner failed to deposit his cash security, the Senior Medical officer should have desisted, with his services, making of exacting work without payment month after month, a policy adopted within the prohibited degrees and contrary to views of Government.

(5) The procedure of Senior Medical officer is unsupported by precedents, in as much as the salaries in question were drawn from the Accountant General as per acquittance roll in record, and his signature for the due discharge was taken from your Excellency's petitioner. It is open to question in the accounts point of view, how the said sum was disposed of. If it is established, that the said amount was short-drawn from the next month's pay bill, as per Account Code, there must have been some remarks made in the acquittance roll.

(6) Before the petitioner

was sent on suspension, the proper course to have adopted, would have been for the Senior Medical Officer to take charge of stock & articles, accounts &c in the presence of the petitioner, and hold him accountable for any loss or deficiencies then & there.

(7) The stock was ordered to be taken 3 months after the petitioner was suspended, and one irresponsible Hospital Assistant was deputed to this work and examined the books, while so many Medical Officers and Upper subordinates immediately connected with the department, are available.

(8) That the petitioner cannot safely rely upon the fidelity and competency of this Medical subordinate in the discharge of this work, not to speak of the procedure itself is contrary to rules.

(9) If the Senior Medical Officer

officer had disinterestedly acted, firstly, he should have ordered the charge of stock to be taken from the petitioner formally, & secondly, failing which he should have requested the Accountant General to examine the stock, articles and accounts, agreeably to rules of Civil service regulations.

(10) The Surgeon General seems to have taken objections for allowing an Hospital Assistant to take stock and examine the accounts, and for not taking charge of stores from the petitioner, at the time of his suspension from duty.

(11) On his entertainment on the second occasion his salaries were regularly paid to him in anticipation of his depositing the security, till he produced the personal security as aforesaid.

(12) There were no judicial orders at the time of petitioner's trial for "confiscation" of his salaries, or property, nor was he fined to warrant any such "confiscation".

he 5. That the petitioner on 26. 12. 96
represented the above circumstances
in detail to the Surgeon General
and requested him for payment
of his salaries. In his order No
5834, he stated that the salaries
13. 11. 96
have been confiscated by order
of Government.

16. As the above order of the Surgeon
General did not specify on what
grounds the Government had ordered
the salaries to be confiscated,
the petitioner requested the
Surgeon General again in his
letter of the 10. 12. 96, for favor
of the said information, in
view to addressing your Excellency
for justice being done to him,
and that if the Surgeon General
be unwilling to quote the order,
he may be kindly pleased to
favor the petitioner with copies
of said order, or to send the
correspondence to the address
of the Superintendent of Prisons
for

for communication to the petitioner
17. In reply, the Surgeon General
stated in his Memorandum
No 6463, that he was unable to
19. 12. 96
furnish the information or
copies of the orders.

18. That the Medical officers
evidently take advantage
of the position of the petitioner
as a Council, and withhold
information on the subject,
even after repeated requests,
shrewdly with the motive of
giving him no materials for
petitioning against their
actions which are high handed,
and also to screen the procedure
of the Senior Medical officers
which is against rule.

19. That the petitioner humbly
begs your Excellency in Council
will be graciously pleased
to take this subject into kind
consideration and order payment

of his salaries to which he
is legally entitled.

20. By doing so your Excellency
petitioner is in duty bound.
shall ever pray.

6th February 1847. J. Nathaniel Esqr
Corwich No 8693
His Penitentiary

John Esqr
Supt of Prisons
His Honor
1847

Public (1897) Department.

CURRENT No. / 387



From
Surgeon-Major-General C. Sibthorpe,
F.R.C.P.I.

Ref. No. 894 of 23rd April 1897
Order

for favour of remarks

Surgeon-General with the
Government of Madras.

Referred to the Chief Secy
with advice to para
2 and 4 of the Surgeon-
Genl's letter.

CHIEF SECRETARY
-7 APR. 1897
GOVERNMENT OF MADRAS
No. 198

Dated the 5th April 1897.

Received 7 }
Registered 7 } Do

Admichice
Chief Secretary

Enclosures 4. (C 823 put with 3
enclos. referred)
Spare copies

A.K.
13/4/97.

SUBJECT.

Submitting his remarks on a petition
from Y. Nathamuni Naidu, late Store-
keeper, General Hospital, Madras, and
now a convict in Her Majesty's Peni-
tentiary.

No. C. 781. Camp Nellore
23-2-1897.
Submitted for the orders
of Government.

A. G. Cardew
Insp. Genl. of Prisons

Public
4
1387

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[1]

CURRENT NO 1387 Pub

OFFICE OF SURGEON-GENERAL

WITH THE GOVERNMENT OF MADRAS,

Madras, 5th April 1897. 1896.

No. 198

From

SURGEON-MAJOR-GENERAL G. SIBTHORPE, F.R.C.P.I.,

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

To

THE HON'BLE THE CHIEF SECRETARY TO GOVERNMENT,

Public DEPARTMENT.

SIR,

With reference to Memorandum No.643,Public, dated the 13th March 1897, referring for remarks petition from Y.Nathamuni Naidu, late Storekeeper, General Hospital, --- Madras, and now a convict in Her Majesty's Penitentiary, I have the honour to state that the facts of the case were already fully represented to Government in my letter No. T/129, dated the 23rd May 1896 and Government in its Proceedings No.632,Public, dated the 16th June 1896 approved of the pay of the Storekeeper being confiscated.

2. In this connection the Senior Medical Officer, --- General Hospital, Madras, reports that the petitioner notwithstanding the repeated verbal orders of Brigade Surgeon-Lieutenant-Colonel Price failed to deposit his cash security and consequently his pay was withheld to compel him to do so and before he had carried out the orders to deposit his security he was detected in a fraud and sentenced to imprisonment. The pay due to him was therefore confiscated to Government as part recovery of the losses incurred by Government from the criminal conduct of the Storekeeper.

3. He further states that the petitioner in para 9 of his petition makes a deliberately false statement, as on the morning of his suspension, he ordered an inventory of the stores to be taken by the steward in the presence of the

petitioner

Public (1897) Department.

CURRENT No. 1952



From The Asst General
Madras

Order

No. 1601

Dated 22nd May 1897

Received

Registered 24 } 5-97
25 }

Enclosures - Pub. C. No. 1387/97

Spare copies with encls.

SUBJECT.

Informing that there is no provision in G. S. R. under which the arrear of pay of an officer sent to Jail can be confiscated & returning with certain observations the petition from J. Nathamuni Naidu, late Store-keeper in the General Hospital

M^r Hennesman - Submit with a complete note to the

petitioner as also in the presence of the man whom he had temporarily appointed as Storekeeper but Nathamuni Naidu refused to hand over charge and left the hospital, telling the Steward he was not responsible. The Store accounts and books were very carefully gone into and checked with the result that the deficiencies, as shown in the statement forwarded with my letter No. T/129, dated 23rd May 1896, were detected.

4. With reference to para 14(5) of the petition the amount of pay was refunded to Government in November 1895 by short drawal in the Pay bill for October 1895. The delay in doing so was due to the fact of the Petitioner's case having been committed to the High Court whose decision was awaited in the matter. This was only a departmental course and is certainly not open to question by the petitioner.

5. The enclosures which accompanied the Memorandum are herewith returned.

I have the honour to be,

Sir,

Your most obedient Servant,

C. J. Hennesman

Surgeon-Major-General,

Surgeon-General with the

Government of Madras.

BACK PAPER

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CURRENT NO. 1952

Presidency Audit DEPARTMENT.

FORT ST. GEORGE,

Accountant-General's Office,

22nd May 1897

No. 1601

From

W. H. Michael Esqre.,

Offg. ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Chief Secretary to Government,
Public Department.

SIR,

With reference to your endorsement No: 894, dated the 23^d of April 1897 calling for remarks on paras 2 and 4 of the Surgeon General's letter No: 198 dated 5th idem in connection with a petition from T. Nathamuni Nayudu, late Store-keeper in the General Hospital, and now a convict in Her Majesty's Penitentiary, I have the honour to state with reference to para 2 that there is no provision in the Civil Service Regulations under which the arrears pay of an officer sent to jail can be confiscated. It is for the Executive authorities to settle whether the pay due is to

be taken as part recovery of the losses incurred by Government.

With reference to para 4 of the Surgeon General's letter, I note below the net amounts of T. Nathamuni Nayudus pay drawn from this office for the months of October November and December 1894 and January 1895 and the months in which they were drawn.

<u>Month for which drawn</u>	<u>Month in which drawn</u>	<u>Amount</u>
October 1894	November 1894	Rs 44-1--
November "	December "	43-1-4
December "	December "	34-4-4
1 st to 3 rd January '95	February 1895	4-5-8
		<u>Total - 125-12-4</u>

The whole of this amount less Rs 1-2-9 for loss of linen by him while in the Hospital was refunded in the General Hospital Establishment Pay bill for October 1895 paid in November 1895. Under the rules the undischarged pay should have been refunded by short drawal in the Hospital Establishment Pay bill for the month following that in which it was drawn from the Office, vide Article 63 of the Civil Account Code. It should not have been under any

Circumstances

circumstances placed in deposit.

I take this opportunity to observe that the deduction of Rs 1-2-9 above referred to from the amount drawn on account of the pay of the store-keeper for loss of linen is also irregular. The article lost should have been purchased in the ordinary way and the cost thereof recovered on a Contingent bill in case the amount could not be recovered in cash from the defaulter and in the former case the amount could have been stopped from his pay when it was to be paid to him.

I have the honour to be,
Sir,

Your most obedient servant,

Whickel

Offg. Accountant General.

From

THE ACCOUNTANT-GENERAL,

MADRAS,

To

THE

No.

Dated

Received

No.

Subject.

[G.
25]
1,000-8-5-97.

Public..... Dr
C. No.s. 877 and 1387 and 1902.

H. E. THE GOVERNOR.

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

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

SUBJECT.

Petition from Y. Nathamuni Naidu, late
Store-keeper, General Hospital,
praying for certain arrears of
pay due to him.

FOR ORDERS.

Vide Madras Mail issues of the
13th, 14th and 15th Aug. 1895.

In August 1895 the petitioner,
Nathamuni Naidu, store-keeper of the
General Hospital, was prosecuted, along
with one of the Contractors, for frauds
in connection with the hospital store-
room supplies and accounts. He was con-
-victed and sentenced to two years'
rigorous imprisonment. He is now in
Her Majesty's Penitentiary, Madras.

In May 1893 the Surgeon-General^x
in applying for permission to write
off the accounts the amount lost by
the dishonesty of the petitioner and
the Contractor, pointed out that there
happened to be in the hands of the
Hospital authorities three months back
pay (Rs. 129-9-7) of the petitioner
which had been withheld. This was con-
fiscated and credited to Government
and the amount written off was reduced
by that sum. *Petitioner now requests that
this sum may be refunded to him.*
The withholding of the pay

arose as follows:-Petitioner, who says
that personal security of the Guarantee
and Surety-shield Association of Bombay

G.O. No. 110632 Pch
d. 16-6-96 B
sanctioned this step.

had previously been accepted from him, was called upon in September 1923 to furnish cash security for Rs. 500. He failed to do so, and in order to compel him, his pay for October, November and December ^{was} withheld. Before he had provided the security he fell under suspicion and was suspended.

The present petition, besides containing arguments to show that he was not responsible for the defalcations, and much else that is irrelevant to the present case, contains the following arguments:-

(1) that when he failed to deposit his cash security the Senior Medical Officer should have then and there dispensed with his services instead of allowing him to continue in service without payment of his salaries.

This ^{may be} true, but the petitioner would not have been benefited ^{by} dismissal.

(2) that there was no reason to credit his salaries towards his cash security because there was no verbal or written agreement to the effect between the Senior Medical Officer and himself and that the petitioner had executed no penalty bond.

The salary was of course not credited to the cash security. The suggestion that Government cannot, unless it takes a penalty bond from its servants, fine them or make stoppages from their pay is futile.

(3) that a verification of stock and accounts should have been made in his presence and not as he avers was the case

in his absence, three months after his suspension; and by "an irresponsible Hospital Assistant"

This is quite beside the present point, and is only here referred to because the Surgeon-General reports that the petitioner's statement is deliberately false, and that the petitioner was invited to be present at the taking of the inventory on the day of his suspension, but refused to attend.

(4) that there was no Judicial order passed at the time of his trial authorising the confiscation of the back pay.

With regard to this, it is submitted, that Government was quite justified in crediting the petitioner's money, which happened to be in hand, towards the losses sustained through his default. There is, as pointed out by the Accountant-General, no rule under which this ^{is} to be done, but the right of Government is, it is submitted, quite clear. If the petitioner denies the right ^{as} distinguished from the justice) of ~~the~~ confiscating his pay his only resource is to sue Government.

The petitioner /para 14 (5) /shows that the procedure adopted in the General Hospital was most irregular. He points out that his pay was drawn by the Hospital authorities but his signature to the acquittance roll was never taken. The Surgeon-General in commenting on this rightly points out that this is no concern of the petitioner.

petitioner, being a departmental matter.

states that the money was kept at the

till November 1895 when it was repaid
by short drawal. The delay, he says,
was due to the fact that the Senior

not have been under any circumstances placed in deposit. The Accountant-General takes the opportunity of

if this was not possible the cost should have been recovered on a contingent bill and the cash recovered by actually

presented to the Surgeon-General, and that

that the petitioner may be told that

AK. There can be no doubt
2/6/97 that what has been done
is accordance with custom

4/6/92.

Yrs- I believe, I
can see

25
9/6/97

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 877

of 1897, dated 23/2/97 from the I. G. of Prisons

" " 1387

" 1897, " 5/4/97 " the S. G.

" " 1962

" 1897, " 22/5/97 " the A. G.

ORDER.

W. 753 of 16th June 97

CS^{his}

Aditor

Petitioner will be informed
that his request cannot
be complied with.

(For notes)

A.H.
12/6/97

16.6.97

Ref. (Under the I. G. of Prisons)
2 of C. no 877 of 1897

When given for copying 15
 When copied 110/1
 When examined 17/6 1897
 When signed _____

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.

ATTACHED WITH DITTO.

AS NOT FILED UP, BEING MEANT FOR DISPATCH
 IN ORIGINAL.

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