

Public (189) Department.

ORDINARY MS.

G.O., No. 1086.

Dated 26 August 98.

INDEXED.

[Despatch Abstract.]

Directing the S.G. to inform the Petitioner,
C. Munsawani Naidu, late a clerk in his office
that the Govt declines to interfere in the
matter of his petition appealing against
the acceptance of his resignation.

T
3.9.98

BACK PAPERS.

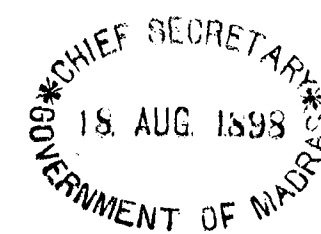
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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

Public (1898) Department.

CURRENT No.



Order

From

Surgeon-Major-General C. Sibthorpe,
C.B., D.R.C.P.I.,
Surgeon-General with the Government
of Madras.

No. 22/14

Dated 14 August 98

Received

Registered

Enclosures. 3.

Spare copies -

SUBJECT.

Transmitting a petition from C. Muni-
sawmy Naidu late a clerk in his
and ~~for his own private~~
office, requesting that the Government
will be pleased to dismiss his
appeal which is not deserving of the
least consideration.

BACK PAPERS.

G.O.	No.	Department.	Date.
			9

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Copy of a letter from C. Moonesawmy Naidu
to the Secretary to the Surgeon-General with the Government
of Madras dated 1st March 1898.

Agreeably to the orders of Government, I beg
to withdraw my resignation within 24 hours, which I sub-
-mitted yesterday at about 3 O'Clock P.M.

Awaiting for your favourable orders.

(True copy)

Souran ✓

Surgeon-Captain,

Acting Secretary to the Surgeon-General

Quip with the Government of Madras.

Copy of a letter from C. Moonesawmy Naidu, late Record keeper, to the Secretary to the Surgeon-General with the Government of Madras, dated 21st July 1898.

With reference to your minute No. 1872 dated 2nd March 1895, directing me to quote the authority under which I asked for the withdrawal of my resignation, I beg to report that, in my present position of unemployment, in any Government Office, I have no access to any office records to look for authority. I regret, therefore, that I am unable to quote the G.O. required.

2. I beg also to add that the delay in submission of this reply was unavoidable partly because I was in a confused state of mind and the paper also was mislaid and partly because I fell sick and had to go to my native place for recovery.

3. In these circumstances, I request that you will be so good as to accept my explanation and permit me to withdraw my resignation.

(True copy)

[Signature]

Surgeon-Captain,

Acting Secretary to the Surgeon-General

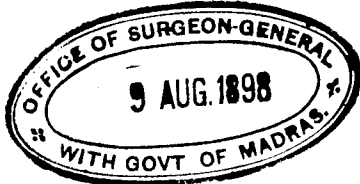
with the Government of Madras.

[Signature]

Through The Surgeon
General with the
Government of
Madras

To

His Excellency
The Right Honorable
Sir Arthur
Clibbault Havelock
G.C.M.G. & G.C.F.E.
Governor and
President
in Council
Fort St. George
Madras.



The humble petition
of C. Mooneswamy Naider
lately employed as a
clerk in the Office of
Surgeon General with
the Government of
Madras:—

Most humbly Sheweth:

This is a petition
appealing against the
orders of the Surgeon
General with the Government
of Madras, dismissing
The

The petitioner for an alleged act of disobedience of orders, the facts on which the order of dismissal is based being set forth in the following lines.

Having felt unwell on the 26th February 1895, the petitioner was obliged to stay at home. According to the Office order, he sent a sick report with a Medical Certificate to the Secretary Surgeon General requesting that his absence might be excused for the 26th and 27th idem; but in reply he received an official intimation marked urgent dated 26th February 1895 to the effect that he should report himself to the Resident Surgeon, General Hospital for Medical examination and report. The order though marked urgent

urgent and dated 26th Feb 1895 reached the petitioner only on the second day evening at 4.30 P.M. On the 3rd day the 28th February 1895, the petitioner having felt better and found relief from illness attended the Office as usual; but the Surgeon General construing this to be "an act of disobedience of his orders" recorded an order of dismissal against the petitioner.

That in order to add to his misfortune, the petitioner subsequently was advised by the Manager of the Office to present an application for resignation of his appointment on a representation that the resignation if accepted by the Surgeon General would not bar the future employment of

of the petitioner in Government service elsewhere. Whereas the Order of dismissal would stand in his way. The petitioner drafted one, but did not submit it, being in a confused state of mind. But subsequently the Manager of the Office called over to the Seat of the petitioner and asked him whether or not he had with him the application for resignation. The petitioner unable to conceal the truth replied that he had it in his hand, but declined to give the same saying that it would be detrimental to his Case if submitted to the Surgeon General. Notwithstanding this the Manager took the application from the petitioner with encouraging words

words to the effect that nothing could be done against his will. Subsequently the Manager handed it over to the Secretary, asking him to accept the option of the petitioner.

While the facts stood as stated above, the Secretary sent for the petitioner and asked him "Mornesawny What am I to do with this application". "Sir, the petitioner replied" This application was never submitted by me, but was casually brought to you by the Manager, and now it is not my intention that it should be sent to the Surgeon General as it would be detrimental to my Case, if submitted. That the original dismissal order may stand as it is, - to enable me to appeal

to Government either for
my appointment or for
an annuity in Consider-
ation of my 14 years
service under Government.
When the petitioner so
expressed his wishes
the Secretary first returned
the application; but while
the petitioner had it in
his hand, the Secretary,
to the petitioner's mis-
fortune snatched it
again from his hand
saying "Let this be seen"
by the Surgeon General.
Subsequently, the Secretary
with a moment's
delay and quite against
the will of the petitioner
took it to the Surgeon
General, who in his turn
immediately converted
the Order of "Dismissal"
into one of "Resignation
accepted", thus barring
or intending to bar all
chances of appeal. That
whether

whether or not dismissal
order took priority will
be proved by a reference
to the defaulters book
maintained in the Office,
it will also be confirmed
by the statement of
Mr. Ghulam Mahomed
Saidi the manager of the
Office. Immediately
after this, the petitioner
begged permission within
24 hours to withdraw the
so called resignation, and
in reply to this he received
a memo from the Secretary
directing the petitioner
to quote the authority
for such withdrawal.
He reported that he was
not able to quote any
authority as he had no
access to any Government
Records. These are the
facts as they occurred
on which the appeal is
against the order is based,
while it is for Government
to decide whether the

Chand

Charge against the petitioner which culminated in an instantaneous order of dismissal without a moment's enquiry or opportunity for explanation should stand as a charge at all or should merit the punishment meted out. The petitioner begs permission to bring the following Circumstances for the benign consideration of Government.

The petitioner was discharging his duties in the Office of the Controller of Military Accounts - Medical Department - and of the Surgeon, ^{General} in various Capacities as a Clerk and Record keeper on No 45/ to the entire satisfaction of all his Official Superiors, during a long period of service between February 1881 and February 1895, on which

which date he was dismissed. Had the Order of the Surgeon General dated 26 February 1895 reached the petitioner on that day or even early on the following day, he would have instantaneously gone to the Resident Surgeon as directed. Seeing that the order reached the petitioner very late on the 2nd day evening, viz at 4.30 P.M. of the 27th and that he felt better next day, he thought that it would be a greater disobedience of order in spirit to stay away from Office on a plea of illness than to go to the Surgeon for examination for which there was no necessity because he was free from his Complaint, having been placed on the 26th and 27th under medical treatment. A medical Certificate

Certificate had been duly forwarded along with the sick report according to the Office Order and the petitioner returned to duty as soon as he recovered. On the 28th immediately on going to Office he informed the Secretary that the Office letter dated 26 February 1895 was received very late on the evening of the 27th at 4.30 P.M., and that the date and hour of the receipt of the same had also been marked in the "Delivery Book" of the person who brought the letter for delivery. The Secretary then questioned the petitioner as to why he had not attended the Hospital, to which he replied that as he felt better he attended the Office as usual, but

if the Secretary still ordered the petitioner to go to Hospital, he would immediately obey his orders. Thereupon he sent for the person, examined his Delivery Book and satisfied as to the real facts of the case. He then ordered the petitioner to attend to his work as usual.

The petitioner regrets to say that no charge was framed against him and in fact no opportunity was given him to explain fully his conduct in writing. All that the petitioner knew was that he was dismissed for disobedience of orders.

7/ Government can easily imagine the state of mind the petitioner was or might have been

When he heard of his dismissal. It can also imagine how easily the petitioner could have been misled by fallacious Counsel - to present an application for resignation when he was in a confused state of mind. The eagerness and the hurry with which the acceptance of the so called resignation was carried through (the particulars of which have been detailed above) and the refusal to permit the withdrawal of the so called resignation immediately after its submission would themselves show conclusively whether there was any intention to deal with the petitioner fairly for the so called disobedience of orders.

8/ Assuming for the sake of argument that

that the petitioner was guilty of disobedience of orders in doing what he thought was a duty in attending his Office, did such conduct on the part of the petitioner merit a summary dismissal? Was it justifiable to convert dismissal into "resignation accepted" so as to bar all chances of appeal? Is not the petitioner at least entitled to be informed in writing of the nature and circumstances of the charges formulated against him? Is he not in fairness entitled to be furnished with a copy of the order detailing the circumstances of his dismissal? and Should he not be heard in explanation? It is

for

for Government to decide
and the petitioner has
brought the facts as they
occurred to the notice
of Government.

Truth and justice
should take their own
course in the decision
of a case; lengthy ex-
planations are always
tedious, and the petitioner
does not wish to take
up His Excellency's
precious time; he therefore
prays fervently that in
the above circumstances
the Government may be
pleased to restore him
in his place, especially
in consideration of his
past 14 years' service
and of the fact that
he being the sole bread
winner of his large
family consisting

of

of a dumb brother and
children. He is under
the present order left
thoroughly penniless.

Should however Government
be pleased to decline
to restore the petitioner
to his place in the office,
he prays that he may
at least be granted
a pension under the
rules in consideration
of his past 14 years service
both in the Department
of the Accountant of
Military Accounts and
in the Office of Surgeon
General.

For which act of
kindness the petitioner
shall as in duty bound
ever be grateful.

C. Mooneswamy

Record Keeper

late employed
in the Office of Surgeon

with the rank of

Major

/s/ Address/

No 6:

Prasanna Vinayagan Coril
Street

Pondicherry

11/8/00

OFFICE OF SURGEON-GENERAL

No. 42
14

WITH THE GOVERNMENT OF MADRAS,

Camp Berunda. 14th August 1893.

From

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

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

To

THE HON'BLE THE CHIEF SECRETARY TO GOVERNMENT,

Public DEPARTMENT.

SIR,

I have the honor to transmit a petition to His Excellency the Governor from C. Moonesawmy Naidu, late a clerk in this office, praying that his resignation, submitted and accepted so far back as in February 1895, may be allowed to be withdrawn or that he may be granted the pension due for the period of his service.

2. The circumstances under which this clerk resigned his appointment are as follows:-

He was not a satisfactory clerk both as regards his work and attendance. On the 3rd September 1894, he reported sick and stayed away from the office until the 11th idem without producing any Medical certificate. When he was written to, he was not to be found at home, which distinctly showed that he was not actually sick. He was, therefore, fined.

He absented himself again from 10th to 15th November 1894 on the same plea and was directed to appear before the Senior Medical Officer, General Hospital, who reported, after three days' observation, that the man was not suffering from any appreciable disease. He was again fined and warned that a repetition of such conduct would entail his dismissal.

On the 26th February 1895 having again reported sick, he was at once directed to go to General Hospital but

he failed to carry out this order and returned to the office on the 28th February, after staying away for two days, on the plea that he felt better and did not, therefore, think necessary to go to hospital, but the real fact was that he was not sick and was afraid to go to hospital as he would again be reported for feigning sickness.

3. It was impossible to put up with such conduct and as his case from this and other causes appeared to be hopeless, it was considered necessary to put the warning into effect. He was accordingly informed by me that he would be dismissed. On hearing of this he at once submitted his resignation and implored that it might be accepted in lieu of dismissal, a request which was granted. It was, therefore, not necessary to provide him with a copy of charges and order, &c. All these offences are recorded in the office Defaulter Book.

4. His present contention that his resignation was not voluntary is only an after-thought. I attach copies of his letters dated 1st March and 21st July 1895 in which no such suggestion has been made.

5. The fact of his keeping quiet for three and a half years shows that he was convinced of his guilt and accepted his fate. The present memorial is merely an ingenious effort to try a chance on the alleged plea of forced resignation. Under these circumstances, I trust that Government will be pleased to dismiss his appeal which is not deserving of the least consideration.

I have the honor to be,

Sir,

Your most obedient servant,

C. H. S. R. Ope

Surgeon-Major-General,

Surgeon-General with the Government of

Madras.

O. No. 12591 of 1898

SUBJECT

Appeal by C. Munuswami Naidu, late clerk in the S.G.'s office, against the acceptance of his resignation.

FOR ORDERS.

Petitioner states in para. 1 of his petition that he appeals against the orders of the Surgeon General dismissing him for an alleged act of disobedience. His plea is as follows:-

that feeling unwell on 26th February 1895, he stopped away from work and sent a sick report with a medical certificate to the Surgeon General, asking that his absence on the 26th and 27th February might be excused. ^{he received} In reply, an urgent order dated 26th ^{Feb} 1895, ordering him to report himself to the Resident Surgeon General Hospital for medical examination. He says he received this order late on 27th ^{Feb} 1895. ^{Feb} Feeling better on 28th ^{Feb} 1895 he went to office and received an order of dismissal for disobedience. He proceeds to state that the Manager of the Surgeon General's office advised petitioner to ask to be allowed to resign his appointment, so as not to bar his future re-employment. ^{for service} Petitioner says he drafted

a resignation but did not present it. He adds that subsequently the manager got the resignation from him and gave it to the Secretary. The latter officer sent for petitioner, avers that he told the Secretary that he preferred his dismissal order to stand. Upon which the Secretary returned his resignation to him, but later on "snatched" it from him where upon the Surgeon General converted the order of dismissal into one of resignation accepted. Within 24 hours petitioner asked for permission to withdraw his resignation and was told to quote the authority for such a withdrawal. This he was unable to do.

5. The Surgeon General states that petitioner had previously absented himself without producing a sick certificate, and after he had been placed under medical observation with the result that it was found that he had practically nothing the matter with him, he was warned that future absence would entail dismissal. Having again absented himself, as stated in the petition he was ordered to appear before the Resident Surgeon, General Hospital. This he did not do and was consequently warned that he would be dismissed. On hearing this ^{petitioner} he put in his resignation and requested it might be accepted in lieu of dismissal. This was done. The Surgeon General submits copies of petitioners withdrawal of his resignation dated 1st March 1895 (J) and his reply dated 21st July 1895 (K)

in which he states that he is unable to quote the authority for withdrawal of resignations. The S.G. considers that the present contention made over ^{that his resignation} three years subsequently was not voluntary but is an after thought. Submitted that it is proved that the petitioner resigned and that his resignation was accepted.

The following disposal is submitted for approval:-

Read Current No. 2591, d/ 14-8-98 from the S.G. (a)

ORDER No. 1086.9 26 August 1898
Mis

Petitioner should be informed that Government declined to interfere in his case.

TO the Surgeon General

20.8.98

dispd 30-4-98

then given for copying _____
 then copied _____
 then examined _____
 then signed _____

189

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

WARRANT No.

ENCLOSURES TO G. No

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BRING WANT FOR DETATCH
 IN ORIGINAL.

N.B.—

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