Recueil Consultations.

N° 636

Dated 4th to 10th May 1859

No. 45. Read the following Petition from BEEM ROW, late Tahsildar of Pollachee talook Zillah Coimbatore.

Appealing against his dismissal from office. | (Here enter 12th March 1859.)

No. 46. ORDER THEREON, 7th May 1859, No. 636.

Beem Row, late Tahsildar of Pollachee talook in the District of Coimbatore, appeals against the Collector's decision as confirmed by the Board suspending him for 18 months from 7th October 1856, and finally dismissing him from his office, on two charges one of extortion preferred against him by certain Wadders, and one of abuse of authority in having forcibly caused a Rajeenamah to be signed.

2. These charges were enquired into by the local Authorities and Petitioner's dismissal was the result. Petitioner appealed to the Board and received a final endorsement on the 29th April 1858, to the effect that his re-employment as Tahsildar could not be entertained.

3. Petitioner urges "long service" as a reason for reinstatement in office, he having served for about 28 years; but it appears that this is not his first or only offence, he having on former occasions fallen under the displeasure of his superiors, and having also been fined 85 Rupees by Government, vide Extract Minutes Consultation 8th April 1851; and Mr. Walhouse his immediate superior for many years gives him a bad character.

4. The Government are unable to accede to Petitioner's prayer for the reversal of the Board's decision.

(Signed) W. C. SIM,
Acting Deputy Secretary to Government.

To His Excellency the Lord Harris G C B

Governor in Council

Fort St George

The humble Petition of Beem Row late

Tahseeldar of the Taluck of Pollachee in the

Zillah of Coimbatore -

Gentlemen,

1 This is an Appeal against the Endorsement
on Petitions Nos 628 & 1656 of 1857 and 871- 901- & 910 of 1858
presented to the Board of Revenue who declare that they
are unable to permit the Petitioner's reemployment as a Tahseeldar

2 As from the patient perusal of the reasons
assigned in all the above 5 Petitions the Boards declaring
as above is, Your Petitioner humbly observes, owing to your
Petitioner's misfortunes however he has shewn in them all
grounds consistent with justice and good law of the higher
authorities; and therefore with a firm hope that, in consideration
of the recent change of India Government holding out
promises or hopes that the Home authorities will secure
the interests of the India subjects, to the agricultural
classes and officials, justice will be done, your Petitioner falls
on the mercy of your Lordship by this appeal Memorial &
submits that, if deliberate consideration be given to the origin
of the Cause which the Collector of the District availed
in the first instance, and the manner in which that authority
availed it afterwards in depriving him of his unimpeached
public Service, your Lordship will be necessarily induced

to

and

to order the reemployment of your Petitioner as a Tahsildar concluding that the Board of Revenue ought to have already done so.

3. Altho the 5 Petitions referred to above contain almost all the features of the case, yet your Petitioner takes leave to review the same at one sight as concisely as possible.

4. Your Petitioner is a long servant of the Honorable Company as upwards of 30 years, & had performed his respective duties without impeachment. Of this period 20 yrs as Tahsildar of several Talooks of the Coimbatore District.

5. On the 7th October 1856 Mr Collector [illegible] your Petitioner on a plea that he acted irregularly in the Maramut Works - but the acts reported to are these - 1st: your Petitioner received a bribe from Laborers tho' one Ramasawmy Proodilly: and 2d: your Petitioner extorted a Rajenamah from one Meeralubbay, and fined him 2 Pr illegally.

The 1st charge is not directly against your Petitioner, but the Manager of the Village who neither on oath and confessed that he did receive the bribe, nor stated that he gave the sum to your Petitioner: and the 2d: a Rajenamah was willingly given & signed by Meeralubbay before the Talook Cutcherry in the presence of several respectable persons and Examined Vizt.

The Collector enquired into these charges and found nothing against your Petitioner, but, at the instigation of some of your Petitioners' enemies in the Maramut Department (who set up the nominal Complainants of the above two charges) the Collector has therefore suspended your Petitioner without inserting the Specific charges and definite period of suspension in the order Rd 2.

over

Dept. 6

One or two months after wards the Collector reported to the Board of Revenue the above Circumstances against your Petitioner, proposing that he must be suspended from office of Tahsildar as his fitness for a period of 18 months from 7th October 1856.

7. The Board of Revenue called upon the Collector to forward the Proceedings with his opinion regarding the Character of your Petitioner.

8. The Collector having been absent on leave at the time for one Month, and the Sub Collector Mr Walhouse in charge having to answer the Board's proceedings, it was reported by the latter authority to the Board that the Collector has already expressed his conviction regarding the 1st charge (bribery) tho' it was not proved, and that he himself examined the 2d charge, and found it irregular on the part of your Petitioner tho' there is some discrepancy in the evidence: and it was further brought to the Notice of the Board that your Petitioner had been 20 years before removed in Mr Drury's time, but was restored to office upon Board's order, and 15 years before suspended in Mr Wroughton's time, but the Board ordered to give him the Talook from which he was suspended, & that the Petitioner was fined by order of the Board one Months Salary for not having realized the Exam Revenue of Moodavandy Pullamungalum in Erode Talook - a Circumstance intended to inspire them (Board) that the his (Petitioners) character had been as similar as the present.

9. As regards the 1st charge the Collectors own statement that it is not proved in his 1st report will reasonably exonerate your Petitioner from the stain -

and

addressed to them until upwards of one year laying a side the said Report and Petitions.

11. Your Petitioner from the date of his suspension waited on the Collectors' Cutcherry with a view that, on the expiration of the period of 18 months (which the Collector recommended to the Board in his first report) will restore him to his office, but that authority did not do so except bestowing upon others the offices now and then vacated. In the mean while the Collector having confirmed the acting appointment of the Jaloolas from which your Petitioner was suspended, and the time having expired at the same time, Your Petitioner has therefore remined the Collector Mr. Thomas by written application that he may restore him to his office the period of 18 months having expired.

12. The Collector instead of restoring your Petitioner to his office of Jaseeldarship has, it is told, addressed a report to the Board declaring in breach of his first report (which was for 18 months suspension) that he is unwilling to give your Petitioner the Jaseeldar Situation except an inferior one.

13. The Board of Revenue who was silent on the Collectors' and Sub Collectors reports and who had passed no orders at all on any of the 5 Petitions your Petitioner addressed to them on the injustice done by the Collector and Sub Collector have at one and same time (i.e. 29th July 1858) acceded to the Collectors' last recommendation and endorsed and returned all the 5 Petitions that they are unable

And as regards the 2d charge there is no other proposition than that of the Sub Collector; there are no other presumptive proofs in this two charges except the imaginary convictions of this authorities upon Petitioner, who is long servant; likewise perhaps the reprimand; and is not objected to the other description as degradation - As regards the former charge upon Petitioner, for which three instances are given by the Sub Collector, your Petitioner submits herewith the original endorsements of the then Members of the Board - It is true that the Petitioner was charged by the former Collector as he was seen by the present Collector; but the former Board as their constituted reasonably set a side the then Collectors recommendations as against him, and sanctioned the Petitioners remonstrances. Coming false charges against a Servant cannot be availed after so long as 20 and 15 years during which your Petitioner acted as Jaseeldar of several Talooks.

As respects the fine of one months Salary referred to, your Petitioner submits that the arrears of the Inadequately Cases were of long standing - To realize this your Petitioner as well as his predecessors have respectively addressed to the Honble Board that, unless the defaulters property be ordered to be sold, the arrears cannot be realized, but the Collectors never gave orders to do so, & hence the arrears were never discharged - On this matter Collector realized the said fine on a plea that the Board ordered to do so from your Petitioner & others - This is not a negligence on your Petitioners part, nor can this augment his stain.

10 - To the said reports of the Sub Collector the Board of Revenue passed no orders whatever nor have they immediately passed any orders on the 5 Petitions which your Petitioner addressed

unable to permit the Petitioners' reemployment as a Jopi

14 The New acting Collector Mr. Cherry appraised

Pet 5 your Petitioner of the Board's resolution as above, and also the 5 Petitions with Endorsements thereon on the 11th Augt 1858

On your Petitioners' applying to the said acting Collector Mr. Cherry to treat him in any respect, that authority did do nothing.

15 It was imperative on the Board of Revenue, who are Appellate Members, to have disposed of your Petitioners' Petitions and approved or disapproved of the Collectors' recommendation earlier without laying them all aside for months, or at least minutely noticed the changes of the recommendation which in his first report was for 18 months suspension, and which in his last report, ended as tending to deprive your Petitioner of the high Situation of Jyseildarship, and subject him to inferior emoluments. In a Case as this in which the Collector differs his public proceedings of recommending 18 months suspension in one report, and changes it into the mode of placing the Petitioner in the inferior post, in the other, your Petitioner would venture to observe that the Collector acted in such boundless manner as having no over him a controlling power to Checks his public proceedings; and that the Appellate authorities (Board) also would appear to your Lordship to have never corrected the Collectors proceedings in changing his first opinion (18 months suspension) into the bestowal of inferior post, in the other. Had the Collector no

cause

cause for so doing he would have stated so in his first report, but the change is left for your Lordships consideration to weigh what other Cause would have induced the Collector to resort, than the instigation of your Petitioners' Enemies adverted to.

17 From the acting Collectors' letter it appears that the Board seems to have been unable to permit Petitioners' reemployment as a Jyseildar by his "former and present Acts" Your Petitioner explained above that there was proof for the present two charges, and submitted that the former charges had been discussed by the former Board, and your Petitioner reinstated at that time; but owing to the Petitioners' bad time he has been deprived of his high post by the Board's resolution now under appeal. As respects to your Petitioners former Character he submits for instance 5 cases out of many in his hand. The perusal thereof will convince your Lordship that the same European officers who removed and suspended your Petitioner formerly have thought his services as most useful or applaudable in the years subsequent to the dates of the former Character.

Therefore your Petitioner solicits that your Lordship will call for the records of the present and former times, take them into full consideration, and issue instructions to the Local authorities in order that your Petitioner may be restored in his former post (Jyseildarship) he being long Married and having no other means than Employment to support and keep up his family consisting of 50 souls.

And he submits himself as in duty bound shall Ever Pray

Dated 1859.

Dept

Dept

No 636

Extract from the Minutes of Consultation

Under date the 7th May April 1859.

Read the following Petition from Beem Row late Tahsildar of Pollachee Talook Zillah Coimbatore

(Here enter 12th March 1859)

Beem Row late Tahsildar of Pollachee Talook in the ~~District of~~ Coimbatore appeals against the Collr's decision as confirmed by the Bd suspending him for 18 months from 7th Feby 1856 ~~on~~ charges, and finally dismissing him from his Office, on two charges of extortion preferred against him by certain Raddees, and one of abuse of authority in having forcibly caused a Rajeenamah the signed.

2 These charges were inquired into by the Local authorities and Petitioner's dismissal was the result. Petitioner appealed to the Bd and rec'd a final Order on the 29th April 1858. The effect that his re-employment as Tahsildar could not be entertained.

3 Petitioner urges long service as a reason for reinstatement in Office having served for about 28 years but it appears that this is not the

Rec

first is only offence he having
a former occasion fallen
under the displeasure of his
superiors, and having also been
fined 85 Rs by Govt. under L. L.
Co. 8th April 1851. and Govt.
feel loath his immediate
superior for many years gives him
Pet: a bad character.
In ~~Petitioners favour~~
~~Extracts~~

4 The Govt are unable to accede to Petitioner's
prayer for the reversal of the Board's
decision.

W. Ely
5/6

Kelly

Copy to Bremner Row.
Dis 5/6
Do. to Peter Dept. Revd

Items.

In the present instance of extortion, though there was
nothing directly implicating the Pet: the Collr who was
on the spot was morally satisfied in his complicity
and strongly recommended his ~~not~~ being again
employed as Sahukar. all confidence in his integrity
having been forfeited. He agreed with the Collr
~~that Pet: should not be~~, leaving his re-entertainment
in any other appointment entirely in the hands of
the local authorities.

Revenue 1859. Dep.t
Cons.s 10.th May

№ 636.

Pro of the Madras Govt.
Dep.t 1.st May 59.

Pro: of the B.d of Rev.e Dep.t
Dec.r 59 (№ 2367 in Cons.s
10 Jany 60 №s 114-115.
Forms Remand of 3.rd Feb.y 60 (№ 242

Government decline
to accede to Petitioner's
prayer for the reversal
of the Board's decision.

in a letter to C
th February 1860 №16.

№45 & 46.

Dep.t 25.th April 1.st May