M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 707 Press / Mis.

42-44

Dated 3 — 5 — 1860.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, for the month of May 1860.

Read the following papers:—

No. 42. From TAMMAJI RAU, late Sarishtadár of the Sub-Collectorate of North Arcot, to T. PYCROFT, Chief Secretary to Government, dated Madras, 5th April 1860.

I respectfully request you will be good enough to submit to Government the accompanying memorial for transmission to the Secretary of State, with their recommendation to grant to me a pension equal to half of my salary.

The humble Memorial of TAMMAJI RAU, late Sarishtadár of the Sub-Collectorate of North, Arcot, to the Right Honorable Sir C. WOOD, Bart., Secretary of State for India dated 4th April 1860.

That your Memorialist served the Government for nearly 37 years in important Revenue Posts and latterly held the Sarishtadárship of the Sub-Collector's Division of North Arcot. In 1859 with the employment of Deputy Collectors the reduction of the status and salaries of the Sarishtadárs was ordered. The Board of Revenue, however, on the strength of the instructions of Government directed in their Circular, dated 10th May 1859, No. 1,689 that the salaries of the present Sarishtadárs were not to be affected by the changes but that the reduction was to be carried out prospectively when vacancies occur. Here your Memorialist would request you, Right Honorable Sir, to remember in disposing of his case, that *under these orders he was not to be made to suffer in his present position*, though he may not be promoted.

2. But that your Memorialist has contrary to these orders, been forced to retire on pension by the* Board of Revenue, because the Sub-Collector in charge of the District thought that he was not competent to be *promoted* to the Office of Collector's Manager, and that his continuance as Sub-Collector's Manager would render it necessary to disburse the higher rate of pay, the difference being Rs. 75 per mensem; in this latter post, your Memorialist has served for upwards of 17 years, and no question whatever has been raised, as to his competency intellectually or physically to continue in it.

* *Proceedings, dated 12th July* 1859.

Former salary of the Office.....	175
Present do	100
Difference.....	75

3. That your Memorialist has in deference to the Orders of the Board agreed to retire, but requested considering the special circumstances of his case, that he may be allowed a pension equal to his salary—but that the Government in the place of giving any such special consideration granted him a pension equal to a third of his salary by giving him the benefit of only 23 years service, and rejecting the remainder 14, because there was an interruption of 17 months in 1835-6; otherwise your Memorialist would without any question be entitled to a pension equal to half his salary. The rule under which the previous service has been rejected is that contained in the Honorable Court's Financial Despatch to the Government of India, dated 15th August 1855, No. 75, paragraph 3.

4. That your Memorialist trusts that your Lordship will see from the above unvarnished explanation of the circumstances that he has been hardly dealt with. First. Because he was forced to retire contrary to the arrangements sanctioned by Government and thereby prevented from continuing in the service and completing the seven years consecutively to renew his claim for half pension, even if the application of the rule in question be insisted upon, and Secondly. Because the retrospective application of a rule of 1855 to interruptions which have occurred 20 years previously is hard in the extreme, to use no other term that may be deemed disrespectful.

5. That in regard to the first ground above adduced your Memorialist would set forth that he is still physically competent to continue in the service, that no Medical Officer has certified to his inability nor indeed have any other recommended his removal on this ground; that when the Government became aware of this, they offered to your Memorialist to take up a subordinate post as a Tahsíldár on a lower pay, but that Memorialist declined it, as by so doing he will only humiliate himself in his own eyes and in those of the community and his friends.

6. That giving retrospective effect to any rules which are likely to injure parties is contrary to the policy and justice which have rendered the British name peculiarly popular in this country. Such application of the particular rule in question is unusually oppressive and unjustly severe, because the dismissal of Public Servants according to the whim or caprice of the Head of the office has not been checked till the strict orders contained in the letter from the Honorable Court to Government of India, dated 6th August 1851, Financial Department, No. 42 were received; and several Public Servants suffer distress, from circumstances which would not have occurred had either the local or the Home Government entrusted with the administration of this vast and important empire, earlier discovered the deplorable state of things owing to the manner in which the European heads conducted themselves, and corrected it as they were bound in justice to God and Man to do. Your petitioner's dismissal from a Tahsíldárship which caused the interruption was in March 1835, and it was not till May of that year or properly March 1837, that the local Government prohibited the arbitrary dismissal of even these higher class of servants. (See page 226 of the Madras Revenue Board Circular Orders.)

7. That the dismissal of your Memorialist in 1835 was on a charge which subsequent to the orders of the Court of Directors would have been entirely disallowed;—it was, that your Memorialist when Tahsíldár of Palmanair has not seen to the correct and punctual preparation of the Azmáish (Inspection of the cultivation) accounts—while in the despatch alluded to (paragraph 6) the Court have remarked that "Fraud and dishonesty, continued and wilful negligence and all offences involving moral disgrace should be met with their appropriate punishment in dismissal."

8. That your Memorialist in conclusion begs that your Lordship in Council will take this Memorial into your patient consideration and render justice by ordering the local Government not to give retrospective effect to the rule of 1855 alluded to, or if that is deemed disallowable to make your Memorialist's case a special one in consideration of the special circumstances attending his case and to give him a pension equal to half his salary. For this act of justice and charity your Memorialist as in duty bound will ever pray.

No. 43. *Memorandum by the Secretary to Government.*

1. This memorial is from Tammáji Ráu, late Sub-Collector's Sarishtadár in North Arcot whose case has already been before Government. Before sending Home the memorial, I beg to bring the case again under consideration. The points are well and clearly stated in the memorial.

2. The time required for a pension of half salary is 30 years. The Petitioner has served 37 years, but during that time, now 25 years ago, viz. in 1835-6, when he was a Tahsíldár, he was once removed from employment; and therefore he is denied all the benefit of his previous service of 14 years. The rule under which he is thus made to suffer was passed several years *after* his temporary removal; and he thus suffers by an *ex post facto* law.

3. Secondly. The Petitioner's removal was the act of an Officer notorious throughout the country for dismissing his subordinates on trivial grounds; and whose habit in this respect was one chief reason of the order of May 1835, prohibiting the dismissal of Tahsíldárs by Collectors without the sanction of the Board of Revenue.

4. Thirdly. The grounds of Petitioner's dismissal were trivial—were not among those specified in the order of the Honorable Court of Directors as sufficient for dismissal. Yet that improper and unjustifiable dismissal, besides being a heavy injury to the Petitioner at the time, is now to operate to his prejudice, 25 years after the event, and for the remainder of his life.

5. Fourthly. Petitioner did not apply for a pension; no one has declared him to be physically disqualified for service, nor does he appear to be so. He might still have continued in employment for some years, and probably have completed his 30 years of consecutive service, but he was called on to take a pension, through no fault of his own, but because of changes in the Public Service. This circumstance alone, as it seems to me, ought to operate in his favour (as it has been allowed to operate in other similar cases), even if the other circumstances were not such as to plead for some consideration for him.

No. 44. ORDER THEREON, 3rd May 1860, No. 707.

1. This memorialist was lately pensioned on one-third of his salary;* he now submits a memorial to the Home Government, praying, for reasons stated, that his pension may be raised to one-half of his salary.

* *Order dated 3rd March* 1860, *No.* 78, *Public (Separate) Department.*

The Honorable the Governor in Council has reconsidered the case, the particulars of which are clearly set forth in the memorial; and he is of opinion that sufficient grounds exist for admitting the memorialist to the higher rate of pension sought by him.

2. The length of service required for a pension of half salary is 30 years. The memorialist has served 37 years, but on one occasion during that time, now 25 years ago, viz., in 1835, when he was a Tahsíldár, he was once removed from employment, and under a rule passed subsequently, viz., in 1855, his services before his dismissal cannot count for pension. But there are special reasons why this *ex post facto* law should not be applied to Petitioner:—

Court of Directors to Government of India, 15th August 1855, *No.* 75, *Civil Auditor's Manual, chapter III, paragraph* 115.

1st. His dismissal was the act of an Officer known throughout the country for dismissing his subordinates on trivial grounds.

2ndly. The grounds of memorialist's dismissal were in fact trivial, and were not among those specified in the Order of the Court of Directors as sufficient for dismissal.

Circular Order, Board of Revenue, Vol. I, Note at page 226.

Despatch to Government of India, 6th August 1851, *Circular Order Board of Revenue Volume II page* 46.

3rdly. Memorialist did not apply for a pension; nor has he been declared physically disqualified for service. He might still have continued in employment for some years, and probably have completed his 30 years of consecutive service; but he was called on to take a pension, through no fault of his own, but because of changes in the Public Service.

3. For these reasons, the Government are of opinion that the case is one calling for a relaxation of the rule which enjoins that dismissal is to cancel the claim of former service for pension. They accordingly resolve to concede to the memorialist the benefit of his entire service of 37 years, and to grant him a pension of one-half of his salary or Rupees (87-8) eighty seven and annas eight in lieu of the one-third pension conferred on him by the Order noted in the margin.

3rd March 1860, *No.* 78, *Public (Separate) Department.*

4. These proceedings will be communicated to the Public (Separate) Department in view to the issue of a fresh Certificate.

5. A copy will be furnished to the memorialist.

(Signed) J. D. BOURDILLON,
Secretary to Government.

Rev: Dept.

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№ 707.

Proceedings of the Madras Government
Under date the 3d May 1860.

Read the following papers.

From Jammáji Rámc. Cate Sheristadar of the Sub-Collectorate of Northstrict.

Submits a memorial in triplicate to the Home Govt praying for a pension equal to half of his salary. (Here enter 5th April 60)

Memo from Secretary to Govt. (Here enter 11th April 60)

Sheristadár

1. This memorialist was lately pensioned on one third of his salary; he now submits a memorial to the Home Government, praying for reasons stated, ~~that~~ that his pension may be raised to one half of his salary.

+ Ordered 3d March 60 № 78 Pub. Separate Dept.

The Honorable the

the Governor in Coun-
-cil has reconsidered
the case, the particu-
-lars of which are as
clearly set forth in
the Memorial; and
he is of opinion that
sufficient grounds
exist for admitting the
Memorialist to the
higher rate of pension
sought by
him.

2. The length of
service required for a
pension of half salary
is 30 years. The Memo-
-rialist has served 37
years, but on one oc-
-casion during that
time, now 25 years ago,
viz in 1835 when he
was a Tahsildar, he
was

Court of Directors to Govt. of India 15 Augt 55 No 5.
Civil Auditors manual
Chap III para 115.

Note on the quotation above. The Memorialist also quotes the same date in para 3 — An extract from the Gazette in which the order was published is not with us.

Civ: Cr: Bd of Rev:
Vol. I Note at page 226.

was once removed from employment, and under a rule passed subsequently, viz in 1855, his services before his dismissal cannot count for pension. But there are special reasons why this ex post facto law should not be applied to Petitioner.

1st. His dismissal was the act of an officer known throughout the country for dismissing his subordinates on trivial grounds, and whose habit in this respect was one chief cause of the order of May 1835 prohibiting the dismissal of Tahsildars by Collectors without the sanction of the Board of

of Revenue.

2nd. The grounds of Memorialist's dismissal were in fact trivial, and were not among those specified in the order of the Court of Directors as sufficient for dismissal.

3rd. Memorialist did not apply for a pension; nor has he been declared physically disqualified for service. He might still have continued in employment for some years, and probably have completed his 30 years of consecutive service, but he was called on to take a pension, through no fault of his own, but because of changes in the

Despatch to Govt of India 6th Augt 1851. Cir: Cr: 13th of Rev: Vol. II page 46.

3rd March 1860 No 78. Pub. (Sep) Deptt.

the public service.

3. For these reasons, the Govt are of opinion that the case is one entitled calling for a relaxation of the rule which enjoins that dismissal is to cancel the claim of former service for pension. They accordingly resolve to concede to the Memorialist the benefit of his entire service of 37 years, and to grant him a pension of one half of his salary or Rs (87. 8). Eighty seven and annas eight in lieu of the one third pension conferred on him by the order cited in the margin.

4. These proceedings will be communicated to the Public (Separate) Department in view to the issue of a fresh Certificate.

10. A copy will be furnished

furnished to the Memorialists ~~the enclosed~~ ^ and the Memorial will at the same time be returned to them.

4 Copies. Public Separate Desp.
3 " Civil Auditor Desp. 4
1 " Ag. Coll. of North Ucos
1 " Immigr. Pass. N
with 2 Enclos

This Presidency not
seem to encourage
unless it is intended
that the entire expe
shall be refunded

Recd 15

Revenue 1860 Departt
Dro: of Govt 10th May.

No. 707.

Dro: of the Madras
Government

Dy 3d May 1860.

Granting Tammaji Rau
late Sarishtadar of the Sub
Collector of North Arcot a
Pension of one half of his
Salary in lieu of the one
third Pension conferred
on him.

No 42 at 44