M.R.O. 14—10,000—21-4-23

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 906	Press Mis.
371 373	
Dated 28-4-1862	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 28th April 1862.

No. 371. Read the following Proceedings of the Board of Revenue, dated 9th November 1861, No. 6,155 :—

Read the following letter from H. A. BRETT, Esq., Collector of Salem, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated 16th October 1861, No. 191.

SIR,

1. I have the honor to acknowledge the receipt of the Board's Order, No. 5,534, dated the 10th instant, forwarding a copy of the Government Proceedings, dated the 7th instant, No. 1,937, and requesting me to explain the matter alluded to at the close of Captain Priestley's letter to Government.

2. I understand Captain Priestley's statement, as it regards myself, to be that Mr. Henry Jones, formerly in the Survey Department (the brother of Mr. Albert Jones), was induced to leave that Department last year, by the promise of an appointment in my office.

3. I beg to state that I had no sort of communication with Mr. Jones till after he had tendered his resignation in the Survey Department. After Mr. Jones had given in his resignation he applied to me for employment. I then communicated on the subject with Captain Searle, the head of his Office at Salem, who confirmed Mr. Jones' statement that he had asked for leave to resign, but informed me that he was unwilling to let Mr. Jones go, and had sent his resignation on to Captain Priestley. A few days after I had spoken to Captain Searle, on finding that Mr. Jones adhered to his intention to leave the Department, and that with the tacit consent of Captain Searle, he gave up his employment from the time the Survey party to which he was attached left Salem, I consented to give him a place in my Office. Mr. Jones was, therefore, entertained from the 17th of December last as a Clerk, and is now Acting Head Clerk on the Collector's establishment.

4. I should add that Mr. Jones' employment in the Survey Department was that of an Office Clerk. He was not, he informs me, employed in Survey duty, except for about fifteen days in August 1860, when he did field work, in place of a man who was temporarily absent. There, is therefore, even on this point, nothing similar between his case and his brother's as described in paragraph 8 of Captain Priestley's letter.

5. If I did anything contrary to the usual practice, it was in employing Mr. Jones before a final order in his case had been received from Captain Priestley. That the Board may see on what grounds I exercised a discretion on that point, I beg to lay before them the copy of a letter which I addressed to Captain Priestley, under date the 26th ultimo, No. 80, explaining certain particulars connected with Mr. Jones' conduct.

6. The main considerations which led me to employ Mr. Jones at once were,

First. That he would have had no means of support, if I had not taken him into my Office at the time he ceased to do duty in the Survey Department.

Secondly. That he had continued to serve at Salem subsequent to his resignation till the last practicable moment; and,

Thirdly. That he had, as I thought, good reason to expect that Captain Priestley would accept his resignation.

7. Having explained my own case, the Board will not, I hope, object to my further describing from personal knowledge what took place between Mr. Robinson, the Inspector General of Mufassal Police, who cannot at present speak for himself, and Mr. Albert Jones, the person whose case is the first referred to by Captain Priestley.

8. I was present when Mr. Robinson saw Mr. Albert Jones at my house in August last. Mr. A. Jones sought an interview with Mr. Robinson, in order to ascertain why he had been removed from the Police, and to inform Mr. Robinson that it was still his wish to be employed in the Police Department. Mr. Robinson gave him no promise, though, no doubt, Mr. Jones saw reason from the favorable terms in which Mr. Robinson spoke, to expect an appointment

in the Police, if he were free to accept one. Mr. Jones was informed by Mr. Robinson that nothing could be done for him in the Police Department unless he first obtained leave from his own Department.

9. It is probable, therefore, that Captain Priestley was misinformed in respect to the statement ascribed to Mr. Jones in the 1st paragraph of Captain Priestley's letter.

10. I also beg leave to remark that two questions of general interest are involved in these cases. The first, whether Heads of Department are, or are not, at liberty to receive and reply to applications for employment from persons already employed in other Departments. Hitherto, if the Officer receiving such an application was willing to comply with it, it was usual for him to inform the applicant to that effect, with an intimation that the consent of the person under whom the applicant was already serving would be necessary before his wishes could be actually complied with. In general, if not always, the same Officer communicates with the Head of the other Department.

11. The second question is, whether subordinate servants have a just claim on the Heads of the Departments, in which they are serving to permit them to leave, if they desire to leave. Speaking from long experience, I have never known, until recently, this right denied to subordinate servants subject to the well understood condition that a certain reasonable time must be allowed to the Head of the Department to make new arrangements. I, of course, refer to subordinate servants who have not entered into any special contract as to the time they will serve, or the notice they should give if they desire to leave.

12. At present, many public servants are anxiously expecting that the Government will place this latter point beyond any future questioning.

13. On my own part, I wish all the circumstances connected with Mr. H. Jones to be submitted for the consideration of Government. Mr. H. Jones at present labors under serious imputations. He is officially described as a deserter; and is held to have forfeited his pay for a certain term of actual service, on the ground that he left his post in the mean, disgraceful manner usually implied in the term desertion. If this judgment on his conduct is just, he ought to be dismissed from his present office; if it is unjust, the Government will no doubt grant him redress.

14. Regarding the pay, I request the Government will decide whether Mr. H. Jones is to refund 50 Rupees, or only the difference between that sum and the pay which he claims as due to him for part of December last. A copy of the correspondence which has passed between Captain Priestley and me on this subject is annexed to this letter.

15. I also beg that the Government will put the stamp of authority on the course to be followed by Heads of Departments, under the circumstances referred to in paragraphs 10 and 11 of this letter.

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1. It is evident from the correspondence submitted Mr. Brett that Mr. Henry Jones' post in the Survey Department was that of Deputy Surveyor and not Clerk, however he may temporarily have been employed by Captain Searle. For the work of Surveying special qualifications are required, and great difficulty exists in procuring the services of properly qualified men. Mr. Brett does not mention whether Mr. H. Jones has passed the Uncovenanted Service Examination, or whether he was entertained in the Survey Department on the special conditions which the Board believe have been sanctioned by Government to enable Captain Priestley to avail himself of the services of men who may possess the special qualification, but not have passed the examination. If such was the case, it is evident that Mr. H. Jones has evaded the Government rule laid down for persons in his present position. But be this as it may, the Board think that Captain Priestley has good grounds to complain of the manner in which Mr. Brett entertained Mr. H. Jones in his Office.

2. Under the circumstances stated by Mr. Brett, and in accordance with the spirit of the Notification of the Government of India, dated 31st December 1856, the Board consider that it was incumbent on him to have addressed Captain Priestley before entertaining Mr. Jones in his own Office, and that his failing to do so was discourteous and irregular. It is evident that neither Captain Searle nor Captain Priestley considered Mr. Jones' reasons for tendering his resignation sufficient, and it is not likely that they would have cared to retain against his will a person who from ill health was altogether inefficient.

3. The conduct of both the brothers A. Jones and H. Jones shows that they were making a mere convenience of the Survey Department, and such conduct must immensely aggravate the difficulties against which Captain Priestley has to contend in organizing his Department. The Board do not consider that Mr. H. Jones is entitled to any pay for December 1860 in the Survey Department, as although he tendered his resignation he quitted it without leave, and after taking an advance for equipment.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 372. Proceedings of the Board of Revenue, dated 3rd December 1861, No. 6,681:—

Read again Board's Proceedings, dated 9th November 1861, No. 6,155.

Read also the following paper:—

From H. A. BRETT, Esq., Collector of Salem, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated 19th November 1861, No. 229.

SIR,

1. With reference to the Board's Proceedings, dated the 9th instant, No. 6,155, I have the honor to explain that Mr. H. Jones was not entertained in the Survey Department on the special condition to which the Board refer. He has been continuously employed in the public service from March 1858, nine months before the Uncovenanted Service Examination Rules were brought into force. He was not, therefore, disqualified under the examination rules for employment in my Office.

2. With regard to the 2nd paragraph of the Board's Proceedings, I beg to express my regret for any discourtesy that I may have shown to Captain Priestley personally, in not addressing him as well as Captain Searle. It did not occur to me at the time I employed Mr. Jones that I was exposing myself to such a complaint.

3. With reference to the Board's remarks in paragraph 3, I beg respectfully to submit on behalf of a public servant, whose conduct was always considered good till this one occasion, that Mr. H. Jones, in accepting employment in the Survey Department, practised no deception, nor did he from first to last act in any but a *bonâ fide* becoming manner. Mr. Jones was drawing 50 Rupees in the Post Master General's Office when Captain Searle gave him in June 1860 an appointment (unsolicited on his part) in the Survey Department on an equal salary, with hopes of an increase by and bye. In December last, when he tendered his resignation, he did so from motives which are usually considered fair and sufficient.

4. I beg that the Board will be so good as to submit this further explanation to the Government. If in self-defence only, I claim permission to point out all that can be said on Mr. Jones' side; for the Board by raising doubts regarding Mr. Jones' conduct on one point, and so strongly condemning it on another, have given, I consider, a far more unfavorable appearance to my act in having employed him than it deserves.

5. It is apparent also that the Board's remark in the concluding part of paragraph 2 not only conveys the idea that the account given, by Mr. Jones regarding his ill health in December last was unfounded in fact, but also implies that my own statement* on the same subject was not correct. I beg leave to repeat on this point that this young man was in a bad state of health, and that to such a degree, that no one could, with proper feelings of humanity have compelled him in December last to take a long journey, or to expose himself to the unhealthy climate of the Wainád.

* Paragraph 8 of my letter to Captain Priestley, dated 20th September 1861, No. 60.

6. The Board do not, they remark, think it likely that either Captain Searle, or Captain Priestley would have cared to retain against his will a person who was by ill health altogether inefficient. I respectfully urge that the young man had a personal interest in this question regarding his health. If his statement was discredited, Captain Priestley, or Captain Searle, might have ascertained the truth through a Medical Officer, in accordance with a practice which the Government is accustomed to follow in the case of all its sick servants, high or low; but unfortunately for Mr. Jones neither Captain Priestley nor Captain Searle adopted that course.

7. The Board have given their opinion that Mr. H. Jones is not entitled to his pay for December 1860. If the pay should be stopped, he will be subjected, in fact, to heavy fine, equivalent to the amount claimed, for according to the usual practice every one is entitled to his pay for the time he has actually served. I still venture to hope that the Government will not deem his conduct deserving of so unusual a punishment.

From Major F. J. B. PRIESTLEY, Superintendent Revenue Survey, to W. HUDLESTON Esq., Secretary to the Board of Revenue, Chepauk, dated 23rd November 1861, No. 963.

SIR,

1. I have the honor to acknowledge the receipt of a copy of the Board's Proceedings, dated 9th November 1861, No. 6,155, and beg to submit the following remarks for their information.

2. Mr. Brett is, I think, mistaken in imagining that Captain Searle was in any way a consenting party to Mr. H. Jones quitting the Survey Department. I enclose two letters (Nos. 232 and 2) from that Officer, the first reporting that Mr. Jones had failed to join at Manantoddy, and that he had been entertained in the Office of the Collector of Salem, and the second in reply to my inquiries into the circumstances of the case stating that he (Mr. Jones) was aware of what his prospects were.

3. Mr. Jones entered the Wainád Survey party at Salem on the 24th June 1860 during the non-working season in Wainád, but sent in his resignation as the party was about to re-commence the work for which it was specially organized, and of the nature of which it appears he was fully aware; the only reason stated by him being that having an aged father with him it behoved him to seek for a stationery berth.

4. I regret that I have been in error in imagining that Mr. Jones had received the promise of an appointment in the Collector's Office; I was led into it, however, you will observe by the statement made in Captain Searle's letter forwarding the copy of a letter from Mr. Jones of the 12th December 1860, No. 225, the date on which Mr. Jones submitted his application to resign.

5. I trust the Board will not be of opinion that Mr. Jones was treated with harshness or unnecessary severity. He was engaged in the Wainád Survey party, and Captain Searle states was aware of what his prospects were as Deputy Surveyor in it. In the case of persons employed in other Survey parties there is no objections to their resigning their appointments on giving one month's notice, but I respectfully submit that it cannot in reason be expected by a person employed in a party specially organized for a particular service that he shall be permitted to throw up his appointment at 12 days' notice on the re-commencement of the season for that special work.

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1. The Board willingly accept Mr. Brett's assurance that discourtesy was intended by him to Major Priestley. Intentional discourtesy was not imputed to him.

2. But they see no reason to alter their opinion that Mr. H. Jones' entertainment in the Collector's Office was improper, and that he is not deserving of any special consideration.

3. Mr. H. Jones was entertained in June 1860 at Salem for service as a Surveyor in the Survey party organizing for employment in the Wainád. At this time the working season there was closed. On the 12th December when it had re-opened, and the party were about to quit Salem, he sent in his resignation from the 24th idem on the ground that as he had "an aged "father and two brothers unprovided for, it behoved" him "to seek for a stationary berth."

4. Captain Searle declined to accept his resignation, and in forwarding it on the same day to Major Priestley mentioned that he heard that Mr. H. Jones "relinquished his appointment "to take up one in the Collector's Department." He was certainly so employed almost immediately after presenting his resignation though it was not accepted by the Superintendent of Survey.

5. As Mr. Jones had engaged for a special service with full information of what it involved, and had drawn pay for some months while employed on easier work in anticipation of the commencement of the season for the special work for which he had been engaged, the Board think the Superintendent was justified in declining to accept his resignation at twelve days' notice tendered just when the party was on the eve of leaving for the Wainád country, and grounded on reasons which he deemed insufficient. Neither Mr. Jones himself nor Captain Searle make any mention of illness as incapacitating him for service in the Department.

6. These remarks and the papers on which they are made will be submitted for the consideration of Government, in continuation of the Board's Proceedings, dated 9th instant, as requested by Mr. Brett.

7. The Board have attached more importance to the matter than they otherwise would from their knowledge of the special difficulties experienced by Major Priestley in maintaining his field Establishments in an efficient condition, but they at the same time consider that the rule laid down by the Supreme Government against the entertainment by the Heads of one Government Department, of persons already employed in another, without the consent of their previous employers, needs to me undeviatingly observed on all occasions.

8. It is open to any individual who thinks himself injured by its operation to appeal to the higher authorities.

(True Copies and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 373. ORDER THEREON, 28th April 1862, No. 906.

1. The Governor in Council regrets that so much correspondence has taken place on this simple matter.

2. Mr. H. Jones being employed in the Survey Department, Mr. Brett ought not to have employed him, until the Head of that Department had accepted his resignation.

3. The Government have already declared in the Order of the 25th November 1861, No. 2,212, that a Subordinate cannot be indefinitely retained in a Department which he wishes to quit, and that the Head of an Office must either make special agreements with his Subordinates or be satisfied with reasonable notice from them. This rule will protect Heads of Departments from inconvenience and Subordinates from injustice.

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

1. The Board willingly accept Mr. Brett's assurance that no discourtesy was intended by him to Major Priestley. Intentional discourtesy was not imputed to him.

2. But they see no reason to alter their opinion that Mr. H. Jones' entertainment in the Collector's Office was improper, and that he is not deserving of any special consideration.

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8. It is open to any individual who thinks himself injured by its operation to appeal to the higher authorities.

(True Copies and Extract.)

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Copy to H. A. Brett, Esq., Collector of Salem.

" Major F. J. B. Priestley, Superintendent of Revenue Survey.

Rev. Dept.

No 906-

Proceedings of the Madras Government
Under date the 28th April 1863
Read the following Proceeding of the
Board of Revenue

Passing remarks on a letter from the Collector of Salem
regarding the entertainment tendered to Mr Jones in his
Office.

Submitting on the remarks a letter from the Collector
of Salem forwarding explanation regarding
the entertainment offered to Mr Jones in his Office.

(Recd under 3rd Dec 1862 - No 6681)

The Secy reports that
so much correspondence
has taken place on
this simple matter -
Mr H. Jones being
employed in the
Survey Dept, Mr Brett
ought not & have En-
-ployed him until
the Head of that
Dept had accepted
his explanation. tendered
by him.

The facts have
already declared
in the order of the
25th Nov. 1862 No 2212
that a Subordinate
cannot be indefinitely
retained in a Dept
which he has Leave to

Rev. Dept.

1863 Department.
Proceedings of the Board of Revenue,
No. 2927

Dated 3rd December 1862.
Despatched 17th Dec.
Received. 12th —
Entered & Returned

No. 6681.

Submitting with remarks a letter from the Collector of Salem forwarding explanation regarding the entertainment of Mr Jones in his Office.

Read.

first Land that the
Head of an Office
must either make
special agreement
with his Subordinates
or he can hold with
Reasonable Notice from
them. This under will
protect Heads of Dc.
- for himself from in.
Consequence of Just.
- Private from injustice.

S. N.V.

Let Copies of this Order
circulate & Each
Dep.t28.

7th October 1861 No. 89-90.

Rev.C. No. 2700/61. in Pro 25th Nov/61 No. 248-249

R.C. No. 2929/61 28 Apl 906

Revenue 1862 Dofstt.
Pro: of Govt for April

No 906.

Pro: of the Madras Govt
Dt 28th April 1862.

Forwarding orders on 2 letters from the Collector of Salem regarding the entertainment of Mr Jones in his Office.

No 37/0373.