

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1446	Press ~~Mis.~~
24-25	
Dated	4-8-1918

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Revenue Department,
4th August 1863.*

No. 24. Read the following letter from R. A. DALYELL, Esq., Sub-Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 22nd June 1863:—

SIR,

1. I am directed to request the orders of Government in the following matter, as the Board do not feel themselves competent to pass such orders as the case would seem to require.

2. In July last, Mr. Fraser, Acting Collector of North Arcot, reported to the Board that he had suspended from office, Syed Esak, Tahsildar of the Palmanair Talook. He requested in the letter noted in the margin,* that Syed Esak might be finally removed from office, on the ground that he was incapable of performing the duties of a Sub-Magistrate, and had also been proved inefficient as a Revenue Officer.

* 22nd July 1862, No. 143.

3. In their Proceedings on this letter,† the Board pointed out to Mr. Fraser the impropriety of his having removed Syed Esak in so summary a manner, and requested that, before passing orders in his case, more distinct information might be submitted to them as to his alleged unfitness for the office of Tahsildar.

† Dated 7th August 1862, No. 5,100.

4. Mr. Fraser accordingly furnished a list of the several occasions on which Syed Esak's conduct had been unfavorably noticed by the Sessions Court, and reported that Mr. Robinson, when leaving the District, had verbally mentioned that Syed Esak was the worst Tahsildar then serving under him. The Board, however, did not consider that sufficient cause had been shown to justify them in removing so old a servant of Government from his appointment. They therefore directed Mr. Fraser to restore Syed Esak to office.

5. On resuming his situation Syed Esak requested that his salary might be disbursed to him for the time he had been under suspension, but on enquiry the Board understand from Mr. Fraser that the whole salary of the appointment has been paid to Moorgasa Moodelly, the person who was appointed to act for Syed Esak, and that one-half of Moorgasa's own salary has been paid to the Head Accountant, as a remuneration to him for having performed Moorgasa's duties in addition to his own, the other half having been credited to Government. The appointment held by Moorgasa Moodelly when he was deputed to act for Syed Esak was Income Tax Clerk in the Collector's Office on a salary of 70 Rupees a month. This person has since left the District and is now serving under the Mysore Government.

6. Mr. Fraser, in thus disposing of the Tahsildar's salary on his own authority, acted in direct opposition to repeated orders passed by the Board on that subject, and in allowing the Head Accountant to draw half of Moorgasa Moodelly's salary, in addition to the full salary of his own office, he transgressed the rule that two or more distinct salaries shall not be allowed for the performance of duties in one office.

C. O. 9th February 1832.
Do. 27th March 1837.
Do. 9th March 1843.

Civil Auditor's Manual Chapter III, paragraph 78.

7. I am directed to state that the Board consider that Syed Esak is entitled to his full salary for the time he was under suspension, but that how this fair claim can, under the circumstances, be met, is not apparent; I am therefore to request that the Governor in Council will pass such orders on the case as he may think proper.

No. 25. ORDER THEREON, 4th August 1863, No. 1,446.

1. The Board of Revenue submit for the consideration of Government the case of a Tahsildar in the North Arcot District, named Syed Isak, who seems to have been suspended by the Collector and recommended for dismissal in July 1862, but who was restored to office in the following November by order of the Board.

2. The ground upon which Mr. Fraser proceeded against Syed Isak was that of general inefficiency, but the Government are not called upon to consider this part of the subject except in so far as it affects the questions submitted for their decision. These are, first, what salary

was

*Proceedings of the Madras Government, Revenue Department,
4th August 1863.*

should be passed to Syed Isak during the period of his suspension; and secondly, how the amount should be met, seeing that the full pay of the office was drawn by his *locum tenens*.

3. On the first point the Board have recorded their opinion that Syed Isak is entitled to draw his full salary, but the Government are unable to adopt this view. It is admitted by the Board "that he is to blame for carelessness and a dilatory discharge of his duties,"

Proceedings 24th November 1862,
No. 7,729, paragraph 3.

and this alone would justify the infliction of a moderate punishment. On the whole, and taking into consideration that during the period in question Syed Isak had no duties to perform, the Government think that half pay is as much as he has any right to claim.

4. With regard to the second point the Government have no doubt that Mr. Fraser overlooked the Circular Order prohibiting the appropriation of a Tahsildar's pay without the Board's sanction, and though the inadvertence is deserving of censure, they are not disposed to insist on his pecuniary responsibility. Half the proper salary of the Acting Tahsildar, or Rupees 35 per mensem, would seem to be still available, having been carried to the credit of Government, and there can be no difficulty in meeting the sum required to make up Syed Isak's half salary, for the period of about four months and a half, from the savings on the sum provided for the general establishments of the District.

(True Extract.)

(Signed) P. P. HUTCHINS,

Acting Deputy Secretary to Government.

To the Board of Revenue.

„ Accountant General.
„ Civil Paymaster.

Exd. S. T. Augustin.

Rev = 1863 Depart
Pro: of Govt for Chuf.
7/14/1-

From
The Secretary to the
Board of Revenue
To The Secretary to Govt
Revenue Depart.

Dated 22nd }
Dept. } June 1863.
Recd 23rd }

C-3 Bt^o p.

S.O. No. 1446. 4th Aug.

Submitting for orders
the question of the pay
of Syed Isak, during his
suspension from the post
of Tahsildar of Calmanair
Taluk North Arcot District.

No 24.

c 31st July/63 RGA

Revenue Department
No. 1446.

Proceedings of the Madras Government
Under date the 4th Aug. 1863.

Read the following
letter from the Sub Secretary
to the Board of Revenue.

Submitting for orders
the question of the pay of
Syed Isak, during his sus-
pension from the post of
Tahsildar of Palamaner
Taluk, North Arcot District.

(Here entered 22nd June 1863.)

Note.

Mr. Fraser clearly
erred in removing
the Tahsildar without
the H^{on}. Sanction - but
I do not think the
Tahsildar should get
off scot-free on this
account. The question
of his restoration is
not before me & the
draft therefore steers
clear of this open
question
L. R. S.

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No. 24th Nov^r 1862
No. 7729, p. 3.

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MM

J. D. S.

14 Chas Loke St of Penang 3 Ruels
3 weeks Genl
3 - Civil Paymaster

Revenue 1863. 20/11/63.
Droogfont for inst.

21/11/63.

No: of the Machine 98
St 4th August 1863

See list

21/11/63.
Droogfont, 1863.
No: of the Machine 98
St 4th August 1863
during the period of his
submission.