

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1643	<u>Press</u> <u>Mis.</u>
87-88	
Dated	7-9-19-1863

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
7th September 1863.*

No. 87. Read the following Proceedings of the Board of Revenue, dated 7th August 1863, No. 4,925 :—

Read the following Statement from C. W. READE, Esq., Collector of South Arcot, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Cuddalore, 29th July 1863, No. 200, showing the amount of arrears due to the undermentioned Duttamaniem Pensioner in the District of South Arcot, submitted for the sanction of Government.

Number.	Name of the Pensioner.	Amount of Pension per annum.	Date of Government authority.	Nature of the grant.	Period for which arrears are due.	Total amount of arrears.
	Soobaramiah.	25 11 0	Ex. Mins. Cons. 31st Jan. 1842, received with the Board's Procs. 14th Feb. 1842.	For subsistence.	From Fasli 1252 to 1272.	539 7 0

Explanation of the cause of the suspension of payment.

The present claimant Soobramiah made his appearance before the late Collector, Mr. Wood, in 1860, and represented that, owing to his absence at Cuddapah and other places during the previous 30 years, the loss of his wife having induced him to leave his house, the amount of Duttamaniem pension, sanctioned by Government in lieu of the resumed Inám lands, had not been drawn from Fasli 1252, and he requested that the arrears, amounting to Rupees 539-7-0, might be disbursed to him, and the pension, Rupees 25-11-0 per annum, be continued for the future.

All the facts connected with the alienation to Brahmins by the Poligars of Woodiarpolliem, of certain Cavilly lands in the Chellumbrum and the late Munnargudy Talooks, are before the Board in the correspondence noted marginally, and, therefore, the Collector believes it unnecessary to enter on the subject at any length.

The then Collector, Mr. Ashton, with his letter to Board, dated 27th November 1840, in reply to their Proceedings, 4th March 1839, submitted Statements with the particulars of the claims of the Duttamaniemdars for the favorable consideration of Government, and the Government under date the 31st January 1842, sanctioned the disbursement of an equivalent ready-money allowance during the life time of the individuals whose names appeared in the above Statement in lieu of the resumed Ináms. Of the several claimants in that Statement, the names of the present Petitioner Soobramiah and his brother Ramasamiah stand entered as No. 3, and of the ready-money allowance assigned to them, amounting to Rupees 51-6-0; Ramasamiah has ever, since Fasli 1252, continued to draw a moiety as his share, being Rupees 25-11-0; but the other moiety has been left undrawn by the claimant Soobramiah for the causes above explained. In the Statement No. 6 sent to the Board on the 22nd December 1848, No. 111, it is entered opposite to No. 3, "share undrawn from Fasli 1252 in consequence of the absence of the party and other causes."

Again in the Statement sent to the Civil Auditor under date 27th May 1852, it is remarked opposite to the names of Soobramiah and Ramasamiah that "Soobramiah does not appear to have drawn his portion of the bounty from Fasli 1252, but Ramasamiah annually receives his share amounting to Rupees 25-11-0."

Two old Duttamaniemdars, aged 64 and 78 respectively, have deposed before the late Collector, Mr. Wood, to the identity of the present claimant, and they verify the truth of his absence as stated by him.

It is now 20 years since the grant was allowed, and the question arises, is the claim to the past arrears to be paid or not. There is a partial precedent for accepting the claim though the period of delay in that case was very much less than it is in the present instance. So far back

*Proceedings of the Madras Government, Revenue Department,
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as the year 1852, contrary to the recommendation of the then Collector, Mr. Maltby, and the Board's opinion, the Government were pleased to sanction payment of a moiety of the arrears due for ten years to one Vencata Row of Tanjore and a Duttamaniendar, the other moiety being declared forfeited by reason of neglect to receive it as it became due. The case will be found reported in the Collector's Tabular Statement dated 12th November 1852, and the Board's Proceedings of the 10th February 1853. The two cases are not strictly analogous inasmuch as the period of neglect to claim his dues in the instance under consideration is double what it was in the case referred to, and in a legal view of it the Limitation Statute would undoubtedly apply. The only point which seems to favor the claim, and to render it exceptional to the rule, is that the grant was sanctioned after Soobramiah had left on his travels, and thus the arrangement was not known to him, while it was but natural for him to have supposed that any allowance payable in lieu of their Maniem would in his own absence be given to his brother, and with this impression he possibly took no steps in the matter. It, therefore, rests with Government to determine the question, and to say whether, as an act of grace, the arrears should be awarded. It is clear that under the long lapse of time the strictly legal claim is forfeited, and consequently it is impossible to know how far Government may be disposed to grant as an indulgence what cannot be claimed as a right. The Petitioner is perfectly aware that he has justly forfeited his title, but being an old man, and the money being now an object to him, he naturally makes the effort to obtain it. The Collector cannot, in view of the foregoing circumstances, officially recommend that the claim be allowed; but he submits whether if not all some portion of it, say a moiety, may not be given, as in the case of Vencata Row of Tanjore, since Government have been pleased to treat with indulgence a somewhat similar case on a former occasion. At the same time the Petitioner Soobramiah can have no grievance even should his claim be totally disallowed. For the future of course the prescribed share will be paid to him.

1. The Board have no hesitation in recommending to Government that the arrears be paid, inasmuch as they find nothing in the original correspondence to justify the arrangement that has been made of dividing the allowance into two shares.

2. It is evident that the whole was intended to be paid during the lives of the brothers who were jointly entered as the holders of the alienated lands which were resumed, and that after the decease of both of them, the circumstances of the rest of the family should be brought under consideration in order that it might be determined whether any, and what, proportion of the allowance should be still continued for their maintenance. The Board in fact consider that what Mr. Reade suggests as that the absentee may possibly have expected, is what ought to have been done. The full allowance should have been paid to the brother who was present.

No. 88. ORDER THEREON, 7th September 1863, No. 1,613.

1. The allowance referred to in these Proceedings, it is observed, was left undrawn from Fasli 1252, and a claim is now preferred for the arrears which have accrued up to Fasli 1272, being a period of twenty-one years, and amounting at Rupees 25-11-0 per annum to Rupees 539-7-0.

2. The Government decline to sanction the payment of the allowance in arrears for so many years, but they will not object to the claimant being paid from the time when he appeared and asked for his share. The Board of Revenue will report the amount requiring sanction under this order.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

Memorandum on 28/1882

The rule on the subject of these Proceedings is that "no payments shall be made in respect of Pensions that have remained unclaimed for a period of two years from the date of the last payment of Pension, and that the names of the Pensioners in such cases be struck off the Books of the Audit Department." Notification Govt of India dated 14 Nov 1856 No 52 (Gazette page 808). However, with reference to a similar ruling of this Govt dated 19 September 1845, No 1015 limiting the period to 1 year in the case of Zemindars the Court of Directors observed "By order that this rule should be put in practical operation, it must of course be subjected to such modifications as any peculiar features in the case to which it is applied may require to render necessary." Thus exceptions can be made to the Rule, and there are precedents for such a course.

Revenue Dispatch
of 30th October
1850 No 10 - para

No 33 April 189 - 14-15
31 May 1892 - 4-5

Pro of the Board of Revenue
of 16 October 1885 of 2 1/4

Recd 1863. Department
of Govt of India

No. 1882.
PROCEEDINGS OF THE BOARD OF REVENUE

Dated 7th August 1883.
Despatched 13-8-
Received 11-

No. 4,925.

Submitting with recommendation letter for Collector of South Arcot, showing the amount of arrears due to a Duttaniam Pensioner in the District, and giving explanation of the cause of the suspension of payment.

2187. 1883.

229 '049 038 1883

219. 10/10/63

The points for consideration are whether the circumstances adduced by the collector and the Board are special enough to make the present case an exception to the rule - and if so what portion of the arrears should be paid. The collector proposes half; the Board are apparently in favor of paying the whole as they are of opinion that the delay is owing to a mistake on the part of the paying office. Orders are requested.

The collector avouches that the continuance of the Pension needs no sanction and says "for the future of course the prescribed share will be paid to him." Unless the Govt agree with the Board in attributing the delay in the payment of the pension to a mistake on the part of the paying office, the Pensioner has forfeited his pension under the Notification of the Govt of India, above alluded to and fresh sanction for continuance would be necessary. Orders are requested.

20/8/63

CEW

It seems to me sufficient to pay Sookram and he is to be allowed to ask for

1857

Revenue Department

1643

Proceedings of the Madras Government Under date the 7th September 1863.

Read the following Proceedings of the Board of Revenue

Submitting with recommendation letter from Collector of South Arcot showing the amount of arrears due to a Guttaniam Pensioner in the District, and giving explanation of the cause of the suspension of payment.

(Here enter 7th August 1863 No. 4925)

The allowance referred to in these Proceedings, it is observed, was left undrawn from Tasli 1252, and a claim was preferred for the arrears which have accrued up to Tasli 1272, being a period of twenty years, and amounting to Rs 25. 11. per annum to Rs 539. 7.

He

224
The Govt decline
to sanction the payment
of the allowance in
arrear for so many
years, but they will not
object to the claimant
being paid from the
time when he appears
and asked for his share
The Board of Revenue
will report the amount
requiring sanction
under this order.

11 Copies to the B of Rev. Secy & 11
3 to Civil Paymasters

Revenue 1863 Deptt.
No. of Govt for Sept.

No. 1643.

Pro. of the Celladras Govt
Dy. 7th Sept. 63.

Trans. No. 1643 of 1863 Cr 2444.

Arrears due to a
Dutta Manim Pensioner
in South Street, ordered
to be paid.