M.R.O. 14—18,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1839 Press ~~Mis.~~

90-91

Dated 4-10-~~19~~ 1863

Not to be folded or roughly handled

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

No. 90. Read the following Proceedings of the Board of Revenue, dated 16th September 1863, No. 5,846 :—

Read the following letter from J. W. B. DYKES, Esq., Collector of Nellore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Krishnapatnam, 22nd May 1863, No. 153.

SIR,

1. I have the honor to acknowledge the receipt of a Petition* from Pokala Krishnaya, No. 21 of 1863, endorsed by the Board for explanation as to why no sick leave had been granted to the Petitioner after he had produced a medical certificate, and further directing that each statement made by the Petitioner should be duly noticed.

* Herewith returned with its 14 enclosures.

2. The Petitioner states that having been dismissed by me from the post of Head of Police, and re-employed under the orders of the Board as a Vernacular Clerk in the Serishtadar's Department in January 1862 when I proceeded on Jummabundy, he fell sick at Podalakuru, and was forcibly compelled by me to apply for pension; that he did so apply for pension; that the Doctor did not give him the requisite certificate; and when he recovered his health, I was absent on leave, and the Sub-Collector in charge of the District endorsed his application for re-employment; that his post had been filled up, and there was nothing for him; that since my return he had repeatedly applied to me to the same effect, but to no purpose; that his post had been permanently filled up during the time he was on sick leave, and he, therefore, applies to the Board for redress.

3. In using the term forcibly, the Petitioner probably does not mean to give to it the English application of the word, but merely to inform the Board that when I refused to give him leave on other terms, he had no alternative left him, but to apply for pension, and if I am correct in this supposition, then in that case, I have the honor to state that the facts of the case are precisely as set forth by the Petitioner, with one exception.

4. When I re-employed the Petitioner in accordance with the Board's orders and placed him in the Vernacular Department, as the place where he would be least likely to be able to do harm, I was told that he would never be able to do work, and, when at the very commencement of the Jummabundy, on the eve of a sixty-mile-march to Udayagiri, he applied for sick leave. I did not consider it fair to the office to grant the least deserving man in it an escape from what all would gladly avoid if they could; and this was the reason I refused to grant him sick leave. He might be sick, or he might not. The infirm man he was represented to be, could easily make himself sick if he was not, and I sent word to him through my Serishtadar that if he did not intend to do the work, he should apply for pension. He accordingly did apply for pension, and, in accordance with the practice referred to in my letter† to the Board of the 3rd October 1862, No. 247 (paragraph 4) on his application for pension, I filled up his appointment, a course which the subsequent orders‡ have shown to be incorrect.

† Proceedings of the Board of Revenue, dated 10th November 1862, No. 7,399.

‡ Board's Standing Circular Proceedings, dated 16th December 1862, No. 8,206.

5. How far Pokala Krishnaya was really sick or in feebler health than he usually was when he applied for leave, it is difficult to say. In the certificate dated 12th January 1862, the Zillah Surgeon reports him to be in a bad state of health. In a Memorandum dated 30th idem, his ailments are alluded to as "indispositions," and at the close of the Jummabundy when I was proceeding on leave, he is certified to be recovered, and equal to the performance of his duty. I enclose copies of these certificates and of a letter dated 10th March 1862, in which the Doctor informed me that Pokala Krishnaya was under medical treatment, and that he would recommend a period of six weeks' leave being granted him as necessary for his recovery, to enable him to proceed to the sea coast. His family are engaged in salt at Krishnapatnam; but, as I before stated, thinking it unfair to the office to allow this man to shirk work, just as he had been re-instated, I adhered to my original order; and the exception to the general correctness of the Petitioner's statement consists in his assertion that his appointment had been filled up permanently

during his absence on sick leave. Sick leave never had been granted to him. Having refused him sick leave in the first instance, when he supported his application by a medical certificate, his application for pension had been filed; and his application for pension having been filed, I did not then consider he was longer entitled to apply for sick leave; whilst his failure to produce the requisite certificate precluded my forwarding his application for pension.

ENCLOSURE No. 1.

ABSTRACT.—Correspondence between the Zillah Surgeon and Collector about Pokala Krishnaya, late Vernacular Clerk in the Collector's Cutcherry.

ENCLOSURE No. 2.—Petition.

1. Resolved that the above letter, together with the Petitions which form its enclosures, be submitted for the consideration and orders of His Excellency the Governor in Council.

2. The Petitioner, Pokala Krishnaya, held the office of Head of Police at Pamum in the Nellore District in 1860, and was dismissed from his appointment by Mr. Dykes, who considered that he had released the prisoners in a Police case from corrupt motives. On Pokala Krishnaya appealing against this order, the Board held* that no delinquency had been proved against him sufficient to warrant his dismissal, and directed that he should be restored to office, and suspended for six months from pay and allowances, as a punishment for the want of care he had shown in the discharge of his Police duties.

* Board's Proceedings dated 27th March 1861, No. 1,622.

3. On the receipt of the Board's orders the Collector reported that the office lately held by Pokala Krishnaya had been discontinued under the new Talook arrangements. Mr. Dykes was then directed† to make a proposal for Pokala Krishnaya's re-employment, giving due consideration to the claims of others who had lost their situations on the reduction of the Talook Establishments. After again bringing forward his opinion‡ that Pokala Krishnaya had been guilty of corruption, and being reminded by the Board that they had already ruled that the facts of the case did not warrant that conclusion, Mr. Dykes eventually nominated him to a situation, in the Serishtadar's Department of the Collector's Office, of equal emolument with his former post.

† Board's Proceedings 16th May 1861, No. 2,514.

‡ From Collector of Nellore, 15th June 1861, No. 126.
Board's Proceedings, 4th July 1861, No. 3,504.
From Collector of Nellore, 18th July 1861, No. 172.
Board's Proceedings, 13th August 1861, No. 4,382.

4. The duties of this office were, it appears, performed by Pokala Krishnaya for a few months up to January 1862, when Mr. Dykes virtually dismissed him from office a second time for no reason, except that he considered Pokala Krishnaya unfit, on account of his health, for the active duties of the situation to which he had been appointed.

5. The circumstances were briefly as follow:—Pokala Krishnaya when on Jummabundy with the Collector's Office in January 1862, fell ill, and applied for sick leave; this the Collector refused to grant, and directed him to apply for a pension. Pokala Krishnaya, accordingly, sent in an application, under pressure; but on his reaching Nellore, being anxious to defer his retirement for seven months by which time he would have completed thirty years' service, he submitted a petition again applying for sick leave, and enclosing a medical certificate to the effect that he was unfit for immediate duty. In reply he was directed to forward a medical certificate of incapacity for further service in order that a pension might be obtained for him. This certificate the Medical Officer refused to grant, until P. Krishnaya had been under treatment, and eventually on the 6th May 1862, he certified that Pokala Krishnaya was sufficiently recovered to perform the duties of Office. On application being made to Mr. Eliott, then in charge of the District, Pokala Krishnaya was informed that his appointment had been permanently filled up, as he had applied for pension, and on Mr. Dykes' return from Europe no notice was taken of his numerous appeals. At last weary of failure he addressed the Board in December 1862, and his Petition was referred to Mr. Dykes for report.

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

6. The letter recorded at the head of these Proceedings, is Mr. Dykes' report on the case. In this letter (which was unfortunately lost sight of for three months in the Board's Office). Mr. Dykes justifies his having filled up the Petitioner's appointment by stating that this was done in accordance with the usual practice obtaining in the Nellore District when application was made for pension; a practice which has since been condemned and prohibited by Government.

Procs. of Government, 11th December 1862, No. 392.

7. Looking at the evident bias exhibited by Mr. Dykes against the Petitioner, the Board think that they would be conferring no boon on Pokala Krishnaya, if they directed that he should be again restored to office, though he has a just claim to be re-instated. They, therefore, resolve to recommend that Petitioner be granted such pension as his services may entitle him to, supposing him to have continued in the service from the time when he was excluded from office on the inadequate grounds referred to above, as the Board are of opinion that Mr. Dykes ought, on receipt of the Zillah Surgeon's letter dated 10th March 1862, to have granted the Petitioner sick leave, and that in the face of that letter it was unjust to the Petitioner to fill up his place as if he had been actually pensioned. Should the Pension Rules not admit of this course being followed, or should Pokala Krishnaya's services not entitle him to pension, the Board consider that he ought at once to be restored to his appointment.

No. 91. ORDER THEREON, 7th October 1863, No. 1,839.

1. The Government are of opinion that Mr. Dykes's proceedings in regard to Pokala Krishnaya were harsh and irregular. He should have given the sick leave solicited when a Medical Certificate supported the application. The man's physical ability for further service could have been ascertained after the sick leave had been given.

2. His Excellency in Council concurs in the opinion expressed by the Board that the time which has elapsed since Pokala Krishnaya was improperly excluded from office should count as service. It is observed that at the beginning of 1862 he only wanted seven months to complete a service of thirty years. The Board will direct the Collector to forward an application for pension in the usual course. If it is found, when the application comes to be considered in the Pension Department, that Pokala Krishnaya's services do not entitle him to a pension, he must be immediately restored to his appointment.

(True Extract.)

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

To the Board of Revenue.
,, Public (Separate) Department.

Exd. S. T. Augustin.

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(A true Copy and Extract.)

W Walquell

Sub-Secretary.

. Sim, Esq., Secretary to Government, R. D., with 2 enclosures.
' to J. W. B. Dykes, Esq., Collector of Nellore.

Wright.

No. 1,622.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 27th March 1861.

Read letter from the Magistrate of Nellore, dated 18th February 1861, No. 23.

(In Cons. 22nd February 1861, No. 1,134.)

Read again Petition No. 3,365 with its Enclosures.

1. The Magistrate in this letter adheres to his former decision, being apparently influenced by his having very little doubt in his own mind that the Head of Police released the prisoners from corrupt motives.

2. In the opinion of the Board there was no proof that the prisoners in the robbery case were implicated in the robbery, and the Head of Police acted rightly in releasing them. They were again apprehended seven months afterwards and again acquitted by the Principal Sudder Ameen. The peons were tried for perjury but the case broke down; and their evidence before the Principal Sudder Amee[illegible]reed with that given by them before the Head of Police.

3. T[illegible] support the accusation. Certainly no sufficient delinquency is proved against the Head of Police to warrant his dismissal, though it is possible that more activity on his part might have led to the detection of the persons who committed the robbery.

4. Under these circumstances, the Board consider that suspension for six months, or degradation to an inferior office, will be quite sufficient punishment for the Head of Police, and the Collector will be good enough to adopt one or other of these courses, reporting the same to the Board.

(A true Extract.)

(Signed) R. A. DALYELL,
Acting Sub-Secretary.

To J. W. B. Dykes, Esq., Collector of Nellore.

Exd. J. Wright.

Penalin Distt Police
11 Dissn 62 Distt No 392

Pers = 1863. Department.
Rec: 9th Court for Rets

No 2257.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 16th September 1863.

No. 5,846

Submitting with remarks letter from the Collector of Nellore reporting on Petition No. 21 of 1863 and giving his reasons for not granting sick leave to the Petitioner even after he had produced a medical certificate.

Copy

Copy 30th Sept/63 Ord 90.

No. 2,514.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 16th May 1861.

Read letter from the Magistrate of Nellore, dated 12th April 1861, No. 144, informing that the claims of the late Head of Police of Pamuru, will be considered as vacancies occur in the new Establishment.

(In Cons. 16th April 1861, No. 2,309.)

The Collector will be good enough to appoint the late Head of Police of Pamuru after he has been six months out of employ to the first vacancy which occurs of a similar nature to his late appointment which the Board presume has been abolished.

(A true Extract.)

(Signed) R. A. DALYELL,
Sub-Secretary.

To J. W. B. Dykes, Esq., Collector of Nellore.

Exd. J. Wright.

No. 3,504.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 4th July 1861.

Read the following letter from J. W. B. DYKES, Esq., Collector of Nellore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated 15th June 1861, No. 126 :—

1. I have the honor to acknowledge the receipt of the Board's Proceedings under date the 16th ultimo, directing me to appoint the late Head of Police of Pamuru, after he has been six months out of employ, to the first vacancy which occurs of a similar nature to his late appointment, which the Board presume has been abolished.

2. The appointment of a Sub-Magistrate of Nellore has still to be filled up. The pay is Rupees 50 a month; and if by "similar nature" the Board mean a Magisterial appointment, it will be my duty to appoint the late Head of Police of Pamuru to be Sub-Magistrate of Nellore. The late Cutwall is at present acting here as Sub-Magistrate; but he is not in my opinion a fit man for the appointment.

3. If I do not appoint the late Head of Police of Pamuru to be Sub-Magistrate of Nellore, the next appointments of a Magisterial nature likely to become vacant, are the Sub-Magistracies of Podile and Darsi on Rupees 85 a month, which appointments will have to be filled up shortly when the new Police take charge of that portion of the District.

4. The pay which the late Head of Police of Pamuru drew before I dismissed him was Rupees 35 a month. To give him the next vacancy which occurs of a similar nature to his late appointment, if taken with regard to the duties of the office, would, therefore, have the effect of increasing his pay by 15 Rupees a month as regards Nellore, and more than doubling his pay if I were to put him in charge of either Podile or Darsi; and as this result of the order under acknowledgment was probably not contemplated by the Board, I beg to request the favor of its reconsideration.

5. If the late Head of Police of Pamuru, Pokala Krishnaya, had not been dismissed, he was certainly not one of those, with reference to his general character, whom I would have selected to retain in office at the revision of the Establishments. There are many others whom I have been obliged to throw out of employment, who, in my opinion, are far more worthy of consideration and re-employment, as soon as vacancies occur, than Pokala Krishnaya, and I would respectfully submit for the consideration of the Board, whether it is right that Pokala Krishnaya, the late Head of Police of Pamuru, having been considered guilty of bribery and corruption by Mr. Whiteside and myself in a specific case, should not only be promoted over the heads of these men, but also placed in a much better paid appointment than he held before.

6. I would also further submit for the consideration of the Board the grounds on which the pay of Sub-Magistrates has been raised, viz., to secure the services of more efficient and trustworthy men than those who have hitherto held the ill-paid offices of Heads of Police. If I did not consider Pokala Krishnaya otherwise unfit, it would be desirable that I should endeavor to get the services of a better man for the better pay; whilst believing him, as I do believe him, to be utterly corrupt and inefficient, I trust that the Board will not insist on my entrusting him with the Sub-Magistracy of Nellore, still less with the distant Sub-Magistracies of Podile and Darsi, which have been made first class to enable the Magistrate to secure the services of good and efficient men.

7. If the "similar nature" may be taken to mean rate of pay, then the carrying out of the Board's orders would be easier. But here again, I would request the Board to consider whether it is necessary to do more than place the man in the same position that he stood before the case arose, on which, in appeal, decision has been given in his favor; whether, under the circumstances of the case, it is right and proper that Pokala Krishnaya should have a preference over men who have lost their appointments for no fault of their own.

1861 Department

No.

PROCEEDINGS of the BOARD of REVENUE.

Dated 16th May 1861.

No. 2,514.

Requesting him to appoint the late Head of Police of Pamuru to the first vacancy which occurs of a similar nature to his late appointment.

1. The Collector submits that Pokala Krishnaya should not be placed in a better position than the other servants in the District, whose appointments like his have been absorbed in the new arrangement of Taluks, as would be the case were he to confer upon him, in accordance with the Board's recent orders, the first vacancy which occurs after he has been six months out of employ.

2. The Board would have been better able to decide upon the question had the Collector informed them of the names of the other officers whom he considers more deserving of employment than Pokala Krishnaya with their late appointments and salaries.

3. The Collector is requested, therefore, to make a definite proposal for the employment of this officer in an appointment of equal salary to that which he formerly held, giving due consideration to the claims of others who may have held appointments of equal emolument.

4. The Board consider the Collector's remarks at the latter part of paragraph 5 of his letter to be uncalled for, as, in their Proceedings dated 27th March 1861, No. 1,622, P. Krishnaya has been declared to have been guilty of neglect of duty only.

(A true Copy and Extract.)

(Signed) R. A. DALYELL,
Sub-Secretary.

To J. W. B. Dykes, Esq., Collector of Nellore.

Exd. J. Wright.

1861 Department.

No.

PROCEEDINGS of the BOARD of REVENUE,

Dated 4th July 1861.

No. 3,504.

Requesting a definite proposal to be made for the employment of Pokala Krishnaya in an appointment of equal salary to that formerly held by him as Head of Pamuru and observing that the remarks at the latter part of para 5 of letter of 15th June last were uncalled for.

No. 4,382.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 13th August 1861.

Read the following letter from J. W. B. DYKES, Esq., Collector of Nellore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated 18th July 1861, No. 172:—

1. I have the honor to acknowledge the receipt of the Proceedings of the Board, under date the 4th instant, No. 3,504, conveying the orders of the Board, on my letter of the 15th ultimo, No. 126, and at the same time directing me to make a definite proposal for the re-employment of Pokala Krishnaya, late Head of Police of Pamuru, in an appointment of equal salary to that which he formerly held.

2. I am further directed to give due consideration to the claims of others who may have held appointments of equal value, and are now out of employ.

3. As the new Police are about to take charge of Podile,* it has become necessary to make arrangements for appointing a Sub-Magistrate for that Division. Immaneni Adinarayanappah, who is at present the Head of Police of Podile on Rupees 35 a month, I have appointed Sub-Magistrate of Alluru on Rupees 50; and to Kakuluru Arumugum Mudali, who is at present the second Clerk in the English Department in my office, I have given the new appointment of Sub-Magistrate of Podile. The appointment of Rupees 50, thus left vacant in my office, I proposed to make the means of bringing into the District, from Madras, or elsewhere, some fresh man, who should have had the benefit of a college education and be free from those ties of relationship, which are at present so much in the way of the due discharge of public business. But, as the Board, however, wish Pokala Krishnaya to be re-employed, instead of bringing in a fresh man, the vacancy of Rupees 50 can be given to a subordinate, now holding an appointment of Rupees 35 a month, and the vacancy thus created, I beg to state for the consideration of the Board, can be given to Pokala Krishnaya, who will so be provided with an appointment of equal salary to that which he formerly held, and will be employed in the Vernacular Department under the Serishtadar.

* 1st September 1861.

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1. The Board sanction the Collector's proposal for the re-employment of Pokala Krishnaya who will be entitled to promotion in the usual course.

2. With reference to Mr. Dykes' proposal to bring into his Establishment new officers unconnected with the District, the Board deem it right to draw his attention to paragraph 5 of Mr. Pelly's Circular, dated 26th July 1860, No. 411. The plan he should adopt, in order to attain the object he has in view, is to apply to neighbouring Districts where the new Police is being introduced, and to arrange for exchanges of appointments.

(A true Copy and Extract.)

(Signed) R. A. DALYELL,
Sub-Secretary.

To J. W. B. Dykes, Esq., Collector of Nellore.

Exd. J. Wright.

1861 Department.

No.

PROCEEDINGS of the BOARD of REVENUE,

Dated 13*th August* 1861.

R 2257/63

No. 4,382.

Sanctioning the re-employment of Pokala Krishnaya late Head of Police of Pamuru in the manner proposed by the Collector, and expressing the Board's views on Mr Dykes' proposal as to the appointment of persons unconnected with the District.

Pol. Cons. 6/11/61
Ex. 11 1859
1290

2 His Excellency and
Council concurs in the
opinion expressed by the Board that
~~in pursuance of these Proceedings~~
the time which has elapsed
since Petiala Krishnaya was
unjustly excluded from office
should count as service. It is
observed that at the beginning
of 1862 he only wanted seven
months to complete a service
of 30 years. The Board will
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ex Dept Pay & Acct

Revenue 1863 Dept.
Pro. of Govt. for Octr

No. 1839.

Pro: of the Madras Govt.
Dy. Oct. 63.

Pro. of Govt. in the Pension Dept.
4th Feby. 64 No. 362.

Pokala Krishnaya
late Vernacular Clerk
in the Huzur Cutcherry
at Nellore ordered to
be pensioned.

No. 90 & 91.