

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1985

Press
~~Mis.~~

Let- 42

Dated

5-11-19-1863

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
5th November 1863.*

No. 41. Read the following letter from A. P. RAMASWAMI NAIDU, late Sub-Magistrate, to the Chief Secretary to Government, Fort Saint George, dated Madras, 21st September 1863.

MOST HONORED SIR,

With due respect I beg to submit herewith an appeal to the Home Authorities in triplicate, and request your Honor will be graciously pleased to have them to be despatched by the prescribed course.

For which act of charity and benevolence I shall feel most thankful and respectfully remember it to be a kindness.

No. 42. ORDER THEREON, 5th November 1863, No. 1,985.

Ordered that the Memorial received with the foregoing letter be forwarded to the Home Authorities, and that an intimation of the same be given to the Memorialist.

(True Extract.)

(Signed) C. G. MASTER,

Deputy Secretary to Government.

Exd. S. T. Augustin.

Translation — This is an order forwarded by J. H. Livingstone Esq-
the Collector of Madurai, to Pannaswami Nair, the
Sub-Magistrate of ^{The Pulney Hills} ~~Pallanamalai~~, now under sus-
pension —

In the matter of the Complaint brought
against you that when you were in the village of
Pannacadoo, you received some paddy and other
things from persons of certain hilly villages lying
in its vicinity; — I have instituted an enquiry
agreeably to Regulation 9 of 1822; — and it has
been fully proved that you had received 6 Paricals
of paddy of the value of 10 Annas, from Odigar
of the said village on behalf of its ryots, as well as
1 Calam of paddy of the value of Rs 1-4-0 from
Perumal on behalf of the villagers of Mulaipoor. —

1 Moreover. While the Goomastas under you
and other parties have bought paddy ^{at the foot of} ~~from~~ the
hills, I see no ground why you alone should have
been under
the necessity of going up the hill to buy paddy. —
Even if ^{there was a} ~~you had~~ the necessity ^{for this} ~~to do~~, — there was no
occasion to send it to Periacalam. — Owing to these
reasons, it ^{seems evident} ~~evidently appears~~ that you got the
said paddy simply as ^a present according to what
was declared by the ryots. — Therefore in accordance
with the said Regulation, a fine of 15 Rs has been
imposed upon you. +

2. Besides this, when you held your Catching upon the hill, it appears that you ~~yourself~~ allowed your Gunmen & others frequently to be absent for 10 or 12 days together without the ^{Sanction} of your Superiors. -

3 The peon called Mashaljee whom you sent to Madura, granting him leave of absence on the 1st of August, ^{not} having ~~not~~ come here up to the time of the enquiry into this case, I asked you about it, and you said in reply, that you sent him for the purpose of buying ^{an} ink bottle, pens & other ^{things} for the use of your office; & that as he staid away without coming to the office, you employed a substitute in his room. - ^{Your} statement ^{is} ~~is not true~~ at all & admitted. - If it is true that he did not return to the office as you say, you ^{would} ~~must~~ have taken proper steps for the recovery of the Circar money given into his hands; and besides ^{you} ~~must~~ have informed the Haddoor (Coll 2) of the circumstances of your having employed a substitute. - ^{As} you ~~have admitted~~ ^{admitted} these two things, I have no doubt that you sent him ^{on} for your own business as per the declaration of the peon Catjimagon. -

4. In the matter of Soobla Now of your office having gone on sick leave to Poria Kalam on the 26th August, - I instituted a personal enquiry on the 3rd September; and you said that you had sent a memorandum to the Inspector on that account. - On a subsequent enquiry, into that matter, it

found that on the 11th September, on which you
spoke to me in person, ^(had on leaving) ~~thereafter~~ you prepared a Me-
moranum ~~on your way putting there a~~ ^{and auto-} dating
~~it had~~ ^{it had} forwarded the same to Periya-
-Nalam through your Gumasta ~~who~~ ^{who} caused it to
be given to the Inspector on the 6th by means of a
peon there. -

5 When you were in the village of Tandicoode,
Guruvappa Kaik of that village lodged a com-
plaint ~~about~~ you to the effect that Tandal Cooppan
and a ryot Serracami Kaik took a fowl from
him by force and carried it away for you. - As
you yourself admit this circumstance, - it has
been proved against you that you did not in-
vestigate that case properly and according to rules. -
certain applications

investigate that case properly. ^{for} certain applications
6 In the matter of ~~Darlast~~ ^{petitions} made
~~an account of~~ ^{for a} grant of 121 Goolies of land for
cultivation in Tandicoodi and other villages, you
made an enquiry & informed me of it through the
Tasildar. - Upon which an order was issued to the
Forest Overseer ^{to} ~~for inspection~~ ^{the land.} From his
Memorandum, it appears that immediately after
^{applications} ~~the Darlast~~ were made, each Darlastdar receiv-
ing orders from you, cut down the trees standing on
the ground ^{for which} ~~they~~ applied ^{for}, and ^{got} ~~rendered it~~ ^{ready} ~~available~~
for cultivation: & that ^{altogether much timber} ~~forests~~ ^{have} been ~~cut down~~ ^{felled}.

Muscular obtained the favor of the collector,

The Right Honorable Sir Charles Wood G. C. B.

Therefore I have no doubt that in direct opposition to the notice given to you not to allow anyone to enter in the waste lands and in the forests containing trees, you have given orders to the ryots as soon as the Jans had been made to enter on the lands & to cut down the forest containing trees. - Although you say

that you are not aware you are the sole person you cannot be a great fault

Under these circumstances after what has occurred that you are not at the Magistrate's house is from it.

10 November 1862

Madura.

1 of June

Handwritten text in Tamil script, likely a translation of the English text above.

Translator

21 October 1863

Handwritten text in Tamil script, continuing the correspondence.

Handwritten signatures and names in Tamil script.

Therefore I have no doubt that in direct opposition

Most humbly sheweth;

To

The Right Honorable Sir Charles Wood Bt. C. B.

Secretary of State for India.

The humble Appeal of Ramaswami Srinivasan,

late Sub Magistrate of Palany Hills in the

District of. Madras of the Madras Presidency.

1 That the Appellant of your Majesty, served the Government in the Revenue Department, continuously for a period of 16 years and 10 months, holding different offices, such as, Ryotwar, Zilladar, English Clerk, and latterly Sub Magistrate in the said District, and discharging with due loyalty, as will be seen from the following the duties thereof, to the entire satisfaction of his immediate Superior, and high esteem of their respective controlling Authorities.

2 That the Appellant, much to his heartfelt regret, begs to state that he was thrown quite unnoticed, without prospects of promotion &c., in consequence of his being, uninterested party, with men of influence, and his Official Superiors, both European and Native, by not leading a life of servile dependance, under their arbitrary command, leaving all his manliness of character aside. It is given to understand, that the only chance of bettering his condition, is, by acting for nothing at their feet, although he had ably conducted his above mentioned various duties for the last 16 years and 10 months, with praise worthy honesty, zeal, thickness, and diligence, by adopting proper measures, so as to make the Ryots, to cultivate extensive waste lands, and bring out to Public notice, all lands under concealment, for the purpose of taxation, and therefore showing a considerable Revenue to Government, that the Appellant, distinguishing himself to be highly worthy, and competent to hold any better employment, than that of a Sub Magistrate, in the Professoral, obtained the favor of the Collector, the immediate Superior,

21 October 1865

- I. That the Appellant was charged, by the said
Poon, with having received grain, and other supplies
from the Will Ryots without paying for the same.
- II. That the Appellant was charged, with
having employed the office Masha'ji to his private
work.
- III. That the Appellant was charged, with
having neglected a verbal complaint, brought
by one Gurusuppa Naik, in Sum-diary, against

and to enter into the
Forest lands, to commit
most horrible damages
by destroying the most
valuable timber trees,
for this ordinary
purpose of cultivation
and, was in the habit
of taking for his own
purpose, the money
he was thereby
obtaining. This

The correspondences
regarding this matter
will identify .

IV. That the Appellant was charged, verbally by his Zamastah, with having stolen an official name as 1st Sept. 62, written to the address of Police Inspector on the 4th Idem.

VII. It is stated that the Appellant had indulged his Subordinates with the freedom of firing down the Hills, without permission of higher Authority.

A. With reference to the first and third charges, an enquiry was made by the Collector, but were not all proved, notwithstanding, all the witnesses were forced ^{to} insist, upon confirm-
ing these fabricated charges, under the threat

carried out, by the Prosecutor, and some ill disposed
subordinates; while the legal purchase of them
by the Appellant, has been clearly proved to be true,
and supported, by the Collector's decision herewith
enclosed.

B. In regard to the second charge, neither
any enquiry had been made by the Collector,

⊕ which is clearly proved by one of the witnesses named family, that some witnesses in behavior of the President ordering the trial of charges above related.

It was not stated, either by complainant or by any other at any time, that the foul or questionable having been caught by village grooves for the use of appellants and admitted by him, but for the use of that European passengers for which no other was no ground to lay credit in consequence of his being a high rogue and notorious bad and suspicious character, any witness to support, nor the foul was produced. The complainant & himself expressed of his being compelled, to corroborate, by the Prosecutors, in support of his cruel design.

How was the Mischalje examined, but, as the
there of much of the Appellant's labour, being a
country, where, no mail communication
is, and as supplies stationary, were not
received from Buzur, the Appellant was now
and then, put to the necessity of purchasing stationery
and, by sending one of his sons or Mischalje, to the
low country for the purpose, the occasion alluded
to, in the charge, is one of such instances.

C. As for the 1st, inquiry whether
was held by the Collector, and the Memo thereon
referred to, was drawn by the Jumarsta and
signed by the Appellant on one date, viz 1st
Sept. 62, a reference to copy books in the office
to this effect, will clearly prove this; whereas,
Jumarsta, in the presence of the Collector
fraudulently stated, that the Memo in
question, had been drawn by him, on 1st Sept.
62 and dated the 1st.

D. As to the 5th charge, that the Appellant
humbly begs to state, that he issued Proclamation
barring the Hill villages, strictly forbidding the
interference of Ryots with the lands applied for,
he has also sent circular orders to the village
Authorities, to prevent any one taking up waste
lands until orders are received from the Buzur.
The records in the office, the original circular orders
to the village Authorities above referred to, and the
Appellant's Buzur to the Collector, and Gadach
to the Sazildar, on the subject in support of his
denial of the charges brought against him by the

* who was not sent down before the 12th August 1862
with a certain sum of money from the Appellant
pocket to the low country, for the purpose of buying
labour and stationary for the office use
as usual. It was common to do so, for the
same from the permanent allowance. But in
the defect of the stationery, he having
been received and outside in the mountain hills,
but not at all before. The Appellant did not
state before the Collector that any substitute
was put in for the Mischalje during his
absence, but his two nephews and a volunteer
in the office. The delay of the Mischalje's return
had not been reported to the Buzur, as the Appellant
thought it proper and advisable to wait. A enquiry
into the cause of the delay of his return, which the
Collector was a great discommodation.

He is not only a man of industry, but also
important, energetic, and intelligent. In all the
measures taken by the Appellant to rectify
the Jumarsta was not at all improved. Consequently
the Appellant was obliged to take much pain in
reforming his duties and to the Appellant, and
thereby, he was at variance with the Appellant.
By the charge, may be true, nothing was objectionable
to the Appellant who was then present, in the
part of the statement. Regarding the statement
of the Appellant, it is a matter in the Appellant
was in his habit of informing the Collector
especially, whether such was the case. The Appellant
has reason that the delay was, in any way
he able to support the statement made by the
Jumarsta.

Some necessary reports after having been made
to the Collector by the Appellant stating that it was
not desirable, in his opinion, to which and
regulate the irregularities and bad practice
committed by the Jumarsta and the Forest
warden above quoted, the Collector was obliged
to issue orders to the Appellant authorizing him
to put it in execution. He was likewise
induced to obey the orders but he (the warden)
was so badly disposed with him as to
report against him to the Collector, who by
some means or other approved of it. If the
written orders should have been issued
to the village authorities on the matter by the
Appellant, and if it was a verbal order permit-
ting the Ryots to interfere with the lands applied
for, they might have been objected to by the
Mischalje and village authorities, who are
responsible. No such transaction have
been done. Whereas the Collector states in
his Sanial order that the Sanial order that
the Appellant himself was responsible for it
and guilty though he was unaware of the subject,
and thereby he shows his partiality alone
towards the Appellant.

but when the Appellant was under the
necessity of departing from Jumarsta with a
sum of Public Service for the purpose of
examining the lands in the district
will go on the hills through fear of
inconvenience and with horses, were in the
habit of passing and re-passing by the low
country, situated at the foot of the hills, of
which some ill-disposed subordinates
in the Collector's Cutcherry who were
present, had, with a view to expose their
cruel designs, fraudulently informed to
the Collector that the Appellant had indulged
his subordinates very often with the freedom
of going down the hills on their private
affairs. This was also upheld as a ground
of prosecution.

the overseer, are the tenable and lawful vouchers,
and to which, he appeals against these charges. No reports
were received from the Mischalje, or of any enera-
chment of Ryots, or waste lands. There was not
even the least inquiry, made by the Collector regard-
ing these charges.

E. In reference to the 6th charge, the
Appellant begs to state, that it was very true, that
his Jumarsta, and other subordinates, under his
orders, were in the habit of being deputed oc-
casionally to go down the Hill on Public Service
only, and that it did not seem for the Appellant,
to be necessary to send the officer servants on Public
business, with the permission of higher Authority,
but the Appellant had, by the power vested on him,
granted to his Jumarsta, 3 days leave only, to go
down the Hill for the purpose of seeing his sick child
that was, then at the point of death, but the Jumar-
sta having stayed 4 days over his leave, was repriman-
ded by the Appellant, the said Jumarsta contradicted
the statement made by the Appellant in regard to
the leave in the enquiry held by the Collector.

3. Moreover, it was a fact well known throughout the District, that
the Buzur, the Jumarsta, and the Forest overseer had for a long time
past, been looking after, some opportunity to injure the Appellant, in conse-
quence of his conducting his duties regularly in obedience to the instructions
of the orders from higher Authorities by revealing the irregularities and
embezzlement, committed by the Forest overseer to the Public notice,
and by checking the bad practice of the Buzur and Jumarsta, in presuming
to go very often down the hills to the low country, where, their families
were living, while the Appellant's family were living up the hills with
him as directed, and thereby they felt malice and brought these false
charges against him. Accordingly proved fabricated.

4. That the Appellant-^{to} be stated, that it should have been, therefore, just and right on the part of the Collector, to dismiss the case at once and furnish the Prosecutors, under Section 211 of the Indian Penal Code, for the presumption they had taken to bring false charges against the Appellant, but on the contrary, he (the Collector) being tempted by the said subordinates, who were concerned with the matter, with misrepresentations, unjustly and ill legally suspended the Appellant all on a sudden on the 20th Sept. 62, awaiting against his own conscience, for some further charges. No complaint whatever, was afterwards brought against him, as expected, with exception of a recommendatory letter at the commencement of the month of November to the address of the Collector from Mr. Nishet, the then Ad. Sub Collector, requesting him, to favor his (Mr. Nishet) dependant with the same situation, held by your Majesty's Appellant, which, he solicits to state, was one of the main temptations, that led Mr. Pringee the Collector to commit gross injustices of yielding to the bad suggestions of Mr. Nishet, who had been quite stranger to the District, and entirely unaware of the qualities of the Appellant.

5. In enclosing the decision of the Collector, in English, dated 11th November 62, the Appellant, begs to point out again, that the Collector inflicted him, with a fine of 15 Rupees, under clause II Section II Regulation IX of 1822 (which has in no way connection with the foregoing effect) against the instructions conveyed, in Para 6 of the Extract of the Minutes of Consultation Number and Dates as per Margin, on unlawful grounds, that the grain mentioned in the charge was taken up by a Ponn, and a Tandal, of Panacordy, to the place where, Sub Magistrate was putting up, and that the Appellant did not show that the Plaintiffs were paid for the grain, now the Appellant solicits to state by a slight reference to the foregoing Paras of the appeal, it will be seen plainly, that the Plaintiffs, or Prosecutors of

For showing that the grain as late was once dismissed from service and then he appointed the lower grade since and then after some measure or other.

employed to this day in the place of the Appellant until further order.

* copy herewith enclosed

No. 1064/421
Date 8th Nov 1887
5th May 1884
respectively

* This is not a private place amissible to commit any bit of extortion or any other unlawful action. It is just a village choultry and a public place where Sub Magistrate's duties should be performed when on circuit.

D the village of Velluthy, is the head Quarter of the work of Public duty of the App^t who while on circuit at lower range of being here the grain and other common necessities of life as he was with his family, including over a hundred with serious illness, was compelled to leave the hills for Periaholam for recovery. Further of course the grain and ordinary things were carried with him, which the Coll^r states in his Tamil order should have not been done and hence the Coll^r is under wrong impression that the grain in question might have been presented to him as the Ryots say, whereas they don't, but the Coll^r states fraudulent agreement to his wish that time of the Ryots compliance of any defect against the Appellant.

* herewith enclosed for your Majesty's kind perusal. It includes the 6 charges classified in the 2nd Para of the Appeal. * Being led from a motive that the higher authorities would not take that what Collector has done objectionable and to take by Mr. Nishet and the above ill disposed subordinates concerned with the matter that the Collector made up his mind to do this piece of injustice arbitrary dismissal rather than

of the charges, under reference are Government servants, and it is not they, from whom the Appellant had bought the grain in question, consequently he (the Appellant) had no reason at all to show, that the Plaintiffs were paid for the grain, but those from whom the grain had been actually bought, and the act of grain, as the Collector describes, being merely carried to the place, where, Sub Magistrate was put up, cannot, in any way, show that the grain had been extorted by the Appellant without paying for the same, nor were the grain carriers ordered to do so. The Collector himself particularly shows in the same decision, that the Appellant or Def^t denied, of having extorted the grain without price, but only admitted of having received them for legal price as usual, which is supported by the evidence given by the witnesses both on behalf of the Appellant, and on that of the Prosecutors, and moreover the Para 6 of Ex. No. 6 above quoted will clearly show, that the Collector has exceeded his authority, in inflicting the Appellant, with a fine of 15 Rupees. Such being the case the Appellant earnestly begs to say how is it possible for the Collector that he considers the charges fully proved while they were proved utterly false.

6. Whereas, in the mean while, in disobedience to Paras 5 of Ex. No. 6, the Collector has sent a Tamil order, that he should, at once, be dismissed from his service, assigning no reasons for this unjust, and arbitrary dismissal, but simply stating, that the charges, being brought against him, are in themselves proper grounds to this effect, although they were, as above mentioned proved false and fabricated. He, then, in compliance with the request of Mr. Nishet, transmitted to him an official Memo authorizing him to appoint his dependant, in question, or any others he desires in the stead of the Appellant. If the grounds under which the Appellant was inflicted with fine, and dismissed from service are, in any way, proper and lawful he humbly beseeches to say, the Collector might have, then and there, dismissed him from

from the District, when he only suspended him.

7. Upon which the Appellant, was induced to prefer his appeal to the Board of Revenue, through the channel of Collector for orders against the foregoing decision, and order, assigning adequate reasons, that they were merely ill legal as would be seen from the proceedings held in the inquiry. But the Board of Revenue, not having the least pity in sending him to the established Courts for redress on the 20th January 1853. &c. accordingly the Appellant lodged his appeal to the Civil Court of the said District which Authority passed an explicit proceeding to the effect that the Court sees no ground for interfering with the order, appealed from ~~and~~, and thereby he was constrained to appeal again to the Board of Revenue directly, but was unfortunately referred to the previous Endorsement of the said Authority.

8. That Your Majesty's Appellant humbly begs to state he being disappointed thus for a space of 8 months, was compelled to make his appeal to the Government as he passed an endorsement on the 23rd June 1853 that the Government see no reason to disturb the order, under which the Appellant was dismissed. Were the Government so gracious, as to direct for the submission of the proceedings held in the inquiry as prayed, a slight view on the said proceedings will be able to trace out the nature and truth of the case; and consequently feel the object of pity towards the Appellant and alleviate him from his miserable distress.

is that not for justice sake although he is innocent, very well aware of that nothing but the usual action of a Court of law is the main cause. That is to the fabricator of the charges and that the proceedings relating thereto are highly defective. The Appellant's denial of the charges provided they are justly appreciated and viewed with no partiality.

which was not issued from the real merits and lawful grounds of the proceedings held in the inquiry by the Collector regarding the charges classifying in the 3rd para of the appeal, but from the inclination of the Collector running in spite of justice.

9. That in the Reign of impartial Government of Her Majesty's Appellate Courts, Acts, Regulations, and Circular Orders⁸ have been established, and passed with main object of rendering justice and granting redress by alleviating those from the distress to which they will be subjected by their immediate local authorities. Whereas redress was not

not given by the 3 Authorities viz the Board of Revenue, the Session Judge, and the Government of Madras. What would be the feelings of the Appellant, and ^{what} effect would there be for the due administration of justice under the Provisions of the said Acts⁸. Besides this, the Appt is unblamable, and very poor who has no other means, to maintain himself and his large family, 20 souls in number, than the emolument he obtained for his service in Government. As he was not rendered justice for the past one year he suffered a great loss and was put to considerable difficulties and inconveniences. The whole papers connected with the case, are herewith submitted for Your Majesty's kind perusal and revision.

10. The humble Appellant begs to remark with respect, that although he was driven to necessity to crave the good feelings of the Madras Government to satisfy themselves the merits and demerits of the case, by sending for the whole records connected with the case from the Collector's office, under which the Appellant was dismissed; yet, owing to his bad time, this prayer was not taken into consideration, as equity demanded, the reasons of which should be manifest to your Majesty's own opinion and judgment.

11. Under these circumstances, the Appellant with due respect, and profound submission, humbly soliciting to be excused for trespassing on your Majesty's valuable moments, trusts that with reference to the words of Ex. No. 1st above quoted, greater protection should be given to him being an old Government Servant of 50 months and 16 years standing and finally hopes, with confidence that your Majesty's philanthropic tenderness will, on mature consideration of the matter, be graciously pleased to direct the restoration of the situation to the Appellant, and to refund him the fine summarily imposed upon him viz 15 Rupees and

from the district, when he only suspended him.
7. Upon which the Appellant, was induced to prefer his appeal to the Board of Revenue, through the channel of Collector for redress, against the foregoing decision, and order, assigning adequate reasons, that they were merely illegal as would be seen from the proceedings held in the inquiry. But the Board of Revenue, not having the least pity, in sending him to the established Court for redress on the 20th January 1853. A.C. the Appellant lodged his appeal to the Civil Court of the said District which Authority passed an extract proceeding to the effect that the Court sees no ground for interfering with the order, appealed from, and thereby he was constrained to appeal again to the Board of Revenue directly, but was unfortunately referred to the previous Condensation of the said Authority.

8. That Your Majesty Appellant humbly begs to state, he being disappointed thus for a space of 8 months, was compelled to make his appeal, to the Government who passed an enrolment on the 23rd June 1853. That the Government see no reason to disturb the order, under which the Appellant was dismissed. Were the Government so gracious, as to direct for the submission of the proceedings held in the enquiry as prayed, a slight view on the said proceedings will be able to trace out, the nature and truth of the case, and consequently feel the object of pity towards the Appellant and alleviate him from his miserable distress.

9. That in the Reign of impartial Government of Her Majesty's Appellate Courts, Acts, Regulations, and Circular Orders &c have been established, and passed with main object of rendering justice and granting redress by alleviating those from the distress to which they will be subjected by their immediate local authorities. Whereas, redress was

is that not for justice sake, although he is innocent, very well aware of that nothing but the unlawful action of the Appellant and the above Subordinates is the main cause, that led to the frustration of the charge and that the proceedings relating thereto are highly defective and the Appellant's denial of the charge provided they are justly expressed and imposed with no partiality.

which was not issued from the real merits and lawful grounds of the proceedings held in the enquiry by the Collector regarding the charges classified in the 1st para of the Appeal, but from the inclination of the Collector running in spite of justice

not given by the 3 Authorities viz the Board of Revenue, the Session Judge, and the Government of Madras. That would be the feelings of the Appellant, and, what effect would there be for the due administration of justice under the Provisions of the said Act &c. Besides this, the Appellant is unblamable, and very poor who has no other means, to maintain himself and his large family, 20 souls in number, than the emolument he obtained for his service in Government. As he was not rendered justice for the past one year he suffered a great loss and was put to considerable difficulties and inconveniences. The whole papers connected with the case, are herewith submitted for Your Majesty's kind perusal and revision.

10. The humble Appellant begs to remark with respect, that although he was driven to necessity to crave the good feelings of the Madras Government to satisfy themselves the merits and demerits of the case by sending for the whole records connected with the case from the Collector's office, under which the Appellant was dismissed; yet, owing to his bad time, this prayer was not taken into consideration, as equity demanded, the reasons of which should be manifest to your Majesty's own opinion and judgment.

11. Under these circumstances, the Appellant with due respect, and profound submission, humbly soliciting to be excused for trespassing on your Majesty's valuable moments, trusts that with reference to Paras of Ex. Mr. G. above quoted, that with reference to Paras of Ex. Mr. G. above quoted, greater protection should be given to him being an old Government Servant of 30 months and years standing and finally hopes, with confidence that your Majesty's philanthropic tenderness will, on mature consideration of the matter, be graciously pleased to direct the restoration of the situation to the Appellant, and to refund him the fine summarily imposed upon him viz 15 Rupees and

and to pay him the arrears due to him from the date of his suspension
from the Employment as he is unjustly deprived of the same, and thereby
incapacitated to maintain his large family.

For which act of charity and benevolence,

Your Majesty most obedient and

humble servant will, as in duty bound, ever pray the Almighty
for the long life, sound health, and prospects of Your Majesty

Be the Appellant humbly beg to remain

Majesties Sir,

Your Majesty most obedient

humble and faithful servant

A. P. Ramaswami Naidu

Late Sub Magistrate of Palany Hills

in the Madurai District of the Madras Presidency

Madras

Egmore

Scott's Pet

Misamis P. M. P. Pet

21 September 1863

Dismissal of Uncovenanted Servants

Para 1 In the Resolution of the Most Noble the Governor General in Council
forwarded with Mr. Under Secretary Compton's Letter of the 24th February
last, the local Governments are directed "to issue the necessary orders for the
establishment of a rule to prevent the arbitrary dismissal of uncovenanted
servants, based on the suggestions of the Honorable Council."

2 The Right Honorable the Governor in Council considers a rule of this
nature highly desirable — for so long as the uncovenanted servant can be
dismissed without inquiry, and proof of misconduct, at the will of
his Superior, his tenure of office is so uncertain that it leads almost neces-
sarily to the habit of looking at office as temporary and the temptation therefore
is to make the most of it whilst it is held.

3 This power of arbitrary dismissal also confirms in the whole
body of the Native servants the habit of servile dependence on a superior,
which strikes at the root of all independence and manliness of character.

4 The Governor in Council resolves therefore, in compliance with
the orders of the Government of India, to lay down for the guidance of the
heads of all Offices in the Revenue, Judicial, Military and Public branches
of the service, the following general principles by which the dismissal of
uncovenanted servants should in future be regulated.

5 Persons appointed to permanent situations in any Department,
shall not be dismissed, but for fraud and dishonesty — continued
and willful negligence — offences involving moral disgrace — and proved
incompetency.

6 As under the present rules for the Revenue and Judicial Departments,
fines exceeding 10 Rupees cannot be inflicted without the sanction of the
Board of Revenue and the Court of Sudder Adawlat respectively, it
is simply consistent to provide the same control over the dismissal of

14 of persons receiving upwards of 10 Rupees — but it will be sufficient to require returns to be made of such dismissals, specifying the cause of dismissal as falling within one or other of the heads in the above category, and to provide that no dismissal shall be final until the expiration of 3 months from the date on which the return shall be transmitted, giving the party a right of appeal at any time within that period. It should be understood that dismissals not appealed from nor objected to by the controlling Board upon their own review of the returns are to be taken as confirmed.

7 The rule should be more definite than it is in the Judicial Department as to what servants may be dismissed without previous consent of the controlling authority. In the Revenue Department, a head-clerk cannot be dismissed without previous sanction — and this rule ought to be extended to some other responsible situations — such as Taluk Sherishtadar, District, Nazam and Gomastah and the like. A similar rule should be applied to protect Officers of the same grades in the Judicial Department.

8 The Governor-in-Council considers it but just and proper that greater protection should be given to old servants, and with this view he directs that the previous sanction of the controlling authority should be indispensable to the dismissal of any servant of 15 years' standing receiving a certain salary, 15 Rupees a month — but the amount will be determined on the report of or according to the opinion of the Court of Sudder Adawlat and Board of Revenue, who will confer together and report on this point.

9 In every case the specific grounds upon which it is proposed to dismiss any servant should be reduced to writing and furnished to him, and the answer

answer or defence or explanation of the party taken in writing, and the final decision of the Superior recorded in writing. It will not be absolutely necessary for every head of charge to be formally proved by evidence, but where a specific fraudulent act is charged, of course it should be proved in the presence of the party accused and subject to his cross examination, and so with other specific acts susceptible of proof by the evidence of witnesses upon which accusations within the category are built — but the charges will often be matters of inference from circumstances not capable of formal proof but not less leading to a moral conviction. The rule therefore on this head ought not to be rigorous.

10 As connected with this subject, the Governor-in-Council takes the opportunity of declaring the practice of Officers introducing their own dependants or followers from other Districts into high and responsible trust under them in a new office, thus superseding the old servants of the office, to be very objectionable — and he accordingly resolves that this source of arbitrary removal be at once checked. With regard to the highest offices in the Revenue Department, they are subject to the confirmation of the Board of Revenue, and it will be the duty of the Board to prevent the appointment of a follower of the Collector without good and sufficient reason, ^{being} assigned, contrary to the declared sense of Government on the subject. The appointment of Deputy Sherishtadar should also be made subject to the confirmation of the Board — but it will be sufficient when an Officer of that grade is appointed that his appointment shall be reported to the Board with a statement of his previous services, that the Board may interfere if the appointment shall appear objectionable on the ground of the declaration of Government.

11 This course should also be followed in regard to the appointment of

of the Sherishtadars and other principal Ministerial Officers of the Judicial Courts.

12 With regard to offices which are subject to no controlling authority, the Government will directly exercise the same measure of control as is proposed to be exercised by the Sudder Court and the Board of Revenue respectively, in regard to the Heads of offices subordinate to them.

13 The Court of Sudder Adawlat and the Board of Revenue as well as other controlling Authorities will accordingly prepare and submit subsidiary rules for giving effect to the foregoing views and orders of Government.

14 The Government of India require the transmission to them of a half-yearly list of all dismissals (with the cause briefly set forth) of ten-covenanted servants holding office with a salary above 10 Rupees per mensem. To enable this Government therefore implicitly to obey those orders, Heads of all offices in the Revenue, Judicial, Military, and Public branches of the service must consider it their very special duty to furnish the Government regularly with the required half-yearly Returns — and those officers who have hitherto neglected to obey the orders of this Government on the subject dated

18th November 1851, No. 1064 will immediately submit their Returns for the entire year of 1853. With these Returns and those already received for that year, a General Return will be prepared in this office to be laid before the Government of India — Ex. Min. of Home 5th May 1854 Public Department No. 421.

13586

Decision of the Collector of Madras under date the 11th November 1862.
Prosecutor: Ramasami Defendant: Ramasami Natch Sub Magistrate
1st That the Prisoner on a day, date unknown in the month of August 1862 did send a quantity of grain from [illegible] a [illegible] of Nachur 2nd That the Prisoner on a day date unknown levied 14 Rupees worth of grain from [illegible] a [illegible] of Nachur. The Defendant in the Prisoner's bill [illegible] and Sub Magistrate a charge was made against him that he levied grain and other supplies from the villagers without paying for the same. The Prisoner denied the extortion, and admitted having received some of the grain for price and he named witnesses who supported his statement. It is clearly proved that the grain mentioned in the charge was taken to the place where the Sub Magistrate was putting up [illegible] and [illegible] of [illegible] and it is shown by the Defendant that the Plaintiff was paid for the same. The Collector directed the charges to be fully proved and sentenced the Prisoner to [illegible] [illegible] under clause 2 Section 2 Regulation of 1852.

Transmitted	Signed,	V. H. Loung
Copy		Collector
Compared	True Copy	
T. Muttusami Pillai	Signed,	T. Carnellie Pillay
Record Keeper		Dy Collector

The Board of Revenue reject the
 appeal referring the party making
 it to the established Courts for redress
 I should be consider himself aggrieved.

Revenue Board Office
 Madras
 20th January 1863
 By order
 Signed, H. Dalrymple
 Sub Secretary

I forwarded to the party on the 31st
 January 1863 by Subpost to
 Perambalur

T. Cornelius Pillay
 Dy Collector
 In No 2432 of 1863

Copy applied for by Defendant
 on the 10th November 1862
 Ordered - Do Do Do
 Copy prepared 15th Do Do
 Signed - Do Do Do
 Delivered 18th Do Do
 on which day the party appeared

T. Cornelius Pillay
 Dy Collector

In No 7795 of 1862

In No 1398 of 1863

The President and Members of the Board of Revenue
 The District of Madras
 The District of Madras
 Most respectfully Sheweth,
 That late Sub Registrar of Perambalur
 The District of Madras

That your Petitioner with profound submission begs to submit
 his appeal against the decision of the Collector dated 12th November 1862
 in your Petitioner a fine of 8 Rupees under Regulation No 132
 and dismissing him from his office. Copy of the said Decision and
 the order of his dismissal dated 10th January 1863 are herewith enclosed.
 Your Petitioner was charged with the having collected 6 Marcas
 of Paddy valued at 10 annas from one Moolam Pillay and one solow of
 Paddy valued at Rs 1-11 from one Malabar Perambalur 2nd 4 with
 having dismissed without receiving a complaint made by one Murali
 Appa Naidu of Perambalur against the village servants of his god. being
 seized by them - 384 with having employed the office Mashaal for
 private work of Pet.

The Prosecutor of these charges is a Peon attached to the office of
 your Petitioner. He said Peon and Jematta Sambamurti Sanyal
 had evinced discontent and ill feeling towards your Petitioner for
 some months past for not being indulged the freedom of going down to the
 low Country and for the frequent notice taken of their irregularities.
 During the Petitioner's stay on the hills he tried to reform the abuses
 which he knew to have existed in the days of his Predecessors when
 the subordinates had taken advantage of the yielding nature and
 timidity

one of them stated that he had sold grain
 the other stated that the village

copy took in the office well clearly from him, the Jemadar has stated before the Collector that the order was written on the 11th. This false statement was then upheld in the order of the Collector. Had the date been given, the Jemadar will have avoided the responsibility of attesting by his signature and there was no occasion for this fraud. The order of the Collector was also the deposition of one Row Jemadar before the Collector clearly prove that the case has been got up.

10 In the 6th para of the order it is stated that "from the Gadach of the Forest survey it appears that of 121 Gulies of waste lands applied for by the Hill Ryots, some have been taken up for cultivation by order of the Collector before the receipt of authority for the same from the Thugur." Your Petitioner begs to state that he issued Proclamations to all the Hill villages strictly forbidding the interference of Ryots in the lands

applied for, he has also sent circular orders to the village authorities to prevent the taking up of waste lands till orders are received from the Thugur. The records in the office and the original circular orders to the Hattungas above referred to as also Petitioners Muzes to the Collector and Gadach to the Tahsildars on the subject are the vouchers for which he appeals against this charge. No reports were received from Hattungas of any encroachment of Ryots in waste lands.

11 Your Petitioner begs to bring to your notice the faithful service which he has performed in Government for a period of 15 years in different capacities as Vaccinator, Zilladar, Panchayat, Thugur, Clerk and Subordinate Magistrate and the unblemished character he has maintained during his service.

12 Under these circumstances Your Petitioner humbly solicits your honors review all the proceedings of this case and to render him justice

justice by acquitting him from the above false charge and to restore him to his post.

For which act of charity and benevolence Your poor addresser shall, as in duty bound, ever pray

(Signed) P. Ramaswami Saik
Late Sub Magistrate.

over many miles. One of them stated that he had sold grain

2438

Extract from the proceedings of the Session Court of
Madras under date 23^d February 1863.

Read - Mr. P. A. 9 of 1863 presented on the 20th
February 1863 by Petitioner Ramaswami Sanku late Sub Mag^r
in the District. He is appealing from the decision of the Collector
dated 10th November 1862 fining him 50 Rupees and dismissing him
from his Office.

Order

The Court sees no grounds for interfering with the order appealed
from. The period for appealing has expired. No appeal lies to the Court
from the Collector and Section 441 of the Code of Criminal Procedure
restricts appeals to fines exceeding 50 Rupees.

True Extract

C. S. S. S. S.
Copy

Signed: P. R. Cotton
Session Judge

True Copy

Signed: P. R. Cotton
Session Judge

True Copy

officers. One of them stated that he had sold grain

at a low price and was paid for but the other stated that the village

To
The President and Councils of the Board of Revenue
Madras
The humble Appeal Petition of
That Respectful Petitioner, ^{Shankar} Sub Magistrate of Palay, that
in the Village of Madura
That your humble Petitioner and not only said had had
been dismissed also from the service in the decision marked A
passed by the Collectors of Madura by V. H. Levinge Esq under Regulation
No. 18 of 1857 in a charge of bribery brought by one of his former Petitioners
That he was not concerned with him and not proved
That your humble Petitioner prepared an appeal thereon in the 16th Nov
1862 to the Board of Revenue assigning adequate reasons to show that
said decision was ill legal as well as void in the which marked B
herewith submitted.
That your humble Petitioner on the 20th January 1863 requiring
your Petitioner to Court, that on the strength of which your Petitioner
lodged his appeal petition to the said Judge of Madura within 30
days from the date of the said endorsement, but that authority filing that
petition in the Court of the said Judge passed an Ex parte proceeding
on the 23rd January 1863 marked C to the effect that the Court
was not prepared for interfering with the order appealed from
That your humble Petitioner has administered justice by dealing
with appeals preferred to your honor by many Public Revenue and
Magisterial Servants who are fined and dismissed from service
by your honor stated that he had sold grain
Petitioner and was paid for but the other stated that the village

Government of
Regulations, and Circular
with a view to render
my most distress to which he

mediate local authority

and that if the said two Superior
of Revenue and the Session Judge

about pointing out to your Petitioner who
has suffered such distress as shown above on a simple, though
not established charges the authority to whom he should look to
for justice, what would be the feelings of your Petitioner and what
effect would there be to the administration of justice, under the provisions
of the said Act.

I said that your humble Petitioner therefore most sub-
missively and fervently prays your honour will be graciously
pleased to take into your serious consideration the Exhibits marked
A, B, and C herewith appended and issue an order quashing the
decision of the Collector and directing the reinstatement of your Petitioner
into his situation.

And your humble Petitioner will, as in duty
bound ever pray.

14th April 1863
Signed, Ramassunick
late Sub Magistrate

His Excellency

Sir W. F. Denison B. C. S.

Governor in Council

per per per

George.

In No 1398 of 1863

No 1432 of 1863

From Ramassunick
late Sub Magistrate of Palany
Kills in Madara

Dated 24th April 1863

Recd 24th April 1863

Enclosures 2

Petitioner is referred to the
Board's Endorsement dated
20th January 1863 on his
appeal Petition -

By order
J. D. Kelly
Sub Secretary

Revenue Board Office
Chepauk
20th May 1863

Referring to the Board's
Endorsement on his appeal against
the Collector's decision fining and
dismissing him from his office
Submits an Extract from the
Proceedings of the Madara Court and
prays for his restoration as the
Board and the Court simply passed
orders without pointing out
the authority to whom he
should look to for justice

Ramassunick
Kills in the
Madara
Department for
that he always
employed as Ryot,
he was fined and
having extorted
grain on his
Petitioner
to Department
lodged a
ing extorted

be the case,
and not the
variance with

In the enquiry by the Collector of the matter the Prosecutor Ram
Cassim stated that had evidence to prove his statement. The Ram having
accompanied the parties who served the summons to the Ryot, persuaded
the latter to verify his case. One of them stated that he had sold grain
to Petitioner and was paid for but the other stated that the village
Inmate.

3. Government of
regulations and Circular
with a view to render
my mis distress to which he

Author
Lately have
has suffered
not satisfied
his justice, in
effect would
of the subject
I
misconduct
pleased to take
A. D. and C.
decision of the
into his letter

His Excellency
Sir M. J. Denison B. C. B.
Governor in Council
per per per
By St. George.

N: 1398 of 1863

The Government see
no reason to disturb the
order under which the petitioner
was dismissed.

Fort St. George 13. Jan 63
By Order

(Signed)

J. D. J. Secy to Govt

N: 1398 of 1863

From Ramasami Saita late
Sub Magistrate of Palany Hills in the
District of Madras was residing
at Madras.

Dated 27. Nov 1863
Recd 27. Nov 1863

with 3 enclosures.

Submits the Endorsements of the
Collector and Board.

Appeals from the decision reached grain on so
of the Board confirming his dis. - Petitioner
dismissal made by the Collector of the Department
his office own false charge brought
by an ill disposed person of extorting
grain from Ryots without paying
for the same.

Prays that under the circumstances, he may be
reinstated in his place.

Petitioner might measure to injure his prospects.

In the inquiry by the Collector of the matter the Prosecutor P. M.
Cassim stated that had evidence to prove his statement. He then having
accompanied the parties who served the summons to the Ryots, persuaded
the latter to verify his case. One of them stated that he had sold grain

to Petitioner and was paid for but the other stated that the village
Mormith

3. Government of
Regulations, and Circular
with a view to render
my most districts to which he

authorities
and by pass
has suffered to
not establish
his justice, in
effect, would be
of the said
missionary and
blamed to take
S. D. and C
decision of the
into his libel

17

His Excellency
Sir W. F. Dunsen B. C. S.
Governor in Council
per per per
Fort St. George.

He humbly appeals of Dunsan and
late Sub Magistrate of Pudukkottai in the
District of Madras

1. That your Petitioner served Government in the Revenue Department for
a period of 15 years, during which time he has humbly submit that he always
showed his fidelity and zeal for the service he was invariably employed as Revenue
Collector, Clerk and latterly as Sub Magistrate from which he was fined and
dismissed his service on the 10th November 1862 on a charge of having extorted
grain without paying for the same.

2. Petitioner respectfully begs to state that he had purchased grain on various
occasions and had paid the Ryots for the same who were contented. Petitioner
begs to inform your Excellency that, Petitioner called a Poon of the Department
named Cassim being at a little variance, the Poon in question lodged a
complaint to the Collector against your Petitioner, with having extorted
grain from Ryots and not paying for the same.

3. Petitioner respectfully begs to submit that if such be the case,
it would have been the duty of the Ryots to prosecute Petitioner, and not the
Poon who was in no way concerned in the matter, he being at variance with
Petitioner sought measures to injure his prospects.

4. In the enquiry by the Collector of the matter the Prosecutor Poon
Cassim stated that had evidence to prove his statement. The Poon having
accompanied the parties who served the summons to the Ryots, persuaded
the latter to verify his case. One of them stated that he had sold grain

to Petitioner and was paid for but the other stated that the village
himself

30
himself had come to him for grain for Petitioner's use, which was sent
by the village servants who were the chief parties that ought to have been
examined, but were not and it was proved by Petitioner's evidence that he
had given money to the very village himself to purchase grain for Petitioner
on two different occasions, viz 1st Rs 3 and 2nd Rs 2. Petitioner humbly
begs to bring to your Excellency's notice, that the Prosecutor Cassin had threatened
and put up the evidence of his witnesses to corroborate his statement which was
found out at the Court, on Petitioner's cross examination of one of the witnesses
named, Francis, also another Govt of the Department which will be clearly
shown your Excellency in the proceedings, which he in the Collector's Office,
and a copy of which if called for, will be satisfactory to your Excellency.

5. The Prosecutor Cassin further charged your Petitioner with
having used Public servants for Petitioner's private use, your Petitioner
begs to state, that, it was false, and no proof of assertion was ever made
to the fact of this, but Petitioner alleges, that he was necessitated to send
Public servants for Public purpose such as for the purchase of stationery &c.

6. Upon this your Petitioner was induced to appeal to the
Board of Revenue through the Collector for redress the Board having rejected
Petitioner's appeal on the 20th January 1863, referred him to an Established
Court, which step Petitioner followed, and appealed to the Session
Court of Madras the Judge having shewn off all interference in the
matter Petitioner was induced again to appeal to the Board of Revenue
who merely referred him to their last Endorsement dated 20th January
1863.

7. Under these circumstances Petitioner most humbly begs to
enclose all correspondence connected with the matter for your Excellency
information, and respectfully begs to remark, that, as the Board of Revenue
reject Petitioner's appeals, referring him to Established Courts.

he is of opinion, that the Board is not the place of appeal, and if so, it
is strange that the Collector should have submitted the same. Petitioner
is of opinion, that his case is a proper one for conviction which was not
at all substantiated, consequently his case is set aside.

8. In conclusion Petitioner most humbly and respectfully
begs your Excellency to have consideration for this his humble appeal,
and earnestly prays that your Excellency will, from your most worthy
and charitable disposition, be pleased to view the matter in its light,
and grant Petitioner redress and have him reinstated to his former
post, as he is burthened with a large family.

For which act of charity Petitioner in
duty bound shall
Ever pray

Madras
27th May 1863 } Signed, Ramaswami Naik
Late Sub Magistrate

30
himself had come to him for grain for Petitioner's use, which was sent
by the village servants who were the chief parties that ought to have been
examined, but were not and it was proved by Petitioner's evidence that he
had given money to the very village himself to purchase grain for Petitioner
on two different occasions, viz 1st Rs 3 and 2nd Rs 2. Petitioner humbly
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and put up the evidence of his witnesses to corroborate his statement which was
found out at the Court, on Petitioner's cross examination of one of the witnesses
named, Francis, also another Govt of the Department which will be clearly
shown your Excellency in the proceedings, which he in the Collector's Office,
and a copy of which if called for, will be satisfactory to your Excellency.

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begs to state, that, it was false, and no proof of assertion was ever made
to the fact of this, but Petitioner alleges, that he was necessitated to send
Public servants for Public purpose such as for the purchase of stationery &c
and the fact of Petitioner having used them for his own purpose was not proved.

6. Upon this your Petitioner was induced to appeal to the
Board of Revenue through the Collector for redress the Board having rejected
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Court, which stop Petitioner followed, and appealed to the Session
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1863

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information, and respectfully begs to remark, that, as the Board of Revenue
reject Petitioner's appeals, referring him to Established Courts.

he is of opinion, that the Board is not the place of appeal, and if so, it
is strange that the Collector should have submitted the same. Petitioner
is of opinion, that his case was a poor one for conviction which was not
at all substantiated, consequently his case is that set aside.

8. In conclusion, Petitioner most humbly and respectfully
begs your Excellency to have consideration for this his humble appeal,
and earnestly prays that your Excellency will, from your most worthy
and charitable disposition, be pleased to view the matter in its light,
and grant Petitioner redress and have him reinstated to his former
post, as he is burthened with a large family.

For which act of charity Petitioner in
duty bound shall
Ever pray

Madras
27th May 1863 } Signed, Ramaswami Naik
Late Sub Magistrate

243906883
543

To

The Chief Secretary to Government
Fort St George

Dear Sir

I have the honor to submit herewith
an Appeal to the Home Authorities in triplicate
and request your honor will be graciously pleased
to direct them to be despatched by the prescribed
course.

For which act of charity and benevolence
I shall feel most thankful and respectfully
remember it to be a kindness

I remain
Most Obedient Sir

Your most obedient and humble servant

A. P. Ramaswami Sastri
Late Sub-Magistrate

Admission
Exemption
Palapet
Chinnasappa & Pillai Street
21st September 1863

6-12-1863
41-42

8² 1983

Received that the Memorial
received with the foregoing letter
be forwarded to the same Committee
and that our information of the same
be given to the Memorialist.

John W. George
Sec. November 1883

cc 110

Copy in a Letter to
2/5 Nov 63

Recd 1863 Oct.
No. of Govt for November
No. 2139 of 1863

From A. J. P. Pissinacum
in Naguldu lake Sub-
Magistrate. Madras District
Sd/- J. P. Pissinacum
District
Recd 21st Sept 1863

With 3 Enclosures

Submits a Memorial
in duplicate for despatch
to the Right Honorable
the Secretary of State.
No. 1985 of 5th Nov 63

No 41 & 2.

29 Oct 63 R2 Nov

With an order

Memorandum
to the
Secretary
to the
Government
of India