

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 616	<u>Press</u> <u>Mis.</u>
344.345	
Dated	20 - 3 - 1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
20th March 1865.*

No. 344. Read the following Petition from BHIMA RAO, late Tahsildar of Dharampuri, Salem Zillah, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated 4th March 1865:—

HONORED SIR,

1. After his removal from office your humble petitioner appealed to the Government, that either he should be restored to his post, or a pension should be granted to him, and was in reply favored with an endorsement that the application for pension should come through the channel of the Collector.

2. The Honorable D. Arbuthnott knowing well the good conduct of your humble petitioner accordingly recommended that the petitioner, who was entitled to a pension of one-third of his salary, amounting 42 Rupees a month, should be allowed to that amount from the date of his removal from employment.

3. But owing to the misfortune of the petitioner, the Government did not comply with the request of the Collector; a long service of thirty years was thus overlooked, and the difficulty with which your humble petitioner maintains his large family is very great.

4. Intending to forward a Memorial to Her Majesty's Government, petitioner applied for copies of the Proceedings, and was told that they would be sent with his Memorial when it was presented to the Government. The petitioner, therefore, respectfully submits his Memorial. Petitioner has a large family to maintain, and they are suffering great privations and distress. There are several proofs of his *innocence* of the charges brought against him; and would especially refer to the testimony borne by the District Engineer, Captain Gahagan, in the letter addressed by him on the subject of the charges in question.

5. In conclusion, your humble petitioner prays that your honor should send with his Memorial all the Proceedings in addition to those already enclosed, and get the sanction of Her Majesty's Government, either for his restoration to office or for the grant of a pension of one-third of his salary.

For this act of charity your petitioner, as in duty bound, shall ever pray.

No. 345.

ORDER THEREON, 20th March 1865, No. 616.

Miscellaneous.

Ordered that the Memorial received with this letter be forwarded to the Secretary of State, and that intimation of the same be given to the Memorialist.

(True Extract.)

(Signed) J. GROSE,
Acting Under Secretary to Government.

Exd. S. T. Augustin.

Actg subcollector's order to the Taspildan
1. August 62

Having occasion to speak with
you in person some thing you will
on receipt hereof deliver charge to
the Taluz Muntadun & appear before
me at Oforon, without least delay.

Yours truly
Wm. Thomas
Actg Sub Collector

86/12

A

Order No 5760 of 1862



To

The Honorable the President and Members of the
Board of Revenue.

THE HUMBLE PETITION OF BHIMA RAO, LATE TAHSILDAR
OF DHARAMPARY TALUQ, IN THE ZILLAH OF SALEM.

RESPECTFULLY SHEWETH,

That in humbly presuming to solicit your Honorable Board to reconsider his case, Petitioner would most respectfully submit that he feels deeply grieved that he has unwittingly given offence to your Honorable Board from the objectionableness of "the tone" of his previous petition.

2. That said petition was written in English,—and, as Petitioner now finds to his great misfortune and sorrow,—by an inexperienced and ignorant writer. Had Petitioner, who is utterly unacquainted with the English language, the smallest idea that the petition was in any way impertinent, he would not have *dared* to present it. It is easy for your Honorable Board to conceive that Petitioner, who is anxiously solicitous of obtaining your favorable opinion and judgment, would not presume to address your Honorable Board in any other language than that of humble submission and obedience.

3. Deeply penetrated as Petitioner is with your Honorable Board's unyielding impartiality and unflinching probity in dispensing justice to each and all of the millions under your administration in this Presidency, yet he cannot but submit—and he feels assured that your Honorable Board will graciously pardon him for the expression—that he has been unjustly and harshly dealt, with in a manner that none of the circumstances of the case guarantee.

4. The whole of the charges brought against Petitioner by the Acting Sub Collector, H. S. Thomas, Esq., are resolved by the Collector, the Honorable D. Arbuthnott, into two distinct ones, viz. "first, neglect of duty; second, making a false report in the case of an irrigation channel."

5. With reference to the first allegation—neglect of duty—Petitioner would humbly beg your Honorable Board to observe that though he has served upwards of 25 years to the entire satisfaction of his immediate superiors, the charge of neglect of duty was first laid against him in the middle of the year 1858. This fact in itself will clearly show that Petitioner was not in any ways found fault with during the previous 20 years. An examination of the records of the Katcherri will establish this important point.

6. The whole of the alleged charges preferred against Petitioner by the Acting Sub Collector are given in paragraphs 6 to 15. In regard to these alleged charges, Petitioner would humbly beg to submit the following succinct explanation in his defence.

7. In the Acting Sub Collector's Report, para. 7, it is stated that there was a defalcation of Rupees 50 in the Taluq Treasury. On enquiry the Shroff *acknowledged his guilt*, but the Collector directed the Petitioner, in consequence of some informality in the Proceedings, to make the amount good, which he did. Here, it will be perceived that there is *not, de-facto*, any charge on which he was fined Rupees 50. The gist of the whole argument is, the "irregular manner of transacting his business," and he was therefore "to refund the amount." There is nothing proved here against Petitioner.

21
2095 of 1862

8/1/64

Self by Petitioner
to the Collector
dearly humbly
come to Shroff
to speak in person
1. Aug 62
J. M. 11/11/63

20

8. In para. 8, it is stated that "the money remained unrefunded" for upwards of a year.

9. Mr. Collector Brett in his Takeed, No. 268, dated 5th December 1857, to Petitioner, writes thus:—

"You stated that you gave the said money (50 Rs.) to the Shroff Kundappah Chetty to be kept in amanut; that on the Karkoon sending money on the 5th July 1857, he entered the above 50 Rs. in the Irusalnamah accounts; that you enquired of the Shroff about the amount, and that the Shroff stated that he gave the sum to the Golah, Perumal Raz; that said Perumal Raz stated that he returned the money to the Shroff; that the Shroff denied the money having been returned to him, and that the Shroff and Golah accuse each other."

10. Further down that Gentleman states—

"You requested in your Urzi dated 3rd October 1857, No. 98, that as the Shroff was an indifferent character, he should pay the 50 Rupees, and be dismissed from the service."

11. The Collector Mr. Brett directed that the Shroff should be dismissed, from its having been proved by the witnesses of the Golah, that the money was delivered by him to the Shroff. At the same time that Gentleman stated that because Petitioner gave the money into the hands of the Shroff without the knowledge of the Taluq Sheristadar and Nagadi Gumashtah, and did not himself look into the accounts and see the 50 Rupees entered therein, he should be held responsible for the amount, as it gave the Shroff opportunity to commit the fraud. Meanwhile, the matter was referred to your Honorable Board, and the then Acting Collector Mr. Hathaway in a Takid, No. 41, dated 24th January 1859, directed that, under the orders of the Board of Revenue, "the 50 Rupees is to be deducted from your salary." Be it observed that the defalcation took place in the latter part of the year 1857, and that the order to refund the amount is dated 24th January 1859, soon after which Petitioner credited the sum to Government from his salary. Where then was Petitioner's delay?

12. In the same para. 8, the Acting Sub Collector states that Mr. Acting Collector Knox recorded a Memo., leaving it to his successor (Mr. Brett) to dismiss him on the amalgamation of the Taluqs. Admitting the clemency of Mr. Knox in not dismissing Petitioner, it is to be enquired by your Honorable Board why Mr. Brett, that Gentleman's successor, did not dismiss him on the amalgamation of the Taluqs? It is also to be particularly noticed by your Honorable Board that when the amalgamation did take place, the Taluq of Dharumpury was left intact, and Petitioner continued to hold his office of Tahsildar undisturbed, whilst Govinda Row, Tahsildar of Denkany Kottah; Ram Row, Tahsildar of Uttankurray; Rajah Row, Tahsildar of Tiruchungode; and Venkatta Naranappa, Tahsildar of Parametti, were removed to lower situations.

13. This fact in itself is sufficient to convince your Honorable Board that had Petitioner been found unequal to the discharge of his duties, or indeed been found in the slightest degree neglectful of them, he would not have been retained in office.

14. "Why Mr. Brett did not carry out these definite arrangements does not appear," says the Acting Sub Collector. In answer thereto,—and which answer your Honorable Board will at once admit as conclusive—there being but one, and that is that such of the Tahsildars (as aforementioned) who were reduced were found less efficient, less inattentive to their duties than Petitioner, who for a long series of years faithfully and zealously performed all the duties which devolved on him. Otherwise, Mr. Brett, whose characteristic is to probe into the peculiar deficiencies of his subordinates and deal out even handed justice, would have at once, and without any more ado, not only reduced your Petitioner, but also publicly and ignominiously dismissed him. On the contrary, that Gentleman graciously appreciated the worth of your humble Petitioner, and knowing the obstreperous character of the semi-civilized inhabitants of the Taluq of Dharumpury, and Petitioner's peculiar mode of dealing with them, judged that he was the right person in the right place, and left him in undisturbed possession as the fittest person to hold the important and responsible post of Tahsildar of the Dharumpury Taluq, where he had been 9 years and increased his salary from Rupees 100 to 175. The order issued by that Gentleman, on the occasion of the amalgamation of the Taluqs was as follows:—

[TRANSLATION.]

No. 2. 3rd January 1863.

From

H. A. BRETT, Esq.

Collector of Salem.

To

BHIMA RAO,

Tahsildar of Dharumpury Taluq.

According to the new Rules, a list of the Sibbundies appointed to the Taluq is herewith sent. Of those parties, you are to nominate the proper parties to their right offices, and as the other Peons are to be dismissed, their names are to be erased. The pension of the Sepoys is to be formed into a separate list. The Police charge will be relieved on the 11th January, and from that date you will be designated as the Taluq Magistrate.

(Signed) H. A. BRETT,
Collector.

15. In para. 9 of the Acting Sub Collector's report, Petitioner is accused of delay in making his report regarding certain cases. The statement with reference to these cases are so indefinite that Petitioner is absolutely unable to submit any explanation relative to them.

16. In para. 10 it is stated that "the then Collector Mr. Knox reprimands him [Petitioner] severely for making a false excuse about the delay, and withholding the documents which showed it, for causing a Karnum to be kept under suspension for a longer period than he was authorized, by failing to report that he had paid up certain arrears; for causing loss by delaying to release property from attachment after the arrears had been paid."

17. Through the misrepresentations of the Huzur servants, Petitioner has been made to appear in a most unenviable light. The following facts will show that instead of Petitioner being worthy of a reprimand, for reasons which had no foundation in truth, he should have been fairly acquitted of the charge given in the above para., and which the Collector Mr. Knox would have assuredly done, had that Gentleman not been misled by his Native subordinates.

18. The name of the Karnum above referred to is Ardhanarri Iyen. He possesses Putcut lands in seven villages, viz. 1, Sogatur; 2, Nullagoundenputty; 3, Reddy putty, (which are in his father's name); 4, Pappinaiken putty; 5, Chuckodi; 6, Motuputti; and 7, Kanikaranumputti. On account of the khist of these villages he and his father were in constant trouble, always keeping the amount of the Government dues in continual arrears.

19. In Fusly 1265, the said Kurnum fell into arrears to the amount of Rupees 50-3-8 for the village of Reddy putty. On account of these arrears, his produce of paddy and other grain were attached by the Palacodu Division Karkoon Samiah on the 7th February 1856 and he delivered it over to the Karadar of Sogatur, yet he had the audacity to complain that though he had paid up the arrears, his produce was not released. Whether the Kurnum's statement was true or not let the following references to the records show:—The Karadars brought their collections for 1266 and delivered them over to the said Kurnum Ardhanarri Iyen. The Kurnum however fraudulently credited 40 Rupees and 2 Annas out of the collections to his own arrears; the Karadar remonstrated with him about the fraud practised by him, when the Kurnum induced the Karadar to deliver up his proceeds which were attached as above stated on the 17th February 1856, and sold it to satisfy the demands of Government against him for Fusly 1265.

20. For the Karadar's collusion with the Kurnum in making over to him produce under attachment, the Acting Collector Mr. T. J. Knox, in his Takid to Petitioner No. 43, dated 12th March 1860 stated that said Karadar should be forgiven on this single occasion on account of his having committed this fault from ignorance.

21. In para 19 of this petition it is stated that the Kurnum credited Rupees 40-2-0 to his own account from the collections of the Village of Attukarenputti. On this very account from his imposition on the self same Karadar, he was fined Rupees 10 in Takid 31.

22. For Fusly 1266, the Kurnum again fell into arrears to the amount of Rupees 72-1-2, and for Fusly 1267 Rupees 81-1-9, making in all Rupees 153-2-11.

23. On account of the arrears of these two Fuslies, a portion of the Kurnum's produce and lands were attached in Fusly 1268 by Mr. Acting Collector Hathaway. The Order of suspension was to the effect that the suspension should not be taken off until he paid up the whole of his arrears when his conduct would be taken into consideration and final orders about his restoration would be passed.

24. Your Honorable Board will be pleased particularly to notice that the Kurnum again fell into arrears for Fusly 1268 and 1269 which he did not pay off up to the 7th April 1860, and though Petitioner reported that the Kurnum had paid up for Fuslies 1266-67 and was in arrears for Fuslies 1268-69, no final orders were issued either by the Collector or Sub Collector for his restoration, and according to Mr. Hathaway's order above referred to, Petitioner was not authorized to reinstate him.

25. It is with regard to this self same Kurnum that Mr. Collector Hathaway, directed in his Takid No. 75, dated 9th February, 1859, that as he and his relatives constantly failed in meeting the Sirkar dues, no Durkhast tendered in future by them should be accepted, but that all the lands already given to them on Durkhast should be at once resumed.

26. In para 11, the following charge is put forth:—"A month later he was fined 5 Rupees for accumulating arrears of unanswered orders, though repeatedly warned.

27. Whether Petitioner was justly fined or not, let the subjoined Statement show:

Gazette of the 23rd August 1862; Saturday; No. 247.

STATEMENT showing the number of Orders executed in the Taluq of the Salem District in the month of July 1862.

Names of Taluqs.	Total arrears of orders of the past month and those issued during the present month.	Number disposed of.	Total of petitions in arrears of last month and referred during the present month.	Number disposed of.	Total arrears of petitions presented at the Taluq during last and present month.	Number disposed of.
Revenue	25	9	37	5	28	9
Ahtur	11	1	9	1	19	10
Magistrate	129	76	157	11	114	9
Revenue						
Namakul	32	25	76	22	213	83
Magistrate	110	44	119	24	110	19
Revenue						
Salem	56	44	61	16	235	87
Magistrate	68	40	63	19	67	26
Revenue						
Tiruchungode	32	30	41	11	86	35
Magistrate	76	24	120	15	54	5
Revenue						
Dharampury	8	4	22	4	65	32
Magistrate	41	16	25	0	49	8
Revenue						
Cottumkarrey	5	5	2	2	64	42
Magistrate	44	29	36	13	20	6
Revenue						
Krishnagiliri	20	18	16	2	77	30
Magistrate	41	22	31	8	4	2
Revenue						
Tirupatur	13	13	6	4	13	12
Magistrate	46	14	170	10	42	0
Revenue						
Ussur	33	30	25	38	135	61
Magistrate						

28. The foregoing statement will clearly prove to your Honorable Board that though other Tahsildars were greatly in arrears—far more than Petitioner—no charge was preferred against them. It will also prove the diligence and activity of Petitioner in the discharge of his duties, which he most faithfully and zealously performed. A glance at the foregoing statement will convince your Honorable Board of this fact.

29. A further charge of "wanton delay" is mentioned in para. 12.

30. The torch light robbery occurred on the 16th December 1860. As soon as the information reached Petitioner, he started with the Peons in attendance, but before he could get to the place, the robbers had absconded. Thereupon Petitioner ordered his Peons to follow up the track, and next morning started himself. The robbers were apprehended, and in Petitioner's Urzi No. 11, to the Joint Magistrate H. G. Smith, dated 13th February 1861, he represented that the delay in making the weekly report was no fault of his; that the order issued to make such weekly reports was dated only 28th January 1861, which reached Petitioner only on the 1st February 1861.

31. Previous to this, however, Petitioner had apprehended three prisoners, viz. 1, Cauvery, 2, Ramasamy, and 3, Vellala Venkatramen, all of whom were convicts and had escaped from imprisonment.

32. Evidently the Acting Sub Collector has been misled with regard to the case in point or has been misapprehended by him.

33. The then Collector, H. A. Brett, Esq., issued a Takid to this effect:—

From H. A. BRETT, Esq.

No. 46.

Magistrate of Salem.

To BRIMA ROW,

Head of Police.

"With reference to the robbery which transpired in the house of the Plaintiff Subrao on the 16th Instant [December] you forwarded copy of his depositions, together with a list of the property stolen on the 18th, which were despatched thence on the 21st and received by us on the 24th.

"What was the cause of the cover, dated by you on the 18th Instant, should be despatched on the 21st. Through whose neglect this has occurred—enquire and inform us soon.

(Signed) H. A. BRETT,
Collector.

SALEM,
24th December 1860.

34. On reporting on this matter, Petitioner stated that the delay was caused by the Police Royasum Srinivassa Iyen, who confessed that it was through sheer forgetfulness that he did not forward it, and gave his deposition to that effect, which are on the records of the Huzur Katcheri.

35. Notwithstanding this undoubted evidence of Petitioner's activity and diligence, he was the only party who was most unjustly and cruelly fined Rupees 5, whilst the Royasum was excused, and warned not to commit himself again in a like manner.

36. Your Honorable Board will be pleased to consider whether it is just and righteous to excuse and pardon the actually guilty individual of wanton delay, the Royasum Srinivassa Iyen, or to fine Petitioner Rupees 5. Petitioner forwarded an explanation on the 7th February, and the Sub Collector issued a Takid which reached Petitioner on the 8th. Petitioner would here humbly submit to your Honorable Board whether he could be justifiably fined, under the circumstances, another 5 Rupees. Your Honorable Board will clearly perceive that Petitioner is, in this respect perfectly innocent.

37. Your Honorable Board's humble petitioner would respectfully submit whether the charge preferred in para. 13 is a reasonable one? Were it enquired how many were forwarded

or not, the truth will come out. If out of the 55 cases any complaint had been preferred to the Sub Collector or Collector's Katcheri, the matter would have been forwarded to Petitioner for his report on the subject; but no such Takid was sent, and it is for your Honorable Board to infer that Petitioner did not fail to forward most of the petitions to the parties concerned.

38. In para. 14, Petitioner is charged with having been "found incorrigible in the matter of his revenue accounts and threatened with suspension if he persisted in not making up his Demand, Collection, and Balance Statement.

39. In explanation of this charge Petitioner would respectfully state that the Jummabundy of his Taluq was finally closed on the 18th May 1861, and that Petitioner did forward the Demand, Collection, and Balance Statement on the 18th June following, i. e. exactly one month afterwards. It is to be remembered that the Taluq of Dharumpury consists of 567 Amani villages, and 160 odd of Jari villages, altogether 700 and odd villages, that it was no easy matter for Petitioner to finish up a year's accounts within a single month. Notwithstanding the anxiety and trouble which Petitioner experienced, he exerted himself to the utmost, as he usually did, to have his Statements forwarded in due time. But because these Statements were not forwarded by the end of the month of May, (the same month in which the Jummabundy was concluded,) which it was impossible to do, Petitioner was fined Rupees 10! Alas! alas! what else could Petitioner do. From certain unknown causes, Petitioner became a marked man, and hence the above enumerated charges: petty, frivolous, and groundless in themselves but magnified into enormous crimes through the intrigues and misrepresentations of the lower subordinates of both the Huzoor offices.

40. That Petitioner has been most unjustly dealt with, the following publication in the *Salem Gazette* of the 8th June 1861, will clearly and distinctly show.

"In September 1st, 1860, in the *Zillah Gazette*, No. 213, it was declared that the Jummabundy accounts of each Taluq should be forwarded within one month after the conclusion of the settlement of that Taluq. Again in the *Zillah Gazette*, No. 163, dated 8th June 1861, it was ordered that as the settlement of the Taluqs have been concluded, and as not a single Statement has been forwarded by any of the Taluq Officers, they are each one of them to take this matter into consideration."

41. A perusal of the foregoing order will clearly convince your Honorable Board that Petitioner was not guilty of delay or neglect.

I. Because he did send in his Statement on the 18th June, exactly one month after the closing of the Jummabundy of his Taluq.

II. That though none of the other Tahsildars of other Taluqs, the settlement of which had been concluded long previously to his, had forwarded their Statements, yet Petitioner was one, if not the only one, who was unjustly fined Rupees 10!

III. Because at the time of the Jummabundy, the Kurnums who had to attend it, had also to attend to the demarcation of the fields in the various villages in the Taluq, which was then being carried on by the Deputy Director of Revenue Settlement E. C. G. Thomas, Esq., otherwise there would not have been even the delay of even a month; and

IV. Though the Tahsildar of Kishnaghirri, Venkappah—the Jummabundy of whose Taluq was concluded in the month of February, and did not send in his accounts up to the month of June—as is shown from the foregoing extract of the *Salem Gazette* was fined 10 Rupees, yet his fine was remitted. Your Honorable Board will be pleased to observe that the settlement of the Kishnaghirri Taluq took place four months before that of Petitioner, yet the Tahsildar failed to send in his Statement according to the due date, whilst Petitioner did send in his Statement on the 18th June, notwithstanding the great press of business on him.

42. The charge noted in para. 15 is merely a repetition of the charge set forth in para. 11 of the Acting Sub Collector's Report, with regard to which a full explanation has been submitted by Petitioner. (Vide para. 26 of Petition.)

43. In para. 16 Petitioner is accused of ignorance of Police duties. If Petitioner was actually ignorant of the duties of a Police officer, how could it be possible for him to have discharged his duties during 13 years, the period in which he held the office of Tahsildar? During all this period he was not in a single instance checked by the higher Judicial tribunals.

44. As instances of Petitioner's ignorance, it is stated "I find two simple cases of trespass delayed two and two and half years."

45. In explanation of the above charge, Petitioner begs most humbly to submit that the above cases—two as represented in the report are but one—and that the delay cannot in any way have been effected by him.

46. The cases referred to are two, but the complainant is but one—Venkata Row. In order to have a clear and distinct view of the matter it becomes necessary to Petitioner to submit the following statement of facts.

47. Said Venkata Row holds and enjoys Mettu Punjah, the cess of which is Rs. 8-6-10. Contiguous to these lands are about 120 guntas of Bedu or waste lands, which belonged to the Mittahdar Kasi Meah. These lands Venkata Row encroached upon, and on the Mittahdar objecting to his cultivation, he on the 10th May 1860 forwarded an Urzi that the Mittahdar prevented him and his employees in their cultivation.

48. The depositions of both complainant and defendant were taken by Petitioner and forwarded to the Sub Collector's Katcheri for orders. The depositions are on the records. Meanwhile Petitioner deputed 1st Class Karkoon (Revenue Inspector) Nursiah to inspect the lands and report on the subject. The Mittahdar Kasi Meah objected to said Nursiah on the ground of his being the near relative of the complainant Venkata Row. Thereupon Petitioner appointed 2nd Class Karkoon Ramasamy Iyer to the duty, who sent in his report to the effect that there was no excess in the cultivation of the complainant Venkata Row. It was impossible for Petitioner to make any enquiry, as the Mittahdar Kasi Meah had gone to Medur Chennaputnum in the Mysore Province, where he remained many months; and it was only after his return that Petitioner instituted an enquiry and forwarded the records to the Sub Collector H. G. Smith, Esq., on the 26th April 1862. Mr. Smith was soon after transferred to the South Arcot district, and no order was issued on the matter till the 29th July 1862, in Takid No. 99, three months after date, when the case was disposed of; hence the delay.

49. In the 2nd case Petitioner was directed by the Acting Sub Collector to send the litigants to him to be tried under Regulation V. of 1822. The summonses were issued, the parties appeared before the Sub Collector and filed a Razinama.

50. There having been no want on delay on the part of Petitioner in disposing of the above two cases, it follows, that he cannot be rightly held responsible for any loss which may have been sustained by the litigants. The loss is attributable to their own perversity and opposition to each other, and from the nature of the dispute between them it was impracticable to come to a speedy conclusion on it. As represented to Petitioner both the cases did not appear to be that of simple trespass only; Ultimately after enquiry had been instituted, and the facts elicited showed that there was no encroachment or excess cultivation in the holding of the Complainant Venkatarow, he and his opponent the Mittahdar Kasi Meah were allowed to come to an amicable settlement between themselves.

51. The 2nd principal charge as stated by the Collector, the Honorable D. Arbuthnot is "making a false report in the case of an irrigating channel."

52. In regard to this allegation Petitioner would humbly solicit your Honorable Board's attention to the following brief recapitulation of the main facts of the case.

53. In para 17 of the Acting Sub Collector's report it is stated that "a bund had been

"erected across the channel which the Public Works Department reported was very dangerous, in that it carried the rush of water against the opposite side of the channel."

Again, in the Acting Sub Collector's Takid to Petitioner dated 7th March 1862, No. 13, that Gentleman states:—"Upon the said Ryots being examined before me they declared that they raised the bank under the Orders of the Assistant Engineer Mr. Norfor, and they likewise gave the statement before you, but from the Ya last written to you by the Assistant Engineer or the letter to the district Engineer, it does not appear that he gave such orders to the Ryots, but that his orders were only to remove the bank raised by the Sirkar."

54. Your Honorable Board will be pleased to observe that two things are here distinctly stated, 1st that the Assistant Engineer Mr. Norfor did not give orders for the erection of the bund and 2nd that the officers of the Public Works Department themselves reported that it was very dangerous. Whether such is the truth or not let the following copy of Mr. Norfor's letter to the District Engineer Captain Gahagans, show.

Southern Circle D. P. W.,

Salem Range Office,

1st February 1862.

No. 138.

From

R. E. NORFOR, Esq.,

2nd Assistant Engineer in charge of the Salem Range.

To

Captain T. E. GAHAGAN,

District Engineer of Salem.

Sir,

In forwarding the accompanying survey of the Maliamputti Channel together with Syed Yooosuff's letter of the 29th ultimo, and a petition from certain Ryots holding lands above the Annasagarum Tank, I have the honor to inform that on receipt of the Collector's letter, stating that Syed Yooosuff had not carried out my orders on the subject of this channel, I visited the channel for the third time on the 14th December, and found that Syed Yooosuff had carried out my Orders in every respect with the exception of cutting an opening in the Bund to be rivetted; D in Survey, to allow some of the water from the channel to run down on an existing "Woddy" and into the Annasagarum Tank, as the Ryots complained that by closing this natural watercourse they were deprived of the Deposit answering the purpose of manure which was carried down the channel and settled upon their fields and which they were entitled to by *mainool*; this statement the Tahsildar himself confirmed.

I saw the Tahsildar at Dharampury on the 14th December 1861 on my return from inspecting and measuring the channel in question and explained to him that the opening in the Bund already alluded to would be done immediately, and that the arrangements were being made for carting stones for the revetment. I also urged that my previous orders be carried out, that is that the Ryots should at once be made to replace the Bund (A in Survey) as it was removed at *their request*, although I pointed out to them the necessity of the Bund for the preservation of their (Tahsildar's) cultivation, and I am bound to say that the Tahsildar *fully understood* my wishes in respect to this Bund, and having *got* my permission to erect a Bund permitted the Ryots (renting his own lands) to throw up a Bund *right across* the channel obstructing the course of the water. Syed Yooosuff has represented this to the Tahsildar, who has taken no notice of the matter whatever, and it is my opinion that unless the Tahsildar and the Ryots concerned are severely punished and compelled to do what they are ordered and no more, we shall never hear the end of this business.

I have the honor to be Sir,

Your most obedient Servant,

(Signed) R. E. NORFOR,

Assistant District Engineer,

in charge of the Salem Range.

55. A perusal of this letter will convince your Honorable Board that Mr. Norfor *did pass an order for the construction of a Bund*. In putting up a bank therefore, the Ryots merely executed the orders of the Assistant Engineer, and not that of Petitioner, for he issued none on the subject, nor did he permit the Ryots to erect a bund across the channel, as represented by Mr. Norfor. Besides, it is to be particularly noticed that the Assistant Engineer did not inspect the cross bund, which was erected after his last visit on the 14th December; and it was on the gross misrepresentations of the Assistant Overseer that Petitioner was unjustly implicated in the affair of the Bund. The Assistant Overseer never represented the matter to Petitioner, and consequently he could not have noticed it. Malice was at the bottom of his misrepresentations, and his object was to involve Petitioner in difficulties with his and Petitioner's immediate superiors.

56. But there is a piece of gratuitous assertion in Mr. Norfor's letter which will naturally tend to create a false impression on the mind of any one not acquainted with the real facts of the case. Petitioner is alleged to have lands in the locality or contiguous to the Maliamputti channel; that he rents out said lands to certain Ryots, and that it was in view to favor the said Ryots, or in other words to secure his own interests that Petitioner allowed them to construct a Bund dangerous to the channel. Unhesitatingly Petitioner declares that he does not and never did possess a single inch of land, not only in the Salem District, but also in other Districts in the Madras Presidency. Further, his father before him, nor any of his descendants ever possessed a single acre, though they held influential offices under Government. The orders of your Honorable Board prohibiting Native officials from holding lands in the District in which they are employed, are peculiarly stringent; and if Petitioner had any lands in the District of Salem, and especially in his own Taluq, without a doubt the Collector would have removed him to some other Taluq or got him transferred to some other Zillah.

57. The fact is that Petitioner's son-in-law Runga Row has a small field in the locality, the cess of which is Rupees 5-11-4 per annum. The number of the field is 184, and it consists of two acres. This land he gets cultivated by a single under-tenant. Can it then be rightly, justly and reasonably be supposed that Petitioner would wilfully, wantonly and perseveringly acted in defiance of the orders of his respective superiors, at the risk too of his situation, of his salary, and of forfeiting the benefit of his long services!

58. The history of the Bund is as follows:—

The Ryots of Purthinuthun complained to Petitioner that the Assistant Overseer Syed Yooosuff erected a Bank right across their lands, thereby injuring their respective holdings most seriously. Petitioner reported the subject to the Collector on the 3rd October 1861, and sent a Yadast to the said Assistant Overseer, requesting him to suspend the work, pending orders from the higher authorities. The result of Petitioner's report is thus stated by the District Engineer Captain Gahagan, to whom the subject was referred by the Collector. "It appears * * * that the Assistant Overseer in charge of the Taluq very stupidly threw up an earthen embankment near the north of the channel at *right angles* to the general course of the stream. The Assistant Overseer has been directed to remove the "embankment at his own cost." * * *

"I have severely censured Assistant Overseer Syed Yooosuff for entering into an altercation with the "Ryots, and showing a want of respect for the Tahsildar's authority when that official desired him to stop "work for a time."

59. The earthen embankment was, after some delay, removed by the Assistant Overseer. Subsequently, the Collector in a Takid, No. 104, dated 19th December 1861, enquired to know why the Ryots should erect an embankment on the same spot, from which the bund raised by the Department of Public Works had been removed. On inspecting the place Petitioner found that the bund thrown up by the Ryots was indeed a reconstruction of an embankment which had been removed, but not that one which the Assistant Overseer stupidly threw up "at right angles to the general course of the stream." The embankment thrown up by the Ryots was at a different place altogether. On enquiry, the Ryots deposed that they reconstructed the Bund agreeably to the orders of the Assistant Overseer. The depositions of the Ryots,

three in number, Petitioner forwarded to the Collector with his Report No. 1, dated 8th February 1862. No orders were issued on this subject; the ombankment remains intact to this day.

60. The Ryots who re-raised the embankment managed to ingratiate themselves with the Assistant Overseer, and hence his subsequent silence as regards this affair.

61. The neighbouring Ryots, Venna Gonden and Natchen complained that in consequence of the earthen embankments thrown up by the Assistant Overseer and the other Ryots, (vide A, B, C, D, E, and F in the accompanying Plan,) their lands G and H were inundated, and that they suffered loss. Thereupon Mr. Norfor, the 2nd Assistant Engineer visited the place on the 14th December 1861, and after inspecting the works issued two orders, viz. one to the Sub Overseer and another verbally to the Ryots. In his Yadast to Petitioner of the above date, that officer states, "Orders have been given to the Sub Overseer to cut or open the bank for the space of 12 yards, and put up stone work in the channel near the Woday." To the complaining Ryots he gave instructions that they should throw up an embankment I and J to prevent their lands from being overflowed. That Mr. Norfor did give this order is proved by his own letter already quoted in full. His orders to make an opening in the bund have not as yet been carried into effect by the Assistant Overseer. The truth of the matter is that the Assistant Overseer owed these Ryots a grudge for having complained against him for throwing up the embankment, which the District Engineer so emphatically declares to have been stupidly done by him.

62. On the 3rd February 1862, the Assistant District Engineer sent a Yadast to Petitioner directing him to have the Bund I and J thrown up by Venna Gonden and Natchen to be removed. Thereupon, Petitioner visited the spot and made enquiries of the Ryots as to the authority they had to raise the embankment. The Ryots deposed that they raised it according to the orders of Mr. Norfor; that it cost them 20 Rupees, that they have left a width of six yards for the watercourse, and that as they would be unable to cultivate their lands unless the bund were allowed to remain, they could not remove it. Petitioner forwarded their depositions with his Report No. 1, dated 8th February 1862, to the Collector, in which he stated that a width of seven yards had been left clear for the free flow of the channel water, and that the embankment raised by them was on their own puttah lands.

63. In reply to this report, the Sub Collector H. G. Smith, Esq., in an order No. 13, of the 7th March 1862, directed Petitioner to levy a fine of 50 Rupees from the Ryots, and to remove the bank entirely.

64. Agreeably to this order, Petitioner entirely removed the bank and reported the same to the Sub Collector in an Urzi dated 22nd March 1862.

65. Subsequently the Sub Collector in a Takid of the 2nd May 1862, called on Petitioner to explain why the bank was not entirely removed, and directed Petitioner to appear before him to undergo an enquiry with reference to the subject.

66. On the 9th May 1862, Petitioner submitted a report to the Sub Collector stating that his statement in Urzi of the 22nd March 1862 was substantially correct as to his having caused the bund to be entirely removed. Subsequent to that date, the District Engineer inspected the place and found "a bank about four feet high and five yards thick stretching almost entirely across the channel;" and with respect to which appearance that Officer remarked that either the statement of the entire removal of the bank "is grossly untrue or the objectionable bund must have been reconstructed after the departure of the Tahsildar."

67. The latter conjecture of the District Engineer proved to be the truth. For after Petitioner had seen the bund completely removed, the Assistant Overseer Syed Yooseof reconstructed the self same bund as will be seen by his Yadast to Petitioner.

Yadast written by the Assistant Overseer to the Tahsildar, dated 9th August 1862.

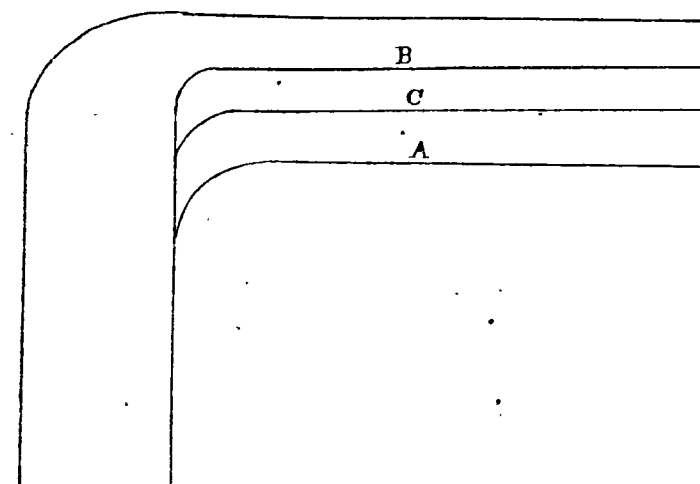
"Although the cross bank newly raised by the Ryots in the Maliamputti channel was regulated

"by the Public Works Department, yet it was washed away by the freshes. The District Engineer having thought it most necessary that another bank should be raised thereat, ordered the Assistant Overseer to perform that work. This was finished at A. This matter is made known to the Tahsildar as directed by the District Engineer."

(Signed) SYED YOOSEOF SAHEB,

Assistant Overseer.

68. In this Yadast the following Plan was entered:



69. It will be seen from the above Yadast and Plan of the Assistant Overseer that the cross bund B was reconstructed by the Ryots, that said bund was rectified by the Officers of the Public Works Department, and removed to C, and thus in consequence of the bund C having been washed away by the freshes, the District Engineer directed him to construct another at A, at the identical spot and in the direction where the Sub Overseer had originally raised an earthen embankment and which the District Engineer himself so severely condemned as having been stupidly thrown up at right angles to the general course of the stream. Your Honorable Board will be pleased particularly to observe that the embankment A, which was so much and rightly condemned by the District Engineer at first, was reconstructed by the Assistant Overseer, under that Officer's orders, is to this day still standing on the same spot.

70. The above statement of facts will prove to your Honorable Board that Petitioner did not disobey the orders of his superiors in neglecting to remove the cross bund raised by the Ryots to serve his private interests, as he had no personal interest in the matter.

71. As a further proof, however, that Petitioner did faithfully execute the orders received by him, and that his report that the said cross bund was actually and entirely removed (though subsequently reconstructed by the D. P. W.) Petitioner would submit, that the bund was completely levelled under the supervision of the Karaydar Katha Gaunden of Maliamputti, and the parties employed by him at the expense of the Ryots were, 1, Annasagarum Chinna Aria Gonden, 2, Periapien, son of Met Arriyan, 3, Venkatasen, son of Chinna Aria Gonden, 4, Ramasamy, and 5, Samighan Kalli. The Ryots Venna Gonden and Natchen who paid the expenses of the removal; the Karaydar who superintended, and the coolies who levelled the bund are all present in the Taluq, and will readily testify to the truth of Petitioner's statement that the new embankment had been thoroughly cleared.

72. Further Petitioner's report regarding the removal of the bund was on the 22nd March 1862, the District Engineer visited the place on the 28th April following, exactly thirty-eight days afterwards, during which, it will be allowed that, there was ample time

for the reconstruction of the bund. Petitioner thereafter inspected the place and found to his surprise and consternation that the bund had been reconstructed, and that by the officers of the Department Public Works, as is seen from the Yadast of Syed Yoosoof, Assistant Overseer, above quoted. This, Petitioner made known to the Sub Collector in his report of the 9th May 1862, and gave a deposition to the same effect. This matter was finally disposed of by the Acting Sub Collector on the 21st June 1862, warning Petitioner to be more diligent and careful in discharging his duties. On the 24th July following, without any cause having been given by Petitioner, the subject was again revived, and Petitioner was offered the alternative either of taking his pension or dismissal.

73. The foregoing explanation with regard to the charges brought against Petitioner will, he humbly trusts, satisfy your Honorable Board of his innocence of neglecting his duty, and making a false report in the case of this irrigating channel. He has clearly and distinctly proved that he has striven to the utmost of his powers and abilities to discharge his duties to the entire satisfaction of his superiors, during the long period he has been in public employ.

74. The Collector the Honorable D. Arbuthnott in his letter of the 18th August 1862, para. 9, states "I am not personally acquainted with Bhima Row, but have reason to believe that my predecessor did not entertain a good opinion of him." Further on, in the same para. the Collector states that the Sub Collector Mr. Smith recommended "the suspension of the Tahsildar from office for six months, owing to neglect in the collection of old arrears."

75. Whether Petitioner is guilty of such gross neglect or not it is for your Honorable Board to judge from a consideration of the following extract from the Salem District Gazette of the 16th August 1862.

With regard to the statement showing the Demand, Collection, and Balances up to the month of June 1862, the following entry is made in the Remarks column. "It is quite evident that the Tahsildars of Salem, Uttanghirri, Krishnaghirri, and Ussur possess less energy and zeal, as there are immense balances against them."

76. From this quotation your Honorable Board will observe that Petitioner was effectually diligent in this department of his duties as in all others—the balances in his Taluq being one of the smallest—and that whilst the Tahsildars of four Taluqs were publicly reprimanded for their negligence, not a syllable was said against Petitioner.

77. The Acting Sub Collector H. S. Thomas, Esq., in his letter to the Collector under date the 24th July 1862, para. 3, states, "Arriving in the District with an erroneously high opinion of this Tahsildar's character, and having only a portion of the information before me, my judgment leaned too much on mercy's side."

78. Petitioner would respectfully enquire, whence did the Acting Sub-Collector obtain information regarding him so strikingly conflictive? Is it not apparent that that Gentleman's mind was prejudiced against Petitioner by the mis-representations of certain parties who were inimical to him, the more especially as Mr. Thomas was no more than a month in the District when nearly all the various petty and frivolous charges alleged against Petitioner were brought to his notice.

79. That Petitioner has not been in any ways negligent in his duties, Petitioner would beg to submit for your Honorable Board's inspection the following copies of Testimonials among others given him by his superiors:—

I.

From W. E. LOCHKART, Esq.,

Acting Collector of Salem.

To BHIMA ROW,

Talook Sherishtadar of Rassipuram.

It is stated in your Arzee dated 31st March 1843, that, while the Tahsildar had been on leave there was a large balance of Revenue outstanding, you collected Rupees 11103-1-5, and sent the amount to the



Hoozoor Treasury. I am much satisfied by it. In future, when you are in charge of the Talook during the absence of the Tahsildar, and you perform the duties with the same activity, you will be promoted soon.

(Signed) W. E. LOCHKART,

Acting Principal Collector.

Camp Denkanakotta, 15th June 1843.

II.

Circular Order of the Collector of Salem, No. 175—21st September 1852.

Para. 2. The Tahsildar of Denkanacottah [of which Petitioner was the then Tahsildar] with profound enquiry found out such 150 Inam cases, and reported the same to the Hoozoor, whilst other Tahsildars found out and reported very few cases. On considering the matter it is quite clear that the Tahsildars of other Taluqs except Denkanacottah did not enquire profoundly.

III.

To BHIMA ROW, Tahsildar of Dharampury.

Read your letter with enclosure, dated 31st March 1861, No. 13.

Though some delays happened in the management of the department of Demarcation here, yet I have much pleasure in stating that you assisted in a most satisfactory manner.

(Signed) E. C. G. THOMAS,

Shevaroy Hills, 15th April 1861.

Deputy Director of Revenue Settlement.

IV.

The Tahsildar of Darumpury.

This Tahsildar is a man of respectable character and is able, I believe to conduct the duties of his office with credit &c. &c. &c.

(Signed) H. A. BRETT,

13th November 1858.

Collector.

80. Sir Charles Trevelyan on his return tour to Madras halted at Admanacottah on the 5th March 1860, and pleased with his observations of Petitioner's activity, thought proper to come and inspect the Taluq Katcheri, and afterwards expressed his approbation to Mr. Acting Collector Knox at Tripattor, as to the manner in which Petitioner performed his duties.

81. Besides the above testimonials, Petitioner possesses some from Military Officers one of the latest of which only he will here insert.

"This is to certify that Bheema Row, Tahsildar of Darhampuri accompanied the 1st Light Cavalry from Toppur Choultry to Palacode to assist in procuring supplies for the Regiment on its march to Bangalore from Trichinopoly, and proved of the greatest service to us, not only on this occasion but on a former when the Regiment marched to Bangalore to Trichinopoly in 1856."

(Signed) P. T. CHERRY, Colonel.

Camp Palacode, 19th February 1861.

1st Light Cavalry.

82. Further as a more tangible and conclusive proof of his energy and zeal in discharging his duties, Petitioner would respectfully solicit your Honorable Board's attention to the following statement, showing the gradual but positive increase in Land Revenue, from the time he was appointed Tahsildar of the Taluq of Dharampury. It is to be remembered that the Land Revenue Collections given below refer only to those made on Amami or Government villages.

No.	Fushies.	Land Revenue.			
1	1263	1,15,126	13	2	
2	1264	1,16,052	5	3	
3	1265	1,25,377	6	10	
4	1266	1,24,843	0	3	
5	1267	1,28,761	7	5	

No.	Fushies.	Land Revenue.			
6	1268	1,42,510	8	2	
7	1269	1,41,172	3	1	
8	1270	1,42,755	0	9	
9	1271	1,44,053	7	10	

82. From the above statement it will be perceived that between the Fushies 1263 to 1271, Petitioner gradually effected an increase in the Land Revenue, the increase in 1271 over that of 1263 being Rs. 28,927. Surely if Petitioner were negligent or remiss in his duties, such a happy result could not have followed his administration of the Taluq.

83. Again, if indolence were a leading feature in his character, would he year after year, for successive years, have continued at his post without intermission, without even taking advantage of the privilege leave to which he was entitled, or of making a plausible excuse of ill health and thus skulk away from business? During the whole course of his service, Petitioner has taken leave on two occasions only—the first time for 15 days on account of the marriage of his son, and the second time for 25 days in view to visit Conjeeveram—making together 40 days.

84. The Acting Sub-Collector, under orders from the Collector, was pleased to advise Petitioner to take his pension. The alternative was dismissal. Petitioner felt conscious of his innocence, of the integrity and diligence with which he always discharged his duties, and respectfully declined forfeiting the advantages of his long, faithful and arduous services—advantages which a just and beneficent Government as that of the British, generously bestows on each and all of their devoted servants.

85. Petitioner's father Vesulva Row, and uncle Ranga Row, both of whom were Tahsildars, died in the service of the late Honorable Company, neither of whom were ever found fault with. They died honorably, and it was Petitioner's solicitude to follow their example, and by an unswerving upright conduct to merit the approbation of his superior. Such being his object, it is hard that he should be directed to take his pension, or the alternative of an inglorious dismissal.

86. The following is a Statement of Petitioner's services.

Designation of Situation.	Date of employment &c.	Monthly Salary.		Length of Service in each Department.		
		Rs.	A P.	Years.	Mo.	Days.
Huzur Gumastah.....	From 1st August Fushy 1237 to 12th July F. 1238	17	0 0	1	11	12
Acting Sheristadar of Kishnagiri Taluq	From 1st January F. 1244 to April 30th	28	0 0	0	4	0
Huzur Gumastah.....	From 1st October 1827 to 14th January 1828	20	0 0	0	3	11
Sheristadar of Triplicar Taluq	From 15th January 1828 to 31st December 1829	25	0 0	2	12	17
Acting Tahsildar of Dharampuri	From 1st January 1832 to the 31st January 1833	100	0 0	1	1	0
Sheristah and in charge of Raseppuram Taluq	From 1st February 1843 to 15th Feb. 1851	28	0 0	8	0	15
Tahsildar of Denkanakottah Taluq	From 16th February 1851 to 15th July 1853	100	0 0	2	5	0
Tahsildar of Dharampuri Taluq	From 16th July 1853 to 19th January 1861	100	0 0	7	5	26
Tahsildar of do. Aradgamattah	From 11th January 1861 to 1st October 1862	175	0 0	1	8	22
Total period of Service.				27	3	13

87. Besides the above term of Service, Petitioner was employed in various minor appointments as substitute for 2 months and 2 days, which if added to the above 27 years, 3 months and 16 days will make altogether 30 years, 6 months and 18 days.

88. Petitioner humbly appeals to your Honorable Board, whether after wasting his health, strength and energy in Public Employ, and whilst unable by other means to earn a livelihood for himself and family that he should after so long a period of zealous, faithful and indefatigable service, he should without just cause or reason be arbitrarily dismissed.

89. If Petitioner were actually guilty he would have at once and gladly accepted the option given him to take his pension, but he was innocent and therefore he declined it. Again if it were a characteristic of Petitioner to neglect Orders and cause inordinate delay, would he have been retained in office for so long a period? Would he have been promoted from the small post of a Gumastah of 17 Rupees to that of a Tahsildar on a salary of 175 Rupees per Mensem.

Petitioner therefore most humbly solicits your Honorable Board in consideration of all the foregoing facts and circumstances, of the full and explicit explanation submitted by him with regard to the charges preferred against him, to take a just and impartial view of his case and be graciously pleased to pass an order directing his reinstatement in the office of Tahsildar from which he was unjustly removed and which is still vacant.

For which act of justice and goodness Petitioner as in duty bound

Shall ever pray.

[Signature]
[Signature]

No
55

Southern Circle D.P.W.
District Engineer's Office

From Captain T. C. Gahagan
District Engineer of Salem

To Mr. A. Brett Esquire
Collector of Salem

Sir

I have the honor to reply to your letter
No 82 of the 11th instant forwarding for
disposal petitions from certain inhabitants of
Orianathum and Mallamputti in the
Dharanpoy Taluk.

2 It appears that in carrying out an Emergency
Estimate for repairing, clearing, and widening
the Mallamputti channel the assistant
overseer in the charge of the Taluk very stupidly
threw up an earthen embankment at right angles
to the general course of the stream. The assistant
overseer has been directed to remove the embankment
at his own cost and allow the channel stream to
take its original course to the Anasagarum

On 11th 134 of 1864



Q 8-20 March 1864

On 11th 134 of 1864

20
tank. It has been the practice hitherto of the
ryots through whose fields this channel passes
to help themselves to water by making openings in
the banks; openings, which may fresh turned into
breakers this is most pernicious practice, and I
have consequently instructed each ryot to make for
himself a small masonry sluice which will cost
from 5 to 7 Rupees

4 Mr. Stöfer just returned from inspecting
the channel and reports that the disputes have
been satisfactorily settled

5 I have severely censured Assistant overseer
Syed Yusuf for interfering into an alteration with the ryots
and showing a want of respect for the Sautdar's
authority when that official desired him to stop
work for a time

6 The charge made against the assistant overseer
of ill treating a ryot will, of course, be disposed
of by the Taluk Magistrate

I have &c

Signed J. E. Gahagan

District Engineer

10/10/1880

10/10/1880

10/10/1880

10/10/1880

Copy of an order of Salem sub collector
dated 16th September 1862

To

Bhemia Rai

Tahasildar of Darangporey

The contents of your application dated 11th Instant
requesting that a privilege leave of 10 days should
be granted to you in order to visit Trivellore &
have been understood. Leave cannot be
granted as requested by you

(Signed) H J - Smith

Sub collector

[Signature]

B

Order No 134 of 1864

To the Sub Collector

C

Sub Collector



Order No 1030

Order No 1030
1864

Order No 1030
1864

Copy of an order of the Ag. Sub collector of Salem
dated 21st August 1865

To

Bhima Quil

Lahasildar of Sarampoor

Your application of 18th Instant, stating that
you have to perform some vows at Sholigar
& other places & requesting to grant you a casual
leave of 10 days to travel, has been filed.
Leave cannot be granted according according
to your request.

(Signed) H. S. Thomas

Ag. Sub collector

W. W. W. W. W.

In No 576 of 1865

E

105/60/1865

To
The Right Honourable Sir Charles Wood, Bart.
Secretary of State for India

The humble Memorial of
Bhema Row late Subsidar
of Darampore Talook in
District of Salem.

Most respectfully sheweth,

1 That your Petitioner received from
H. S. Thomas Esqre. the Sub Collector of
Salem, a Taked At 102 dated 1st August
1862, in which the Petitioner was directed to
appear before that Gentleman. A copy
of the above Taked^d accompanies this
Memorial. The order was obeyed, and the
Gentleman, to the surprise of the Petitioner,
insisted on his resigning his post of
Tasildar and applying for pension; and
this was followed by a threat that in
case of the Petitioner's failure to do as he
was bid, dismissal from Office would
be the result.

2 The Petitioner himself stated that
he had not done any thing deserving
of such punishment, and that he
laboured under no incapacity; but if the
Gentleman is determined to see the place
Vacated

Vacated he will be kind enough to allow him to continue in Office three years and three months, which would complete his service of thirty years and entitle him to half pension, your Petitioner was then ordered to go to his Talook, and after a few days, a Sakied A.I (22^d September 1862) was despatched to him from the Collector, the Hon. D. Arbuthnot. The Sakied stated that the Board of Revenue had ordered his dismissal on the two charges, neglect of duty and making a false report in the case of an irrigation channel. Ever since the Petitioner has been unemployed.

That these two charges are wholly groundless your Petitioner has proved by means of records to the entire satisfaction of the Board, as well as of the Madras Government. A copy of the printed Petition that was submitted to those two authorities accompanies this Memorial. He earnestly begs Your Excellency will peruse it with due attention, when the injustice that has been done to Petitioner will be patent.

Yours

In addition to what is contained in the above printed Petition, your Memorialist begs to state that the Samuel in question is not of Government construction, and the lake of the Village of Anosagamm is annually supplied by three mountain streams. It is not the duty of the Government to repair the water course of these streams, neither would they gain any thing by repairing it, such being the case, the Assistant Overseer of Durmapoor, Jeyd Gossoo, with the intention of reducing the streams into one, erected a bank right across the lands of the Villages, thereby injuring their respective holdings most seriously.

When a complaint was brought to Petitioner (he being the Talook Magistrate) by the Villagers, stating that Vannycoundin, one of them was severely beaten by the said Overseer when he was requested by them to suspend the work of erecting the wall. Your Petitioner, being responsible for the revenue of the Talook, sent a Gadam to the Assistant Overseer, requesting him to suspend the work pending orders from higher authorities.

He

Vacated he will be kind enough to allow
him to continue in Office three years and,
three months, which would complete
his service of thirty years and entitle
him to half pension, your Petitioner
was then ordered to go to his Talook,
and after a few days, a Tahseel A.I.
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for the revenue of the Talook, sent
a Gadamet to the Assistant Overseer,
requesting him to suspend the work
pending orders from higher authorities.

The

The order was not only slighted but the work was prosecuted with greater energy. The matter was laid before the Collector Sub Collector and the Assistant ^{Engineer} ~~Overseer~~.

Mr R. V. Nargor who laid the whole blame on the Assistant Overseer for having thus caused an obstruction ordered its immediate removal and allowed the waters to flow as usual. The Overseer paid no regard to this order, and consequently the rush of water in the single stream was so great that it caused a great destruction of the crops and rendered the lands unfit for cultivation by spreading sand over the fields. The Villagers again complained of this before the Assistant Engineer. That Gentleman inspected the scene of all this dispute and told Petitioners that he had given the following directions viz. that the bank should be removed leaving twelve yards more for the breadth of the stream, and the Villagers should raise a bank on their side following seven yards for the same purpose. The Overseer again slighted the orders, but the Villagers

Villagers acted as they were bid. The rest of the matter is plain in the printed Memorial. The final letter of the District Engineer, Captain Gahagan, on this subject, will shew to your Excellency that Petitioner is not charged with any fault, on the other hand that Gentleman severely censures the Assistant Overseer for entering into altercation with the Ryots and for shewing a want of respect for the Talukdar authority when that Official desired him to stop for a time. Further the Engineer directed the removal of the embankment at his own cost. A copy of that letter to the Collector is enclosed in this Memorial. Your Petitioner humbly entreats your Excellency's attention to it, and also to peruse the printed Memorial which contains a full account of the whole case, and entirely acquits your Petitioner of the charge of submitting a false report.

7. Your Petitioner begs to state that Mr Thomas Bringe, as a specimen of bad character during the whole period of his Service (about 30 years); that he had paid a fine of 27 Rs. on different occasions, but the records prove the following fact, that during the 30 years Service of Petitioner, he had paid on the whole a fine 27 Rs. but your Petitioner submits that he paid this fine in one year, during which, his Taluk was under the

the control of the Sub Collector, and not prior to it when the Collector superintended it. Hence it will be evident to your Excellency that the Sub Collector was prejudiced against your Petitioner; - all these fines were the results of misrepresentation made to him by one of that Gentleman's Officials who was on bad terms with Petitioner. There also the printed Memorial will enable your Excellency to discover that all the charges brought by the Sub Collector against Petitioner are groundless.

8 The Sub Collector asserts that the Acting Collector Mr. Knox, passed a censure on Petitioner, recommending his removal when the new arrangement took place. But Petitioner submits that this recommendation was contradicted by the successor of Mr. Knox. That Mr. Brett had a good opinion of Petitioner, the several Taksas from that Gentleman which appear in the printed Memorial, will clearly testify; besides there are several whom Mr. Brett has declared unfit for high offices, and whom Mr. Thomas has placed in high position. Sahebaji Rao, the present Tahsildar of Histanagerry, is one. Your humble Petitioner having heard that the Collector, Hon. D. Arbuthnot, had

P D E

had written to the Board on the letter of the Sub Collector to dismiss him (Petitioner) he solicited the Sub Collector to grant him ^{or privilege} casual leave of absence for 10 days so that he may explain the matter to the satisfaction of the Revenue Board, but the leave was not granted, a similar order was issued. This plainly shows that it was the determination of the Sub Collector to ruin Petitioner in every possible way. Copies of those two Taksas accompany the Memorial. -

9 The usual way in which old Servants are treated, is to allow them the time (especially when the period is short) which would complete the period of service entitling them to half pension. Your Petitioner is an unfortunate exception to this well known practice. If Petitioner had only acted as was bid at first, by the Sub Collector, he would, not only, have received his pension but no charges would have been brought against him. He would have been regarded by the same Gentleman as a well deserving old servant entitled to pension. -

10 Your Petitioner represented the whole case to the Board of Revenue and requested them to restore to his former office. The Board informed Petitioner that they did not see any necessity for changing their former opinion. Petitioner then appeals to the Government, by whom the decision of

of the Board was confirmed. Your Petitioner
once more brought the matter before the
Board. And after some lapse of time,
the Government ordered him to submit
his application for pension through the
Collector [⊕] Hon. D. Arbuthnot, who did so,
stating that the long and faithful services
of Petitioner should not be overlooked
but be rewarded with a pension. The
Government, Petitioner learns, passed as their
final order that they did not see, on the
face of the recommendation, any grounds
to pass the pension applied for, as Petitioner
was dismissed from the service. When
copies of the latter correspondence were
requested, Government directed the Petitioner
to the Collector, and when application
was made to that Officer for the same,
he replied that they would not be given
without the sanction of Government. Again
your Petitioner requested the Government
accordingly. And on the 14th November
they endorsed that the Government
declined giving copies requested. If Petitioner
dees fit to send a Memorial to the Secretary
to the State Copies of the correspondence
will be forwarded with his Memorial.

1 Your Excellency will see the reason
why Government refused to grant the
correspondence. Your Petitioner begs to
submit one of the many instances in
which

15
which pension has been granted to those who
were similarly circumstanced. Phreema Row,
the Tahsildar of Ponnaloo, was dismissed
after an appeal to the Government, he was
told that he should be satisfied with a
gratuity. Dissatisfied with the decision
he applied to the Home Government by
whom justice was done to him, and he was
pensioned. There was one Muskar Rao Tahsildar
of Raizipoor. This Officer was dismissed for
having neglected the Government order which
directed every official to secure any individual
who was suspected as a spy, coming from
the North, when the great rioting broke
out. The dismissed Tahsildar appealed,
and got a pension, and after enjoying it
for several years he died lately.

Your Excellency will observe that
the whole fault of the Petitioner amounts
to this; that Petitioner would not submit
his application for pension when the sub
Collector Mr. Thomas directed him to do so.
It is for your Excellency to judge whether
this be a fault. If Government only desire
to dispense justice, there are ample grounds
for doing so in your Petitioner's case.

Petitioner is an old servant of nearly
30 years service, of which twenty-seven
years were passed as Talook Seristadar
and Tahsildar. Three years he had been
acting in minor posts, which according
to the new rules will not be taken into

account.

Dec 15th 1865

[illegible]

No. 616.

I demand that the Memorial received with this
 letter be forwarded to the Secretary of State,
 and that intimation of the same be given to the
 Memorialist.

Yours
 Wm. L. G.

John W. L. George }
 205-Brunch / 185-

Reported to England
27th March 1865-1866
Miss

Rev. 1865
No. 576 of 1865.

From Bhimach Roy, late
Sabildar of Darma pury
Subm. file.

Date 27th March 65
Recd. 88.

With 21 Enclosures

No. 616-20 March

With reference to the order
of Govt. submits herewith
a Memorial in duplicate
& prays to send his Memorial
with all the proceedings
in addition to those already
enclosed & get the sanction
of the Home Authority
in order for his restoration
to office or for Grant of
pension of 1/3
of his salary.

With the Order

No. 344, 345

27th March 65-66