M.R.O. 14—18,000—27-9-34.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 3400 -- Press ~~Mis.~~

285. 286

Dated 17 — 12 — ~~19~~1866

Not to be folded or roughly handled

No. 285. Read the following Proceedings of the Board of Revenue, dated 23rd November 1866, No 8,452.

Read the following letter from the Acting Collector of Nellore, to the Secretary to the Board of Revenue, dated 11th October 1866, No. 318 :—

1. I have the honor to report on the petition noted in the margin, presented by Vaka Pichi Reddy, complaining of his dimissal from the posts of Peddakpu, (headman,) and Acting Munsiff of Nidamaluru, in the Ongole Talook.

Government No. 1,589 of 1866.
Board No. 114 of 1866.

2. On the 27th February 1863 the Sub-Collector, Mr. Eliott, issued an order, dismissing petitioner from the above offices for disposing of the dead body of a woman who had died under suspicious circumstances.

3. On the 10th July 1863 Mr. Dykes passed an endorsement, No. 2,355, upholding the Sub-Collector's order; and the Board, in their endorsement on Petition No. 2,436 of 1863, declined to interfere on petitioner's behalf.

4. In the endorsement under report, the Government observe that the facts detailed in the Collector's order shew no valid ground for dismissing petitioner. The facts connected with the case are as follow.

5. On the 12th January 1863 one Ackumma died, and the petitioner reported the same to the Talook Magistrate, as a suspected case of poisoning. When ordered to enquire and report the result, the petitioner assembled a punchayet, and held an inquest. A verdict of "death by cholera" was returned; and the petitioner disposed of the dead body before receiving permission to do so.

Vide Sub-Collector's letter, dated 22nd August 1866, No. 93, and its enclosures.

6. Subsequently the Joint Magistrate received a petition, in which the members of the punchayet, who held the inquest, were accused of altering their first verdict of "death by poison," through the influence of corruption. The Joint Magistrate personally enquired into the charge, but could not obtain any further information.

7. Under these circumstances, petitioner's conduct was considered very suspicious, and he was dismissed accordingly.

Enclosure No. 1.—Petition.

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1. Submitted to Government, with reference to their endorsement on the petition in question.

2. The Board observe that the Government have been pleased to declare the Board's decision final in all appeals from dismissed servants below the grade of Serishtadar (paragraph 7 of the Petition rules); but if the Government now deem it advisable to admit such appeals, the Board would suggest that some limit as to time be prescribed, for it is observed that, though the Board's final decision in the present case was dated September 1863, it was not placed before Government until June last.

Proceedings of the Madras Government, Revenue Department, 17th December 1866.

No. 286. ORDER THEREON, 17th December 1866, No. 3,400.

Miscellaneous.

1. The Governor in Council observes that the report submitted with these Proceedings adds very little to the details recorded in the Collector's endorsement of the 10th July 1863.

2. It appears that a woman, named Ackumma, died suddenly on the 12th January 1863; that the petitioner, as Munsiff of the village, reported to the Talook Magistrate on the 13th that there were grounds for suspecting that the deceased had been poisoned; that the Talook Magistrate, thereupon, directed that an inquest should be held; that petitioner held an inquest, and reported on the 14th of January that the Punchayet were of opinion that the deceased had died of cholera, that the body was then buried; and that the Talook Magistrate, after holding an enquiry, also came to the conclusion that cholera was the cause of death, and reported to that effect on the 14th February.

3. A complaint was made to the Joint Magistrate that the Inquest Punchayet had corruptly altered their verdict from death by poison to death by cholera. No evidence seems to have been adduced in support of it; but it led to petitioner's dismissal from the office of Village Munsiff, on the ground that he had allowed the body to be buried without formal permission from the Talook Magistrate, and that his doing so after reporting the rumour that poison had been used, was suspicious.

4. The Governor in Council is of opinion that the course taken by petitioner, in ordering the body to be buried after the Punchayet had found that cholera was the cause of death, and after the corpse had lain unburied for two days, was not of such a character as to justify the extreme punishment of dismissal. The Talook Magistrate seems to have given no order, and made no representation to higher authority on the subject of the burial.

5. The petitioner will be at once restored to his office.

6. With regard to paragraph 2 of the Board's Proceedings, the Governor in Council observes that the Petition rules now in force are the revised rules of 1859 (referred to* but not printed in the new edition of the Board's Standing Orders), and that the rules of 1837, to paragraph 7 of which they refer, have been superseded.

* Circular Order 21st September 1859, is cited in the margin of paragraph 317.

7. The Governor in Council is not prepared to prescribe any limit of time within which appeals to Government must be presented. He observes, however, that the Board might have gathered from the enclosures to Petition 1,589 of 1866 January 1864, and not in June 1866. Further, the Board disposed of the case on perusing the Collector's order without making any further inquiry, whilst the Government, when the order was laid before them, were compelled to remark that it contained no valid grounds for dismissing the petitioner.

(True Extract.)

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

To the Board of Revenue.
„ the Accountant General.
Exd. S. T. Augustin.

Petition

No. 1589 of 1866 dy 6th June 1866
Read „ — „ —

From Vaka Peteh Reddy, Head Inhabitant of Nedumanur, Angole Taluq, Nellore.

With reference to the Government endorsement passed on his former Petition No. 355 of 1864 herein enclosed, bringing to notice his unjust dismissal from the office of Peddakapu on the charge that he caused a corpse to be buried without the order of the Taluq Magistrate and solicits an order for restoration to his office; submits herewith the Collector's endorsement together with certain other papers and prays that for the reasons herein set forth he may be restored to his former Post.

With Proceedings of Govt. dy 17th December 1866 No. 3400 Rev. Dept.

Fort Saint George
7th January 1867

1589
Petr. referred to the Collr. for his instructions on the subject of his petn. have been communicated.

[illegible] 17th December 1883 [illegible]

The Governor in Council observes that the report submitted with these proceedings adds very little to the details recorded in the Collector's endorsement of the 10th July 1883.

It appears that a woman named Ackumma died suddenly on the 12th Jan. 1883, that the [illegible] of the village reported to the taluq magistrate on the 13th that there were grounds for suspecting that the deceased had been poisoned, that the taluq

magistrate there upon directed that an inquest should be held, that jurors held an inquest. & reported on the 14th Jan^y that the punchayet were of opinion that the deceased had died of cholera, that the body was then buried, that the taluq magistrate, after holding an inquiry also came to the conclusion that cholera was the cause of death & reported to that effect on the 14th Feb^y.

A complaint was made to the Joint Magistrate that the inquest punchayet had corruptly altered their verdict from death by poison to death by cholera.

No evidence seems to have been adduced in support of this but it led to Peter's dismissal from the office of village moonsiff on the ground that he had allowed the body to be buried without formal permission from the taluq Magistrate, & that his doing so after reporting the suspicion that poison had been used was suspicious.

The Governor in Council is of opinion that the course taken in ordering the body to be exhumed by Peter after the punchayet had found that cholera was the cause of death, & after the corpse had been unburied for two days, was not of such a character as to justify

the extreme punishment of dismissal by the taking [illegible] orders of Govt in order to make representation to higher authority on the subject of the punishment.

The petn will be at once restored to his office.

With reg. to para 2 of the Board's proceedings, Enclosure

that the rules now in force are the revised rules of 1859 (referred to but not printed in the new edition of the Board's Standing Orders) that the rules of 1837 to which they refer, have been superseded (see the

* Circular Order 21 Sept 1859 is cited in the margin of para 317

Bd Cons. 8th Mar 1859 N° 14 415

I do not think the case need be printed

L & S

ground that the Govt considered that the Board's decisions in the case of dismissed servants below the rank of Chemistadar should not be final.

The Governor in Council is not prepared to prescribe any limit of time within which appeals to Govt must be presented. He observes, however, that the Board might have gathered from the enclosures to the petn of 15th Sept 1856 that the appeal now under consideration was first submitted to Govt in January 1864, not in June 1856.

Further, the Board decreed of the case on perusing the Collector's

order without making any further inquiry, whilst the Govr. when the order was laid before them, were compelled to remark that it contained no valid grounds for dissenting. The

Revenue 1866 Departt
Pro of Govt for Decision

4-6 881
8-3-72 Ld

A. 3400

Pro of the Madras Govt
Dy 17th December 1866

Sheriff of Midnapore
in Bengal Schalk dismissed
in 1863 for disposing of the
body of a woman who died
under suspicious circumstan-
ces. His reinstatement to office
authorized.

A. 285 & 286