M/S. G. 1—30,000—16-10-22.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1620 Press Mis.

342-43.
Dated 15-6- 19 1868

**Not to be folded or roughly handled**

1620

No. 342. Read the following letter from the Superintendent of the Government Chinchona Plantations, to the Secretary to Government, Revenue Department, Fort St. George, dated Ootacamund, 21st May 1868, No. 56:—

1. I have the honor to acknowledge the receipt of the Order of Government, under date 30th April 1868, No. 1,170. This Order seems to have been issued on a misconception of facts; I therefore beg to solicit most respectfully the favor of Government being pleased to reconsider this Order, as, if allowed to stand in its present form, it may give rise to impressions among my subordinates which may seriously damage the interests of Government.

2. Had this Order only affected myself, I would have refrained from troubling the Government on the subject. But as we have still hundreds of acres of young Chinchona plants which must be attended to, if they are to be preserved, the Government will readily understand how great may be the loss if my subordinates are to conceive that they are to be exempted from censure or punishment for damage arising to the property under their immediate charge. I have for years labored with zeal in this great national undertaking, and I feel most anxious to see it successfully completed, so that the public and the Government may reap, to the full extent, the great advantages it is susceptible of yielding. This feeling alone causes me to appeal to Government for a reconsideration of the facts on which the above Order is issued.

3. On the 1st December 1867, A. F. Kenny, Esq., obtained employment in the Chinchona Department as a Sub-Overseer, on 50 Rupees per mensem. From my own observation the conviction was forced on my mind that Mr. Kenny took no interest in his work; in January last, I had informed him that on this account I intended to dispense with his services, and this I would have done even if the burning of the nurseries had not occurred.

4. Mr. Kenny had only been employed for about three months on trial in this department, and in dismissing him I exercised an undoubted right vested* in me by your Government and in the clearest possible terms. For the exercise of this power I cannot in justice be liable to censure.

* Proceedings of the Madras Govt., No. 730, dated 26th March 1866.
Do. do. No. 1,318, dated 11th June 1867.
Do. do. No. 176, dated 15th January 1867.

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Para. 3. "The Order of which Mr. McIvor "complains, not only leaves the selection of "Assistants entirely to him, but gives him a year "for their trial, during which period he can "dispense with their services at his own will "if they misbehave, or even if they seem un-"likely to give satisfaction. These powers are "ample, and instead of being less, as he suppo-"ses, are greater than those accorded to the "Head of any department of the public service. "Every public servant in any other department "can appeal to the Governor in Council against "dismissal, while Mr. McIvor can dismiss any "employé, not being a confirmed Assistant, "without reference to higher authority."

5. By the Order under reply, it appears that the Government "conclude" that he (Mr. Kenny) considered "his absence to have been sanctioned by Mr. McIvor." I had the honor to state in my letter of the 16th April, No. 36, that Mr. Kenny was absent without permission on the date in question. If any fact or circumstances come to the notice of Government calculated to throw doubt on my statement, and to cause Mr. Kenny's to be accepted in preference, I most respectfully request that these facts or circumstances may be communicated

to me, in order to enable me to defend myself from what appears to be a serious imputation.

6. I regret to have to add that Mr. Kenny has already triumphantly circulated this Order of Government, and there is reason to fear this proceeding will shortly lead others in my department to imitate Mr. Kenny's conduct.

7. Elated by his success with Government, Mr. Kenny has filed a Civil Suit in the Court at Ootacamund against Mr. Dawson, the Assistant Superintendent at Neddivuttum, for 500 Rupees damages, in consequence of that officer having reported to me Mr. Kenny's neglect of his work. This is a proceeding, I submit, calculated to cause my Assistants to hesitate in the discharge of their duty, and to shrink from reporting delinquencies on the part of the lowest subordinate in the department.

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No. 343. ORDER THEREON, 15th June 1868, No. 1,670.

Miscellaneous.

1. The Government on a careful consideration of Mr. McIvor's letter of the 21st May 1868, No. 56, are unable to see any sufficient ground for a modification of their previous Order.

2. It is understood that Mr. Kenny is now employed in the Police. He will be desired to furnish an explanation of the grounds on which he has considered himself justified, if such is really the case, in filing a suit against another Government servant for reporting him to their common superior.

(True Extract.)

(Signed) W. HUDLESTON,
*Secretary to Government.*

To Mr. W. G. McIvor.
,, Mr. A. F. Kenny.
,, the Inspector General of Police.

Exd. S. T. Augustin.

No. 56.

Government
Received on 24th May 1868

From,
W. G. McIvor Esq.
Superintendent Govt Cinchona Plant
Ootacamund

To,
W. Hudleston Esq.
Secretary to Government
Revenue Department
Fort St George - Madras

Sir,

I have the honor to acknowledge the receipt of the Order of Government under date 30th April 1868, No. 1670. This Order seems to have been issued on a misconception of facts; I therefore beg to solicit most respectfully the favor of Government being pleased to reconsider this Order, as if allowed to stand in its present form, it may give rise to impressions among my subordinates which may seriously damage the interests of Govt.

2. Had this Order only affected myself I would have refrained from troubling the Govt on the subject. But as we have still hundreds of acres of young Cinchona plants which must be attended to if they are to be preserved, the Govt will readily understand how great may be the loss if my subordinates are to conceive that they are to be exempted from censure or punishment

for

meer entrusted to my charge. I have for years labored with zeal in this great national undertaking; and I feel most anxious to see it successfully completed so that the public and the Government may reap to the full extent the great advantages it is susceptible of yielding. This feeling alone causes me to appeal to Government for a reconsideration of the facts on which the above Order is issued.

3. On the 1st December 1867 A. F. Kenny Esq: obtained employment in the Cinchona Department as a Sub Overseer on 50 Rupees per mensem. From my own observation the conviction was forced on my mind that Mr. Kenny took no interest in his work; in January last I had informed him that on this account I intended to dispense with his services, and this I would have done, even if the burning of the Nurseries had not occurred.

4. Mr. Kenny had only been employed for about three months on trial in this Department; and in dismissing him, I exercised an undoubted right, vested in me by your Govt. and in the clearest possible terms. For the exercise of

...ment cannot and [illegible] be called to censure.

By the Order under reply, it appears that the Govt. conclude, that Mr. (Mr. Kenny) considered his absence to have been sanctioned by Mr. McTurk. I had the honor to state in my letter of the 16th inst. No. 36, that Mr. Kenny was absent without permission on the date in question. If any fact or circumstance come to the notice of Govt. calculated to throw doubt on my statement, and to cause Mr. Kenny's to be accepted in preference, I most respectfully request that these facts or circumstances may be communicated to me, in order to enable me to defend myself from what appears to be a serious imputation.

6. I regret to have to add that Mr. Kenny has already triumphantly circulated this Order of Govt., and there is reason to fear this proceeding will shortly lead others in my department to imitate

Mr.

Elated by his success Government.

Mr. Kenny has filed a Civil Suit in the Court at Ootacamund, against Mr. Dawson the Asst. Supt. at Neddivuttum for 500 Rupees damages, in consequence of that Officer having reported to me Mr. Kenny's neglect of his work. This is a proceeding I submit, calculated to cause my Assistants to hesitate in the discharge of their duty, and to shrink from reporting delinquencies on the part of the lowest subordinate in the department.

I have the honor to be,
Sir
Your most obed.t Serv.t
H. M. Ker
Supt. Govt. Cin. Plants.

Ootacamund 26th August 1865 No 414 Calls.
Do. 15th June 1865 " 377 & 378.
Do. 30th June 1866. " 145. 167
" 168. Exd

Rec.d 1868. Oct.r 20th
Ootacamund 20th June 1774.

From
The Asst. Supt. Govt. Cin. Plantations
Ootacamund

Dated 21st Sept. 1868.
Received 26th Sept. 1868.

Reference to previous correspondence on the subject
G.O. 9th Sept. 1868 No 1770 &
Secretary's M2 Kenny may be transmitted.

Rec.d 3/12
Ans.d 8th Oct.r 1868

From the remedy which Govt. have adopted to his unrepaid bank bondsmen, had Mr Kenny been desirous of securing his employment -

Mr. Mc Ivor has always shown a desire to domineer over his subordinates. In the early period of the Cinchona era, it may have been necessary to select - reject - but that period has now passed away and Mr. Mc Ivor should do unto others as he would wish to be done unto - & that, in spite of the dastardly always put forward claim about the magnitude of the debt Mr. Kenny owes him for his services to Government — Ker

If Mr. Kenny can establish a better claim if he has acquired the sympathies of

... Govt: Establishment
W - Mc Ivor was not justified in dismissing him in the precipitate manner referred to. I would not modify the Govt. order. But I would direct Mr Kenny to withdraw the suit against Mr Dawson. Mr Kenny is in the Police force and under the orders of Govt. He has acted with great impropriety in initiating such a suit

N.

c 27 May 68

Rev: Department

No: 1670

Proceedings of the Madras Government

Under date the 15th June 1868 -

Read the following letter from the Supt. Govt: Chinchona Plantations -

Soliciting under the circumstances stated, that G.O. of 30th April /68 No. 1170 regarding Mr Kenny may be reconsidered

(Here enter 21st May /68 No. 56)

The Government on a careful consideration of Mr McIvor's letter of the 21st May /68 No. 56, are unable to see any sufficient ground for a modification of their previous order.

It is understood that

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that Mr. Kenny is
now employed in the
Police, he will be
desired to furnish an
explanation of the
grounds on which
he has considered
himself justified
in filing a Suit
against another
Government Servant
for reporting him
to their (~~superiors~~)
superiors.

J. K.

if such is really the case

common

Mr. M'Leod Dep.d 16.
Mr. Kenny v
Supt. Genl. of Police v
Ex. H.

20/4

Received 18th Sept

No 1670

Copy of the Madras post

dated 15 June 1868.

Consuls

Asia

From Mr A. F. Kenny

D/ 18 June/68 C No. 2157.

Pp 342 & 343