

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.

195

Press
M.C.

94-95

Dated

11-2-1870 N

Not to be folded or roughly handled

15

*Proceedings of the Madras Government, Revenue Department,
11th February 1870.*

No. 94. Read the following Petition from B. LATCHMINARASOO, late
Revenue Inspector of Gudivada Talook, Kistna District.

Submitting a Memorial for transmission to the }
Secretary of State for India, touching his } (Here enter 20th September 1869.)
dismissal from his post.

No. 95. ORDER THEREON, 11th February 1870, No. 195.

Miscellaneous.

THE Government resolve to forward this Memorial and its enclosures to the Board of Revenue, who are requested to return them with an expression of their opinion on the case.

2. It appears to the Government that the Civil Judge, to whom the Board referred Memorialist under Regulation VII. of 1828, established a strong probability in favour of Memorialist's innocence of the charge of bribery.

3. The Board in passing their Endorsement, dated 19th March 1868, may, however, have been in possession of information which is not at present before the Government, and owing to which they declared Memorialist unfit for the public service.

(True Extract.)

(Signed) R. A. DALYELL,

Acting Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.

1370

who directed him to apply
to the Court for a writ
of judgment on the ground
that the Court had no
jurisdiction to appoint
a Revenue officer to a
post from which he has
been dismissed. The pe-
tition for writ was re-
jected the Judge holding
that it was a "mere mockery"
to refuse the writ really
sought for.

The Collector has
no authority under the
Regulation to dismiss
an accused person, and
therefore if the order of
dismissal was included
in the sentence it was
simply superfluous - and
the order of dismissal
was invalid, so I think
was the order of the Court
allowing it.

The Petitioner was
dismissed as a Revenue
servant, by the Collector
in his Revenue capacity.
The Board have refused
to reinstate him, having
declared

* Petitioner's illness from matter occurred in 1864
the papers to have kept
his case alive rules
since 1864.

/s/ J. W.

declared him unfit for
the service of Govt. - (see
petition 711) and as the
it would perhaps be
hardly advisable, even
if it were not clearly a
matter of justice, to restore
him now.

/s/ J. B.

S. J. W.

Memo. for orders -
on 32564179 -

P. Lutchminarra.
- su, late 3^d class Prob-
- sul Inspector of the
District district submit
a memorial to the Secy of
State, appealing against
the endorsement dated 29th
May, 1868 in which the Govt
declines to order his re-
-instatement to office -

2. Although the Govt
have finally disposed
of this case, I venture to
submit a few remarks
on it - The case is sum-
-marised in Mr. Brandt's
memo: scolded with red
pencil written on the
paper attached to this me.
- mo. -

It appears to me that
when

The collector was clearly wrong
in dismissing Mr. under Reg. 11
of 1822. But if the reversal
of the sentence of fine by the
Civil Court, leaves the Pet.
acquitted of the charge of
receiving a bribe - & taken away
the grounds of dismissal -
I should have advised the
Govt. being restored - It is understood

when the Board referred
the memorialist to the es-
tablished Courts for
redress, they bound them-
selves to accept the de-
cision of the established
Courts. - It is doubtless
true that Regulation IX of
1822 refers to fine & not
to dismissal, and probably
the Sessions Judge was
altogether wrong in concluding
the collector's order of dis-
missal, although that
order was proposed by
passed under Regulation
IX of 1822. - But if the
memorialist was
wrongly fined he
was wrongly dis-
missed - the charge
against him either stands
entirely or falls entirely
for the benefit of Govt.
for the Govt. to cancel
their former order. It was
subsequently passed by a single
member of the Govt. - The can-
didate might with advantage
have gone to more than
one member -
I would now recommend
that the Pet. be restored
that the Pet. be restored
with

If he is not guilty of
bribery, there is no charge
of dereliction of duty against
him which would justify
the Collector and the
Board in dismissing him.
The Sessions Judge found
him not guilty of bribery,
and has certainly left
on record remarkably good
reasons for his decision.
For instance, the
Sessions Judge (vide 1st
enclosure to the memo-
rial) remarks that
complainant and one of
the witnesses for the
prosecution were clearly
proved to be at enmity
with

with Memorialist
inasmuch as the latter
had detected an excess
in their holdings and
brought it to account. He
also points out, that
the Collector convicted
Memorialist of re-
ceiving a bribe for ab-
staining to do what he
had already done. He
also remarks on the
unlikelihood of memo-
rialists receiving a bribe
in the open manner
alleged and in the pre-
sence too of men
who

I think it probable that the
Collector's judgment was not
impaired by any such
consideration. It is quite possible that the
Collector was not aware of the
bribe which was given to
him. It is quite possible that the
Collector may have been
deceived by the accused, and the
bribe which was given to him
may have been for the purpose
of securing for him a
position of honor and
respect. It is quite possible
that the Collector was not
aware of the bribe which
was given to him. It is quite
possible that the Collector
may have been deceived by
the accused, and the bribe
which was given to him may
have been for the purpose
of securing for him a position
of honor and respect.

who afterwards gave evi-
dence against him.
5. There is nothing
in the record of the case
as tried by the Collector
to controvert these ar-
guments.
JH

There is some force in
the remarks of the Under
Secretary recorded above
and they are accordingly
assimilated in the notes
of the members' report. It
must, however, be remembered
that Mr. Brand, who
enquired into the case
and took the evidence
in person was of opinion
that the offence was proved.
It is questionable whether

Sp. H. Hall

Civil Judge had an
good an opportunity of
appreciating the evidence
which he merely perused
in writing. Again we have
another appellate authority
the Board accepting the
evidence as proving the
case, and the fact where
the first case first came
up, also appear to have
taken this view.

ATD.

Revenue Department.

No. 195-

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 11th February 1870.

Read the following.

Petition from B.
Sathumani Narasim, late Rev. Inspector
of Gudivada Taluk, Krishna D.

Submitting a Memorial for
transmission to the Secy of State
for India, touching his principal
from the first.

M.E. 20th Sept. 1869.

The Govt. resolve to
forward this Memorial and
its enclosures to the Board
of Revenue who are requested
to return them with an ex-
pression of their opinion on
the case.

2. It appears to the
Govt. that the Civil Judge
to whom the Board referred

Memorialist

Memoirist under Reputa-
-tion of 1828, established a
strong probability in favour
of Memoirist's innocence
of the charge of bribery.

3. The Board in passing
their endorsement dated 19th
March 1868 may however have
been in possession of informa-
-tion which is not at present
before the Govt. and owing
to which they declared Memo-
-irist unfit for the public
Service.

Mr. Folke Board of Officers with 200th & 417th Dec 12 Feb
Ep. H. B. 1

By H. B. 1

Removal of the
the books of the
the books of the
the books of the

18

92

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