

*Proceedings of the Madras Government, Revenue Department,
5th March 1872.*

No. 45. Read the following petition from SHAIK IBRAHAM and three others, late Batta Peons of the Head Assistant Collector's Office, Madura, to the Chief Secretary to the Government of Fort St. George, dated Madura, 19th January 1872 :—

MOST RESPECTFULLY SHEWETH,

THAT your honour's humble petitioners have herewith submitted a petition addressed to the Secretary of State for India, Home Department; and request that it may be forwarded for his favourable consideration and orders for the reasons stated therein.

For which act of kindness the petitioners shall, as in duty bound, ever pray.

ENCLOSURE No. 1.

Petition from SHAIK IBRAHAM and three others, late Batta Peons of the Head Assistant Collector's Office, Madura, to the Secretary of State for India, Home Department, London, dated Madura, 19th January 1872.

MAY IT PLEASE YOUR LORDSHIP,

THAT most of the petitioners were employed in the service as Dalayets in the Office of the Collector, etc., in the Madura District, and in the new arrangement of Mr. Pelly in 1860, they were discontinued from the service.

That, at their own request, they were employed in the Office of the Deputy-Collector on ~~salaries as Peons~~ to serve the Judicial and Revenue process.

That they, on several occasions, brought the fact to the notice of the Collector of Madura District on the subject of the present petition, who took no notice of their petitions. Thereupon they ultimately petitioned the Board of Revenue on the 27th August 1867 in No. 2,621 of 1865, to the effect that the sum realized for the purpose of serving process under Regulation V. of 1822 may be equally distributed amongst the petitioners, which was returned to the petitioner with an endorsement, under date the 12th September 1865, to the effect that petitioners should address the Collector.

That they, on the 16th October 1865, presented a Motion, No. 3,950 of 1865, to the like effect to the Collector of Madura, which was endorsed that the amount will not be paid to them.

That they, again on the 9th December 1865, submitted a petition, in No. 3,789 of 1865, to the Board of Revenue, appealing against the endorsement of the Collector of Madura, which was returned by them with an endorsement dated 6th January 1866, that appeal lies to the Civil Court.

That they, in accordance with the endorsement of the Board of Revenue, under date 6th January 1866, in petition No. 3,789 of 1865, presented an application to the Civil Judge, who requested the Collector to furnish a statement which was not furnished till 16th April 1866. That, in the meantime, the Civil Judge brought to the notice of the Honourable the Judges of the High Court of Judicature at Madras, the delay in the submission of the statement called for by him. Thereupon the Civil Judge was informed by the Registrar of the High Court that he has no jurisdiction, and who accordingly refused to interfere.

That they, on the 11th May and 11th July 1866, addressed the Government and Board of Revenue in petitions, Nos. 1,415 and 2,569 of 1866, respectively, on the same subject. They were referred to the Collector who reported on the matter, and the usual endorsement was made that they will not interfere with the arrangement of the Collector.

That they, on the 21st September 1866, in petition No. 2,643 of 1866, appealed to the Government of Madras, who have also passed an endorsement declining to interfere.

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That the petitioners bring to the notice the following few lines for your Lordship's favourable consideration and final order on the subject.

That of the petitioners Shaik Ibrahim Sahib was a Dalayet in the Magistrate's and other Offices, etc., at Madura; that his service amounts to more than 42 years; that Madar Sahib was also employed in a similar office, though not so many years of service (27 years); that when the new arrangement of Mr. Pelly was introduced in 1860, they were discontinued from the service, and, at their own request, they were appointed as Peons in the Office of the Deputy-Collector on general duties, and since they were remunerated with whatever may be the amount collected during the month in the Office; that the truth of this statement may be ascertained from Mr. Jellicoe, M. R. Ry. P. Seshagiri Row, Deputy-Collectors, and Mr. Henry Sewell, Assistant Collector, who had had the charge of the divisions for several months.

That when Mr. Nelson took charge of the Head Assistant Collector's Office after the transfer of Mr. A. R. Hutchins to Kurnool, he appointed Shaik Abith Sahib and Pandiem as Batta Peons in his Office, and they continued ever since in their appointment.

That they beg to state that when M. R. Ry. P. Seshagiri Row was directed to take over charge of the Treasury, Mr. Nelson was requested to dispose of cases arising under Regulation V. of 1822, etc., in the Sivaganga Zemindaris, and to have the charge of the Deputy-Collector's Division, and so they (the petitioners) were then obliged to perform the duties under the Head Assistant Collector.

That they served summonses issued by the Head Assistant Collector to the extent of more than Rs. 2,558-12-0, and a list is herewith sent as an enclosure to petition No. 2,621 of 1865, and that your Lordship will find that four of the petitioners were the permanent Batta Peons of the Office, and were not temporarily employed as stated by the Collector.

"That they know perfectly well what they were to receive when they were first employed."—To this they beg to submit that they were in the habit of receiving the amount in full, whatever sum it may be which would have been collected by them during the month, and, moreover, they were not then appointed by the Head Assistant Collector, but they were continuing in the appointment since a long time, i.e., from the introduction of the new scheme of Mr. Pelly, and so they were aware fully, in the absence of a written order to a contrary effect, that they were to receive as usual what may be collected during the month, and when they found it was against usage and rules of procedure laid down by higher authorities they made a demand for the rest.

"The money collected in any one month is never divided equally amongst the Peons at the beginning of the following month, and it would be objectionable to adopt such a practice."—To this they beg to state that the practice of equally dividing the emoluments of any one month was prevailing even in the Office of the Collector who had signed this endorsement.

"For during some months there is little or no work and only two Peons are employed to do it, and the batta-money realized does not amount to more than a few Rupees."—That they beg to submit that, as the Collector admits, when the work is not heavy only two Peons are retained, and so at the time the other two were temporarily retained. That when the Deputy-Collector on general duties was appointed, Shaik Ibrahim and Madar Sahib were obliged to revert to their former office, and the batta-money realized by them, when employed in the Head Assistant Collector's Office, was of no avail to them whatever. They were distributed amongst those retained by the Head Assistant Collector, and, further, the Madras Government has authorized Collectors to open a head in the accounts and credit the amount collected as batta to the head of Process Service Fund. If there be no funds available, they (Collector and Head Assistant Collector) have not bound themselves to provide the Peons with their salary, and, therefore, there can be no objection for the collections of every month being divided amongst the Peons equally.

The Head Assistant Collector in his report urges that in some months the income falls short, and they were then paid from the surplus fund, as his reason for not distributing the collections amongst petitioners. That if he had really intended so, they are not aware what induced him to buy books, ink-stands, etc., for his Office-use to the extent of more than three or four hundred Rupees and to repair the room in the upstairs of the Collector's Office at Madura. That if your Lordship

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were to be pleased to call for a list of books now in the Head Assistant Collector's Office and those of other districts, it would appear that the petitioners' statement is nothing but true.

"I am of opinion that the rules laid down by the High Court alluded to by the petitioners are not applicable in this case."—That they are not aware of the reasons the Collector had entertained for his own exposition. It is quite strange to say that rulings of High Court are supposed to be applicable in all cases but an exception to this case.

"The Peons employed to serve Revenue Process have not the same duties to perform as Court Peons, and are altogether in a different position."—It is quite surprising to say that the Peons in Revenue Offices have not so much to perform as those in Courts. They beg to bring to your Lordship's notice that the duties of Peons in both the offices are similar to each other. The procedure is just the same, and they are liable to the same penalties.

For this act of kindness and justice your Lordship's humble petitioners shall, as in duty bound, ever pray.

ENCLOSURES.

1. No. 2,621 of 1865, dated 27th August 1865, addressed to Revenue Board at Madras.
2. " 3,950 " " 16th October " " to Collector with endorsement.
3. " 3,789 " " 12th December " " to Board of Revenue.
4. ————— copy of the Proceedings of the Civil Court at Madura.
5. ————— copy of letter to the Civil Judge at Madras, dated 13th April 1866.
- 6 and 7. Nos. 1,415 and 2,569 of 1866, dated 11th May and 11th July 1866, respectively, the former addressed to the Government at Madras, the latter to the Board of Revenue with endorsement.
8. No. 2,643 of 1866, dated 21st September 1866, addressed to the Government of Madras, with an endorsement.

No. 46. ORDER THEREON, 5th March 1872, No. 384.

Miscellaneous.

ORDERED that the Memorial, received with the foregoing petition, be transmitted to the Secretary of State, and that the Memorialists be informed of its despatch.

(True Extract.)

(Signed) W. HUDLESTON,
Officiating Chief Secretary.

Exd. F. R. Bantleman.

Order

7° 384.

Ordered that the memorial, received with the foregoing petition, be transmitted to the Secretary of State, and that the Memorialist be informed of its despatch.

9th
5 March 1772

See the order of the House of Commons

to the memorialist

the memorialist

the memorialist

the memorialist

the memorialist

the memorialist

the memorialist

the memorialist

State for India.

Revenue
Government of Madras;

DEPARTMENT.

77. 643.

Petition No. 249 of 1872.

From Shaik Abraham and
three others.

Occupation. Batta Peons of the
Head Asst. Collector's Office.

Village.

Talook.

District. Madurai

Dated 19th } January 1872.

Received 23rd }
Enclosures 10

Abstract.

Pray that the accompa-
nying Memorial with
its enclosures may be
forwarded to the Right
Honorable the Secretary
to the Government
Madurai

No 15-16