

*Proceedings of the Madras Government, Revenue Department,
16th March 1872.*

Read the following papers:—

No. 198. Proceedings of the Board of Revenue.

Awaiting the report of the Collector of South Arcot on the result of inquiry into causes of disappearance of certain petitions referred to Sambamurti Iyer, Tahsildar of Cuddalore, in that district. (Here enter 19th July 1871, No. 3,004.)

No. 199. Proceedings of the Board of Revenue.

Cancelling the order of Mr. Reade, late Collector of South Arcot, granting remissions of assessment to the villagers of Alamelamangapuram, in Chellambrum Taluq for Faslis 1277, 1278, and 1280, and expressing opinion as to the mode in which certain public servants and chief puttahdar of that village should be dealt with for their conduct in bringing about these irregular remissions. (Here enter 2nd September 1871, No. 3,789.)

No. 200. Proceedings of the Board of Revenue.

Dismissing the Curnum of Alamelamangapuram in Chellambrum Taluq of South Arcot District for his conduct in bringing about remissions of assessment irregularly granted to some ryots of that village for Faslis 1277, 1278, and 1280, and reducing the Hoozoor Sheristadar Venkatasubbiah to the post of Tahsildar for his misconduct in this matter. (Here enter 13th October 1871, No. 4,390.)

No. 201. Proceedings of the Board of Revenue.

Removing from appointment Sambamurti Iyer, Tahsildar of Cuddalore in South Arcot District, for neglect of duty and misconduct, and declaring that his entertainment in a subordinate situation is not prohibited thereby. (Here enter 31st October 1871, No. 4,563.)

No. 202. Petition from M. SAMBAMURTI IYER, late Tahsildar of Cuddalore, South Arcot.

Appealing against the orders of the Board of Revenue removing him from his post. (Here enter 10th January 1872.)

No. 203. ORDER THEREON, 16th March 1872, No. 465.

Miscellaneous.

THE Government have given careful consideration to the circumstances under which Sambamurti Iyer was dismissed from the office of Tahsildar of Cuddalore, and do not consider that the misconduct proved against him was of a sufficiently grave nature to warrant his dismissal. They, therefore, resolve to direct that he be restored to the post of Tahsildar in some district other than South Arcot, if necessary by transfer.

2. The Government agree with the Board in condemning Mr. Reade's proceedings in the matter of the remissions granted in the Alamelamangapuram village.

(True Extract.)

(Signed)

W. HUDLESTON,
Officiating Chief Secretary.

To the Board of Revenue.
„ the Accountant-General.
„ the Petition Department.

Exd. F. R. Bantleman.

TO

THE RIGHT HON'BLE THE LORD NAPIER,
GOVERNOR IN COUNCIL,
&c., &c., &c.,
FORT ST. GEORGE.

*The respectful appeal presented by M. SAMBAMOORTHY
IYER, late Tahsildar of Cuddalore in the South
Arcot District, against the Orders of the Board
of Revenue recorded in their proceedings under
date the 31st October 1871, No. 4,563, En-
closure A.*

That your Petitioner feeling himself greatly aggrieved by the orders of the Board of Revenue, removing him from his post of Tahsildar, and making his re-employment in a subordinate grade dependent on the will of the Collector of the District, humbly and respectfully appeals therefrom on the following grounds. Your Petitioner desires to premise that Copies of the Board's Proceedings were only granted to him on the 20th December last, and thus your Petitioner has prepared and submitted this appeal at the very earliest possible date.

2. Your Petitioner respectfully urges that the report made by Mr. Garstin, the Collector, which heads the Proceedings of the Board under appeal, and on which the orders of the latter are professedly based, does not find support in the actual facts, and if due consideration be given to those facts, your Petitioner respectfully submits that they will be found to repudiate the correctness of the Hon'ble Board's conclusions, and consequently the justice and propriety of the serious penalty and disgrace to which your Petitioner has been subjected.

3. That however painful to your Petitioner and notwithstanding that he thereby lays himself open to being charged with disrespect, it is incumbent on him to refer to circumstances that he can no longer withhold from noticing without doing himself a grave injustice, and since what he alludes to is notorious among both Europeans and Natives in the District of South Arcot, there is less reason why a feeling of delicacy should any longer keep him silent, and therefore without fear of contradiction by Mr. Garstin, he desires to mention that before that gentleman assumed the Office of Collector, he was very seriously prejudiced against your Petitioner, for causes and upon information known only to himself, but consequent on such prejudice, the Collector did not hesitate to express his aversion to your Petitioner and to manifest it both in his presence and before others when absent, both in and out of office, and to such extent did the ill-

feeling towards your Petitioner pervade Mr. Garstin's mind, that while yet the late Collector Mr. Reade was in the District and before your Petitioner had done a single day's work under him, Mr. Garstin pronounced your Petitioner unfit, and avowed that he would not keep him in his post, indicating how strong was the bias against your Petitioner even before he had any acquaintance whatever with him.

4. Mr. Garstin in his report (Encl. A.) states that it was on receipt of several anonymous petitions that he went to the Talook Cutcherry and examined the records but these Petitions form no part of the enclosures submitted to the Board with the Collector's Report, and your Petitioner believes that no such Petitions are on record; while, so, your Petitioner respectfully asks that the said Petitions may be called for, as it is the first time your Petitioner has heard of their existence, and it is unnecessary to dwell on the unusual course here admitted by Mr. Garstin, in acting on anonymous petitions the very moment he assumed the reins of authority; and Mr. Reade having specially brought your Petitioner to his successor's notice as an honest and able public servant it appears all the more strange and unaccountable that your Petitioner should have been selected as an object of harsh and unjust treatment before the latter Gentleman had any experience whatever of your Petitioner's character. During 15 years' continuous service not a petition or accusation affecting either your Petitioner's ability or efficiency had been received by any authority, and he had ever met with courteous treatment at the hands of every superior under whom he had served. The very day after Mr. Garstin's arrival in the District and some days before he took charge, your Petitioner visited, that gentleman under instructions from the then Collector as a mark of respect and on that occasion Mr. Garstin asked your Petitioner in a peremptory tone whether your Petitioner was not Mr. Reade's man, and whether he had not been brought into the District by Mr. Reade, to which your Petitioner respectfully replied that he was introduced into the District by Mr. Hall a previous Collector.

5. On Mr. Reade quitting the District he desired your Petitioner to make certain preparations for his journey with his family and he also directed him to accompany him as far as Punrooty a distance of 16 miles from the Cusbah Station, and in obedience to such orders your Petitioner acted; and your Petitioner was told by Mr. Reade that he had obtained Mr. Garstin's permission in the matter in order that your Petitioner should not be involved in any unpleasantness. But before your Petitioner returned to the Cusbah and before he had again seen Mr. Garstin, that gentleman in the public Cutcherry openly spoke of your Petitioner in most disparaging and what would be considered by Europeans, insulting terms, he expressed his resolve not to keep your Petitioner where he was, and he went so far in his conversation with certain native officials as to declare his intention to send for another Tahsildar, your Petitioner being quite unfit. This fact which can be fully established on enquiry shows clearly that Mr. Garstin was for some unknown reason seriously prejudiced against your Petitioner, and that from the very first he had determined to bring misfortune upon him.

6. Your Petitioner has stated that at the instance of the late Collector Mr. Reade he accompanied that gentleman for a short distance on his finally quitting the district, yet no sooner had your Petitioner returned to the Cusbah when a Takced was received from Mr. Garstin requiring explanation of your Petitioner's absence from Head Quarters, and of his having accompanied Mr. Reade, as though your Petitioner had acted in the matter, of his own motion and without the express orders and permission of his superior. Your Petitioner's reply and the subsequent correspondence that passed on this subject between Mr. Garstin and himself is on record, and discloses, in your Petitioner's humble judgment the very strong animus which actuated Mr. Garstin towards him.

7. Subsequently on the morning of the 10th June Mr. Garstin suddenly and without any previous intimation came to your Petitioner's Office, and after your Petitioner had paid his respects, Mr. Garstin assumed a tone of suppressed anger and commenced to use language very offensive if not actually insulting to your Petitioner. Several who were present on the occasion foretold the impending danger indicated by Mr. Garstin's treatment of your Petitioner. Your Petitioner was only thankful that he was enabled to bear calmly and resignedly all the indignity he was subjected to. The subordinates were likewise more or less threatened by Mr. Garstin and were much alarmed by his excited and very angry manner without so far as your Petitioner could understand any apparent cause. Mr. Garstin then left taking with him certain papers from your Petitioner's office.

8. After this occurrence the Collector began narrowly to scrutinize every paper received from your Petitioner in view as it would seem to find fault, and his desire to receive complaints against your petitioner from any one who would come forward was undisguised, and your Petitioner may state, almost avowed in the public Cutcherry, and about the same time Mr. Garstin caused two boxes to be made and placed outside the Office inviting complaints, and for a time none were taken personally; but the many hundreds of frivolous and false Petitions that reached Mr. Garstin through this means induced him to discontinue the box system. And here your Petitioner may observe that not one Petition was received against himself. Mr. Garstin then suspended your Petitioner without any sort of warning, and your Petitioner can only suppose that it was thought by Mr. Garstin that after such suspension charges of a serious kind would probably be brought, and thus still enable him to carry out his threatened intentions of degrading your Petitioner. But notwithstanding six months have now elapsed since the date of your Petitioner's suspension not a single accusation or complaint of any kind so far as he is aware has been received, and to this fact your Petitioner has already drawn the attention of the Honorable Board, (Encl. B.) and he may be pardoned for evincing a certain amount of satisfaction in the silent testimony thus borne to his uprightness and integrity of character, which speaks more than any words, and it is the consciousness of the truth of this testimony that happily bears up your Petitioner under his present trials, and enables him to submit to them with cheerful resignation, however bitterly unjust, after a lengthened service during which it has been his one aim zealously and honestly to do his duty.

9. Your Petitioner might quote many other instances of marked severity which he has received at Mr. Garstin's hands both in and out of office, on the occasion of personal interviews and in the presence of others, and he is at a loss to trace the cause of all this apparent hostility towards one who is a perfect stranger to Mr. Garstin beyond what common report assigns. Your Petitioner has however no wish to dilate on the several instances although he can quote them if required to do so. It has been your Petitioner's endeavour to demean himself quietly and respectfully both in tone and manner notwithstanding the violence of language and angry manner invariably exhibited towards your Petitioner by Mr. Garstin.

10. Your Petitioner is aware that all he has stated in the foregoing will not relieve him of the charge of incompetency and of unfitness for the office of a Tahsildar brought against him by the Collector. He is fully conscious that he has to meet such charge and that unless he does so, the pre-determination of Mr. Garstin to disgrace or ruin him, and however violently or unpleasantly that pre-determination may have been displayed, can in no way remove your Petitioner's alleged disability or give him a title to be considered competent and fit contrary to the expressed opinion of those whose province it is to judge on these points, yet the fact is material in your Petitioner's case as he is prepared to show, and he cannot think that a dispassionate and impartial consideration of the facts could have resulted in placing him in the position he now occupies.

11. Your Petitioner's explanation (Encl. C.) and the statement attached of the work actually performed by him as well as his Petition (Encl. B.) to the Board of the 30th September appealing against the Proceedings of the Collector can scarcely have met with the consideration due to them, in view of the grave consequences to your Petitioner involved in the result. Your Petitioner finds that no notice whatever has been taken of any thing he has advanced on his behalf, no reference whatever has been made to any point of his explanation beyond in very general terms, but it is stated by the Hon'ble Board, 1st that your Petitioner has shewn himself entirely unfitted for the post of Tahsildar, 2ndly that the arrears he has permitted to accumulate in his office suffice for his condemnation, 3rdly that the Board are strongly impressed by his audacious disregard of well known Standing Orders in regard to the appointment of Batta Process Servers and in the matter of the Village Officials he suspended from their functions, and, 4thly or lastly it is remarked, that the disingenuous nature of portions of his defence has not escaped their notice.

12. Your Petitioner proposes with all respect to observe seriatim on these several points forming the ostensible grounds for the Board's decision so injurious to your Petitioner, and he prays the earnest consideration of your Lordship in Council to his statement. It is not mentioned how the unfitness here declared is shown, and no reference is made to your Petitioner's statement of work actually done by him, and he submits with all deference that a comparison of the amount of that work and the way it has been done with what of necessity may have been left undone, is

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the only sure and equitable test by which to estimate the qualification and fitness of any officer for the post he may fill. What an officer has done and how he has done it must be contrasted with what he has not done and the reasons of omission, otherwise it will surely not be contended that your Petitioner is unfitted, when if impartial enquiry be held, he fearlessly asserts that he will be found to have done more work on the whole than any other Tahsildar in the District, and further that the manner of doing that work will bear favorable comparison with that of any officer of the same grade! Your Petitioner therefore in all earnestness asks wherein he has failed, and what he could reasonably be expected to have done more than he has done, and if it be acknowledged on a close scrutiny that he has done all that in reason could be expected of any single man, then your Petitioner confidently submits that he cannot be considered unfitted for the post he has so long filled.

13. Your Petitioner is led to presume that the Honorable Board has not given that consideration to the Statement embodied with his Explanation (Encl. C.) which so important a document demands, or a charge such as this could hardly have been made against him, and he again respectfully entreats attention to this Statement and that justice may be done to him. It will be seen that of fifteen thousand one hundred and one (15,101) matters that officially came before him between the 6th October 1869 and the 29th June 1871 or during a period of 20 months and 23 days, fourteen thousand four hundred and fiftysix (14,456) were disposed of by your Petitioner, leaving only the difference of 615 Revenue matters, the majority of which were trivial or of comparative unimportance, and the delay in disposing of many could readily be explained, and the above does not include the many calls on your Petitioner's time in connection with the infinite variety of miscellaneous matters scarcely known in any other than the Cusbah talook of a District, and which are never taken into account because not within the category of a Tahsildar's ordinary duties, though as the Honorable the Government will be well aware such miscellaneous matters oftentimes entail a very vexatious encroachment on a Tahsildar's time.

14. Your Petitioner begs to add that every Income Tax case was disposed of by him, and in Cuddalore this duty is far more troublesome than elsewhere in the District, and although your Petitioner's exertions and labors in respect to this part of his duties have been publicly approved by Mr. Garstin, yet no mention whatever is made of this part of his work to which he devoted considerable time and labour, and the whole is entirely ignored in the Collector's report to the Board. Mr. Garstin must be well aware of all that passed in respect to your Petitioner's conduct in the Income Tax Department. At first it was thought by the Collector that your Petitioner had neglected this Department of his duties or that it was no heavier than in other Taluqs, but enquiry satisfied him that he was mistaken, and on learning the number of cases disposed of by your Petitioner and the amount collected, Mr. Garstin expressed his regret at the previous want of appreciation of your Petitioner's efforts, yet allusion to this is studiously avoided by Mr. Garstin, and nothing is brought forward or made mention of, but

what is calculated to tell to his disparagement, a circumstance to which your Petitioner respectfully appeals in proof of the strong feeling of prejudice which your Petitioner has ventured to impute to the present Collector.

15. Your Petitioner may therefore reasonably seek a re-consideration of the grounds on which he has been so hastily declared utterly unfit.

16. Your Petitioner in reply to the charge here made against him will only reiterate what has been stated in para 13 et seq. of his explanation (Encl. C.) and he solemnly asserts that he has wilfully disregarded no order of any kind from any authority. Your Petitioner again affirms that in regard to the service of Processes and in regard to the suspension of certain village Officers he acted on the full and explicit authority of the late Collector Mr. Reade, and with confidence he appeals to that gentleman and requests that Mr. Reade may be examined on the point in your Petitioner's behalf, when it will be known whether your Petitioner has or has not stated the truth, and if he have, then he submits that he is relieved of any offending connected with this charge on which so much stress is laid, and that he is not responsible for the Proceedings taken by him which are here objected against. But your Petitioner would not have ventured to act on his own responsibility in a matter of the kind, and he has not done so in the present instance, but has merely obeyed the express orders of the Head of the District, and it would here seem material to notice that a resort to Batta processes for the recovery of Government arrears is no unusual course, and the late Collector in other Taluqs than that presided over by your Petitioner has occasionally authorised it, and the Board of Revenue only recently were pleased to sanction the service of Batta Processes to a very great extent in North Arcot, owing to the heavy arrears that had accumulated in that District, and all of which were thus readily realised under their express authority. Your Petitioner therefore humbly submits to your Lordship in Council, whether, under these circumstances, any blame or wrong doing can be rightly charged on him for merely giving effect to the orders of his immediate superior the late Collector, whose power and authority in such matters, it was not for your Petitioner to question, and so far as he understands the Law, your Petitioner has always believed that the Collector had full authority to use his discretion.

17. Your Petitioner is compelled respectfully to give a distinct and unqualified denial to the correctness of the accusation here made affecting his character, and it is not stated or shown wherein the disingenuousness spoken of consists or where it is to be found. Your Petitioner maintains and is ready to prove the perfect truth and consistency of every statement he has made, and he prays that he may not thus be summarily condemned without any hearing, and without being given the opportunity of proving his statements so hastily pronounced to be false and disingenuous. Your Petitioner feels more keenly than aught else the opinion here expressed reflecting on his truthfulness, and in protesting strongly and indig-

3dly. That the Board are strongly impressed by his audacious disregard of well known Standing Orders in regard to the appointment of Batta Process Servers and in the matter of the Village Officials he suspended from their functions.

4thly. That the disingenuous nature of portions of his defence have not escaped their notice.