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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. <u>1076</u>	Press
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Dated <u>25-8-1874</u> 190-.	

Not to be folded or roughly handled

1070

*Proceedings of the Madras Government, Revenue Department,
25th August 1874.*

No. 233. Read the following Proceedings of the Board of Revenue, dated 6th August 1874, No. 2,124:—

Read again Board's Proceedings, dated 18th December 1873, No. 2,600.

„ „ „ 11th April 1874, No. 82.

„ „ „ 1st July 1874, No. 1,649.

Read also the following letter from C. T. LONGLEY, Esq., Collector of Salem, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 17th July 1874, No. 254.

WITH reference to the Proceedings of the Board, dated 1st instant, No. 1,649, I have the honor to forward a copy of the judgment of the Sessions Court in the appeal preferred by Teruvengadam Pillai against the sentence of the Acting Joint Magistrate.

ENCLOSURE No. 1.—Copy of Judgment of Sessions Court.

Read Petition, No. 1,863 of 1874, from T. M. Teruvengadam Pillai.

THESE papers refer to certain charges against Teruvengadam Pillai, late Deputy Tahsildar and Sub-Magistrate of Pennagaram, and now Acting Taluq Sheristadar and Sub-Magistrate of Kistnagherry, a man apparently of 21 years' service. The charges are reviewed at length in the Sub-Collector's letter to the Collector, dated the 22nd June 1874, No. 228, and are briefly as follows:—

(1.) A man named Chikil Gounden buried Rupees 200 in his shed. His servants found it and concealed it, but on being taken to task, gave it up. The Sub-Magistrate heard of the case casually, and is said to have extorted the money. There were some irregularities in his procedure. The case was committed to the Sessions Court; as the Sub-Collector being in a manner, the prosecutor did not decide the case himself. The Judge said he was afraid to accept the evidence; that such charges must be received with great caution; and that a conviction would be most unsafe. The case was accordingly dismissed.

(2.) One Chinnagiri Naik encroached on Government waste, and kept up the encroachment after he had been fined Rupees 5, and directed to remove it. The Sub-Magistrate found this out, and is said to have extorted Rupees 50. The case was committed to the Sessions Court, and the Judge pronounced it to be false, and the result of a conspiracy.

(3.) The Sub-Magistrate is said to have misappropriated 19 iron bars and other things out of some unclaimed property which he sold by auction on behalf of Government. The case was committed to the Sessions Court. With regard to the iron bars, the Judge thought the Sub-Magistrate had acted irregularly, but not criminally, and dismissed the case with the remark that the prisoner's explanation did not seem to be at all satisfactory, and should be made the subject of departmental inquiry and disposal.

With regard to this matter, the Board are of opinion that it is clearly proved that the Sub-Magistrate did not sell the iron bars by auction as he ought to have done, and that he appropriated some of them to his own use.

(4.) The Sub-Magistrate is said to have made an unauthorized collection amongst the inhabitants of Pennagaram and its neighbourhood for the erection of a chattrum.

The Board have not seen the record of the case, but the facts stated by the Sub-Collector have no room for doubt that the Sub-Magistrate is guilty of a serious transgression of Circular Order, No. 402.

(5.) The Sub-Magistrate is said to have declared he would raffle a pony worth Rupees 25, and obtained money from subscribers to the raffle, and then to have taken the pony away to another place and sold it there.

The Sub-Collector tried the case in his capacity of Magistrate and convicted the Sub-Magistrate of cheating. On appeal, the Sessions Judge reversed the sentence on the ground that

*Proceedings of the Madras Government, Revenue Department,
25th August 1874.*

the Sub-Magistrate may have intended to raffle the pony when he collected the money for the raffle, "though he did not like an honest man return the money when he found he could not get up the raffle." The last clause of the judgment is as follows:—"The case shows clearly enough that appellant is unscrupulous and dishonest, of which fact every official in the district is fully aware; but this has nothing to do with the merits of this particular case, and, being of opinion that there is not in the case before me clear and unequivocal proof of a dishonest intention at the time of the receipt of the money, I shall reverse the finding and sentence of the Lower Court, and direct that the fine be remitted."

Mr. Price and Mr. Wilkinson have the worst opinion of the man's character.

In 1868 Mr. Price found it necessary to reduce Teruvengadam Pillai from the post of Sub-Magistrate and Deputy Tahsildar of Enayapore to that of a Revenue Inspector. The Sub-Collector had reversed a sentence of the Sub-Magistrate's fining four people Rupees 20. It was then found that the fine had never been credited to Government, and the Sub-Magistrate accused his Head Gumaastah of misappropriating it. In his Memorandum on the case, Mr. Price says: "My opinion most decidedly is that the Sub-Magistrate did receive the money, and that he either misappropriated it, or lost it; and that, in order to clear himself of the responsibility, he has attempted to get up a charge against an innocent man." This is not the first time that this officer has come to notice. The District Magistrate when writing his report to Government speaks very unfavorably of Teruvengadam Pillai: he has been constantly engaged in squabbles, not only with his own subordinates, but also with the Police authorities; and Mr. Pochin has personally given him to me the worst of characters."

In petition, No. 1,863 of 1874, Teruvengadam Pillai asks the Board to wait for the record in the chuttrum subscription case before coming to a conclusion; but they see no reason to do so. Dishonesty is proved in the raffle case, and in the case of the iron bars and the chuttrum subscription Teruvengadam Pillai was undoubtedly guilty of the present irregularities.

The Board are strongly of opinion that Teruvengadam Pillai should be dismissed and declared incapable of re-employment in the Government Service. Though only an Acting Sheristadar, he is a Magistrate, and Government have ruled that the power to dismiss Magistrates rests with them.

These Proceedings will be accordingly submitted for the orders of Government.

No. 234.

ORDER THEREON, 25th August 1874, No. 1,076.

Miscellaneous.

HIS EXCELLENCY the Governor in Council concurs in the opinion expressed by the Board. Teruvengadam Pillai is dismissed and declared incapable of re-employment in the Government Service.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

To the Board of Revenue.

- „ the Director of Revenue Settlement.
- „ the Superintendent of Revenue Survey.
- „ the Inspector of Forests.
- „ the Government Quinologist.
- „ the Public, etc., Departments.
- „ the Military Department.
- „ the Public Works Department.

Exd. A. Grubert.

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No. 2,600.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 18th December 1873.

Read the following letter from F. PRICE, Esq., Acting Collector of Salem, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Ahtur, 5th December 1873, No. 406:—

I HAVE the honour to enclose a letter* received from the Acting Sub-Collector, requesting permission to criminally prosecute Tiruvengadam Pillay, late Deputy Tahsildar and 2nd Class Magistrate of Pennagaram, and now Acting Sheristadar of Kistnagherry, for certain acts of extortion detailed by Mr. Wilkinson, committed in his official capacity. I also enclose, for the perusal of the Board of Revenue, the records sent with the letter above referred to, and a copy of an order which I passed regarding Tiruvengadam Pillay in 1869, and beg to strongly recommend that the sanction sought be granted.

2. He is a man who is anything but a good character. I made a mistake in allowing him ever to return to the position of a Deputy Tahsildar. He begged hard to be restored, made many promises of reformation, and Mr. Longley thought that he might have another trial given him. I therefore made him Deputy Tahsildar of Pennagaram. He did not give me satisfaction in that capacity, and I had made up my mind long ago to shelve him as a Taluq Sheristadar. Just before I was appointed to act as Collector a complaint was made against him, and I handed it over to Mr. Wallace, who apparently did nothing with it. Since I left the division, and until Mr. Wilkinson joined, Tiruvengadam Pillay seems to have run riot in his division.

3. I think that the charges against him are *prima facie* well grounded, and that as he has had every warning, and a former punishment has had no effect, he should have no mercy shown him now.

ENCLOSURE No. 1.—Copy of letter from Acting Sub-Collector, dated 25th November 1873, No. 552.

ENCLOSURE No. 2.—Copy of order passed by the Collector in 1869.

ENCLOSURE No. 3.—List of Documents.

THE prosecution is sanctioned.

(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

To the Acting Collector of Salem, with documents returned.
Copy to the Accountant-General.

Ed. J. Tulloch.

REVENUE.

THE BOARD OF REVENUE.

to
do,
do,
do.

Dated August 25th.

Recd.

End

G. O. 25th August 1874, No. 1,073

AUGUST.
Nos. 233-234.

Tiruvengadam Pillai, Sheristadar of Kistnagherry Taluq, Salem District.—Dismissing—then his appointment and declaring him incapable of re-employment in the Government Service.



REVENUE DEPARTMENT.

C No. 2733

1076
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From Pro. B^d of Rev.
Dated 8th August 1874.

FOR ORDERS.

I enclose in the 10th

L. O. L.

for Mr. [unclear]
21/8/74

1873.

BOARD of REVENUE,
MADRAS.

PROCEEDINGS, 18TH DECEMBER 1873, No. 2,600.

Received

DECEMBER.
No. 2,600.

Rs. 2733/34.

Encl.

Rs. 2725 August 1874
in B. No. 253.

for 10/17/74

Tiruvengada Pillay—late Deputy Tahsildar and 2nd Class Magistrate of Pennagaram, and now Acting Sheristadar of Kishnagherry.—Prosecution of— for certain acts of extortion committed by him in his official capacity sanctioned.

FOR ORDERS.

No. 1076
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No. 1076
6

PROCEEDINGS OF THE BOARD OF REVENUE, dated 11th April 1874.

Read the following letter from F. PRIDE, Esq., Acting Collector of Salem, to
J. GROSE, Esq., Secretary to the Board of Revenue, dated Munchavai,
16th March 1874, No. 96:

I HAVE the honour to report that the Acting Sub-Collector requests permission
to suspend Tiruvengadam Pillay, late Sheristadar of Krishnagherry, for a further
term of two months.

Three of the charges brought against him have been tried by the Sessions
Court. He was acquitted in the first case, because the Judge considered the charge
false; in the second, on account of his receiving the benefit of a doubt;
and in the third, although he was acquitted upon the same ground, Mr. Hannington
told him in open Court that he had no moral doubt of his guilt. I have none
either.

3. Three other cases remain to be investigated, and Mr. Wilkinson wishes to
inquire into them in order that a full report upon Tiruvengadam Pillay's conduct
may be submitted for the consideration of the Board.

SANCTIONED.

(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

To the Acting Collector of Salem.
Copy to the Accountant-General.

Exd. J. Tulloch.

1874.
BOARD OF REVENUE,
MADRAS.

PROCEEDINGS, 11TH APRIL 1874, No. 822.

Received

APR 11
No. 822

Teruvengadam Pillay—Sheristadar of Krishnagerry Taluk in Salem District, now under suspension on account of certain charges against him which have been tried and dismissed.—Collector's proposal for suspension of a further period of two months on account of certain other charges against him sanctioned.

No. 2,124.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 6th August 1874.

Read again Board's Proceedings, dated 18th December 1873, No. 2,600.

" " " 11th April 1874, No. 822.

" " " 1st July 1874, No. 1,649.

Read also the following letter from C. T. LONGLEY, Esq., Collector of Salem, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 1st July 1874, No. 254.

With reference to the Proceedings of the Board, dated 1st August, No. 1,649, I have the honor to forward a copy of the judgment of the Sessions Court in the appeal preferred by Teruvengadam Pillai against the sentence of the Joint Magistrate.

ENCLOSURE No. 1.—Copy of Judgment of Sessions Court.

Read Petition, No. 1,863 of 1874, from T. M. Teruvengadam Pillai.

These papers refer to certain charges against Teruvengadam Pillai, late Deputy Tahsildar and Sub-Magistrate of Pennagaram, and now Acting Taluk Sheristadar and Sub-Magistrate of Krishnagerry, a man apparently of 21 years' service. The charges are reviewed at length in the Sub-Collector's letter to the Collector, dated the 22nd June 1874, No. 228, and are briefly as follows:

(1.) A man named Chikia Gounden buried Rupees 50 in his shed. His servants found it and concealed it, but on being taken to task, gave it up. The Sub-Magistrate heard of the case casually, and is said to have extorted the money. There were some irregularities in his procedure. The case was committed to the Sessions Court; as the Sub-Collector being in a manner, the prosecutor would not decide the case himself. The Judge said he was afraid to accept the evidence; that such charges must be received with great caution; and that a conviction would be most unsafe. The case was dismissed.

(2.) A man named Gounden was found to have encroached on the Government waste, and to have had been paid Rupees 5, and directed to remove it. The Sub-Magistrate found this out, and is said to have extorted Rupees 50. The case was committed to the Sessions Court, and the Judge pronounced it to be false, and the result of a conspiracy.

(3.) The Sub-Magistrate is said to have misappropriated 19 iron bars and other things out of some unclaimed property which he sold by auction on behalf of Government. The case was committed to the Sessions Court. With regard to the iron bars, the Judge thought the Sub-Magistrate had acted irregularly, but not criminally, and dismissed the case with the remark that the prisoner's explanation did not seem to be at all satisfactory, and should be made the subject of departmental inquiry and disposal.

With regard to this matter, the Board are of opinion that it is clearly proved that the Sub-Magistrate did not sell the iron bars by auction as he ought to have done, and that he appropriated some of them to his own use.

(4.) The Sub-Magistrate is said to have made an unauthorized collection amongst the inhabitants of Pennagaram and its neighbourhood for the erection of a chuttrum.

The Board have not seen the record of the case, but the facts stated by the Sub-Collector have no room for doubt that the Sub-Magistrate is guilty of a serious transgression of Circular Order, No. 205.

(5.) The Sub-Magistrate is said to have declared he would raffle a pony worth Rupees 25, and obtained money from subscribers to the raffle, and then to have taken the pony away to another place and sold it there.

The Sub-Collector tried the case in his capacity of Magistrate and convicted the Sub-Magistrate of cheating. On appeal, the Sessions Judge reversed the sentence on the ground that the Sub-Magistrate may have intended to raffle the pony when he collected the money for the raffle, "though he did not like an honest man return the money when he found he could not get up the raffle." The last clause of the judgment is as follows:—"The case shows clearly enough

that appellant is unscrupulous and dishonest, of which fact every official in the district is fully aware; but this has nothing to do with the merits of this particular case, and, being of opinion that there is not in the case before me clear and unequivocal proof of a dishonest intention at the time of the receipt of the money, I shall reverse the finding and sentence of the Lower Court, and direct that the fine be remitted."

Mr. Price and Mr. Wilkinson have the worst opinion of the man's character.

In 1869 Mr. Price found it necessary to reduce Teruvengadam Pillai from the post of Sub-Magistrate and Deputy Tahsildar of R. zapore to that of a Revenue Inspector. The Sub-Collector had recommended the fine had never been credited to Government, and the Sub-Magistrate accused his Head Gumbaz of misappropriating it. In his Memorandum on the case, Mr. Price says: "My opinion most decidedly is that the Sub-Magistrate did receive the money, and that he either misappropriated it, or lost it; and that, in order to clear himself of the responsibility, he has attempted to get up a charge against an innocent man * * *. This is not the first time that this officer has come to notice. The District Magistrate when writing his report to Government speaks very unfavorably of Teruvengadam Pillai: he has been constantly engaged in squabbles, not only with his own subordinates, but also with the Police authorities; and Mr. Pochin has personally given him to me the worst of characters."

In petition, No. 1,863 of 1874, Teruvengadam Pillai asks the Board to wait for the record in the chuttrum subscription before coming to a conclusion; but they see no reason to do so. Dishonesty is proved in the raffle case, and in the cases of the iron bars and the chuttrum subscription Teruvengadam Pillai is undoubtedly guilty of the grossest irregularities.

The Board are strongly of opinion that Teruvengadam Pillai should be dismissed and declared incapable of re-employment in the Government Service. Though only an Acting Sheristadar, he is a Magistrate, and Government have ruled that the power to dismiss Magistrates rests with them.

These Proceedings will be accordingly submitted for the orders of Government.

(A true Copy and Extract.)

Secretary.

To the Acting Secretary to Government, Revenue Department,
with an original enclosure, one petition, Board's proceedings,
dated 18th December 1873, No. 2,600, with two original enclosures,
dated 11th April 1874, No. 822, and 1st July 1874, No. 1,641, three
original enclosures, to be returned.
to the Collector of Salem.

H.E. Grubert concurs in the opinion expressed by the Board. Teruvengadam Pillai is dismissed and declared incapable of re-employment in the Govt. Service.
Erd. A. Grubert.

Board of Revenue
MADRAS.

PROCEEDINGS, 6TH AUGUST 1874, No. 2,124.

August 11/74

Received 12th August 1874

AUGUST
No. 2,124.

Teruvengadam Pillai—Sheristadar of Kishnagherry Taluk, in Salem District, now under suspension on account of certain charges against him.—Collector's report of result of appeal to Sessions Court against conviction of—by Sub-Collector on a charge of cheating, submitted for orders of Government with Board's opinion that Teruvengadam Pillai should be dismissed and declared incapable of re-employment in Government Service.