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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 1645 Press
~~B.R. No.~~ ~~Mis.~~

Dated 15-11-1875 196 .

U-A

Not to be folded or roughly handled

No. 197. Read the following letter from Captain C. WALKER, Officiating Inspector of Forests, to the Secretary to Government, Revenue Department, dated Ootacamund, 15th September 1875, No. 545:—

In forwarding Board's Proceedings, No. 173-2,331, dated 19th August, with original memorial from Mr. Ferguson, Deputy Conservator of Forests, 4th Class, I have the honor to state that I regret extremely that in my letter, No. 126, dated 1st June 1874, (G. O., 7th August 1874, No. 1,003,) I failed to represent accurately the facts, first, as to Mr. Ferguson's resignation, and, second, as to his promotion to the grade of 2nd-class Assistant Conservator (Rs. 300+60) being due to him, in Dr. Cleghorn's estimation, after he had completed six years' service, whether the forest school were established or not. The inaccuracies are due to the confused state of the records in this Office and inadequacy of the office establishment, and not to any wish on my part to misrepresent or depreciate Mr. Ferguson's position or services.

2. The other statements in my letter already referred to are, I believe, substantially correct.

Major-General Morgan, who was Acting Conservator when Mr. Ferguson came out, states that "he had no promise whatsoever from Dr. Cleghorn," and, although I do not doubt that Mr. Ferguson believed he had some sort of promise, I cannot think that Dr. Cleghorn ever promised him promotion to the controlling grades of the Forest Department,—appointments which were, and are, solely in the gift of the Governor in Council, and which were at the time filled, I believe, exclusively by officers of the Army or Medical Department.

General Morgan appointed Mr. Ferguson an Overseer of the 2nd grade (Rs. 80) on the 11th February 1862, and I presume that he joined that appointment; in fact, Colonel Beddome, in his letter, No. 217, dated 18th October 1862, recorded with G. O., No. 2,426, of 17th November 1862, states that "this sum (Rs. 80 per mensem) is not sufficient for him to live on, and he has just tendered his resignation." This resignation would appear never to have been accepted, and Colonel Beddome proceeds to recommend Mr. Ferguson for promotion to the grade of Sub-Assistant, of which the Government approve. It would thus appear that Mr. Ferguson served as an Overseer from February to November 1862, and was then promoted to a higher grade in the upper subordinate establishment along with Messrs. Spring and Lennan, and, subsequently, on account of his good services, to the grades of Assistant Conservator 3rd and 2nd Class along with Messrs. Yarde and Sheffield, both of whom entered the Government service prior to himself, and have given equal satisfaction in the discharge of equally important duties.

3. It appears to me unnecessary to enter more fully into the subject of Mr. Ferguson's claims and qualifications, which are already well known to Government.

I am confident that, had it not been for the re-organisation order, grading all forest officers above the rank of Overseer as Deputy Conservators, and observing that "the nature of the duties to be performed is the same in all cases,"—"an observation which," to quote the Collector of Malabar, I would respectfully submit, "is not quite correct,"—he would never have claimed promotion to the grade of 2nd-class Deputy Conservator.

4. As it is, I would suggest that his claims, along with those of Messrs. Yarde and Sheffield, which I consider equally good, should be considered as special, and that, if funds be available, they may be promoted irrespective of their position on the list, and without interfering with the legitimate run of promotion to the other officers of the department who have entered on quite a different footing.

5. I am not sure that personal allowances carry with them increased pension; if they do, increased emoluments in that shape and honorary or supernumerary rank would appear the best method of solving the difficulty.

Funds are at present available owing to the permanent vacancy in the 1st-class Deputy's grade; and I consider that the claims of all three officers merit recognition during the concluding years of their service in this department.

6. In conclusion, I venture respectfully to deprecate this system of a subordinate in a department memorialising Government through the Collector of his district as opposed to all sentiments of discipline or subordination, without which no department can retain that coherence or *esprit de corps*, so essential to its efficiency. The Collector is, of course, fully justified, under existing regulations, in advocating the claims of his forest officer, but naturally takes a purely local and restricted view of them, without knowledge of the traditions and constitution of the department as a whole. The Board have, in this instance, been courteous enough to forward the claim through the Inspector; but I would ask Government to consider what would be the feelings of a Collector or, say, the Inspector-General of Police or Surgeon-General, were similar memorials from *their* Assistants forwarded to Government through the Inspector of Forests with his support?

Every officer of a department has, of course, a right to have his claims or grievances laid before Government, but I believe that the usual and correct course is that he should address the head of his department through his immediate superior by *letter*, and request that they be laid before Government if beyond his competency or opposed to his views.

ENCLOSURE No. 1.

Proceedings of the Board of Revenue, dated 19th August 1875, No. 2,331, Forest No. 173.

Read the following letter from W. LOGAN, Esq., Acting Collector of Malabar, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Calicut, 23rd July 1875, No. 241:—

MR. FERGUSON of the Nelambur plantations has asked me to forward through the Board to Government the enclosed memorial from him regarding the position assigned to him in the graded list of forest officers.

2. The matter has already* been before the Board and Government, and Mr. Ferguson bases his present memorial on certain misapprehensions of the Inspector of Forests in his letter printed in the second of the Board's Proceedings above

* Board's Procs., No. 1,069, dated 7th May 1874.
" " 1,722, " 7th July "
G. O., Rev. Dept. " 1,003, " 7th Aug. "

quoted; and as it seems as if the decision of the Board and Government was based on the statements in that letter, and as I think that the decision might have been different had the facts now noticed by Mr. Ferguson been clearly set forth, I take the liberty of forwarding the memorial to the Board for their favorable consideration, and with a request that it may be forwarded to Government with any remarks considered necessary.

3. Mr. Ferguson asserts, 1*st*, that a distinct promise was held out to him by Dr. Cleghorn before he came out to this country that if his services were accepted by the Government he would be eligible to rise to the highest posts, short of being Head of the Department; and, 2*nd*, that when on his arrival in India he was gazetted to the post of Overseer, he at once resigned it and refused to enter the department in a subordinate capacity.

4. As regards the first of these assertions, I have no doubt at all that Mr. Ferguson is stating a fact, and Dr. Cleghorn would hardly have recommended him to have charge of a school of forestry (paragraph 2 of Captain Walker's letter above quoted) had he not held a high opinion of Mr. Ferguson's qualifications as a practical Forester. I may as well here mention also that Captain Walker has misquoted Dr. Cleghorn's letter above alluded to. The Board will find the correct extract in Mr. Ferguson's petition, and will observe that the increase to Rupees 300 was to be made when a forest school was established, *or* when Mr. Ferguson attained six years' service.

5. As regards the second assertain, Captain Walker throws some doubt on the fact that Mr. Ferguson ever resigned the subordinate post to which he was gazetted, by saying there is no record in his office of this resignation; but the Board will be satisfied that Mr. Ferguson is asserting a fact if they will refer to paragraph 8 of Captain Beddome's letter to Government published with G. O., No. 2,426, dated 17th November 1862. Such being the fact, the Board will observe that any parallel (paragraph 3 of the letter above quoted) which Captain Walker may have drawn between Mr. Ferguson's case and that of Messrs. Yarde and Sheffield is altogether wrong; and this is to be regretted as, from what the Board say in paragraph 3 of their Proceedings, No. 1,069, dated 7th May 1874, they evidently were under the impression that the cases of the three men were exactly similar. Rather than serve in a subordinate capacity, Mr. Ferguson resigned the service, and he not unnaturally points out that he joined the department as a trained Forester—trained at his own expense, and having found his way to India also at his own expense,—while the men named joined the department in subordinate capacities and obtained their training at the expense of Government. I attach much importance to the fact of Mr. Ferguson's having resigned; for the department had no business after he had tendered his resignation to put him *immediately* thereafter into the upper grades without coming to some distinct understanding with him as to what his future promotion was to be. If the intention then had been that he should rise only as high as the grade of the department *which he refused to join*, it should certainly have been then clearly set before him; and it seems to me unfair after a lapse of years, when it has become impossible for him to do otherwise than remain in the department on whatever terms he can obtain, that he should now be told that his promotion "compares favorably" (paragraph 3 of the letter) with that of men who joined the department under altogether different circumstances.

6. Mr. Ferguson's position in the department seems to me to be an exceptional one. In paragraph 13 of the Government Order putting the department on its present footing, the Government observe that "the nature of the duties to be performed (by Forest Officers) is the same in all cases"—an observation which, I would respectfully submit, is not quite correct. Mr. Ferguson's duties, for instance, are essentially different from these performed by, say, the Deputy-Conservator of South Canara, for whose post Mr. Ferguson, there is no doubt, would be quite incompetent. Of this, he is as well aware as any one; but, on the other hand, it would be difficult to find any one in the department who could have brought the Nelambur plantations into as satisfactory a condition as they are now in. It seems to me, therefore, that Mr. Ferguson's position on the list should be determined not so much by comparison with the promotion of men who have entirely different duties to perform, but by the number of years of satisfactory management of the plantations entrusted to his charge; and my own opinion is that, considering Mr. Ferguson was thirty-six years of age when he joined the department in 1862, his case deserves very favorable consideration. He himself would wish to rise to a Deputy-Conservator of the 2nd-Class, and I certainly think that, if Mr. Ferguson continues to give the satisfaction he has done hitherto, he should be allowed to occupy that position during the last few years of his service before attaining his 55th year when he may be obliged to retire.

ENCLOSURE No. 1.—Memorial.

WITH this letter the Acting Collector of Malabar forwards a memorial from Mr. Ferguson, Deputy-Conservator of Forests, in charge of Nelambur, praying for reconsideration of the orders fixing his position in the graded list of the department.

2. The matter has already been placed before Government, who, on the representation then before them, declared him, with three others, to be eligible for promotion to the grade of 3rd-Class Deputy-Conservator on Rupees 350 salary *plus* Rupees 150 travelling allowance. He claims however to be placed in the 2nd grade on Rupees 500 *plus* Rupees 150.

3. The reasons which led Government to reject this claim when preferred after the reorganization of the department in 1872 are detailed in the letter from Captain Walker, recorded in G. O., 7th August 1874, No. 1,003. They may be shortly stated to be that he came out without any promise from Dr. Cleghorn, and had not any right to expect promotion to the higher grades; and that he entered the department as an Overseer, and, as compared with certain other men who entered under similar circumstances, has been favorably treated.

4. It appears to the Board that Mr. Ferguson's case is not quite fairly stated by the Inspector of Forests in the letter referred to. Mr. Ferguson declares that he understood from Dr. Cleghorn that he would be eligible for promotion to the higher grades, and he appeals to the fact that when entertained in the Overseer grade he resigned and was immediately employed as a Sub-Assistant Conservator. The Inspector merely says there is no record in his office of this resignation, but the fact is placed beyond doubt by the letter recorded in the Government Order cited by the Collector of Malabar. The prompt recognition of his claim to position in the

G. O., 21st November 1862, No. 2,462.

superior grade, in the above circumstances, Mr. Ferguson contends justified him in concluding that his use in the department would be unchecked. He objects with reason to his case being considered on a par with those of Messrs. Yarde and Sheffield, and points out that there is the further difference that he came out as a thoroughly trained Forester.

5. In referring to the promotion of Mr. Ferguson to the grade of 2nd-Class Assistant Conservator on Rupees 300 + 60,* the Inspector says that this was the rate of pay originally recommended by Dr. Cleghorn as due to him if a forest school were established at Nelambur. Captain Walker omits to state that Dr. Cleghorn's recommendation also was that Mr. Ferguson should have this rate of pay after six years' service, and that it was primarily on the ground of his having completed this term that the increase of pay was accorded by Government. For some years before the reorganization he had been a 2nd-Class Assistant. At it he was placed below sundry officers who had been 3rd-Class Assistants only.

* G. O., 29th April 1870, No. 610.

G. O., 5th Nov. 1867, No. 2,618.
„ 18th April 1868, „ 1,027.

6. The Government are aware of the continued good service rendered by Mr. Ferguson at Nelambur, and the Board cannot but think that in the regrading he has suffered hardship which it is incumbent on Government to redress, and that from his qualification on entering the department, from what took place shortly afterwards, from his subsequent services and position at the time in the department, he ought then to have been placed in the 3rd-class at least without bar to his rising to the 2nd if occasion and opportunity occurred. The Board resolve to submit his case, through the Inspector of Forests, for favorable reconsideration by Government.

(A true Copy and Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 198. ORDER THEREON, 15th November 1875, No. 1,645.

Forests, No. 6.

HIS EXCELLENCY the Governor in Council sees no reason to reconsider the orders passed on Mr. Ferguson's former memorial.

2. His Excellency observes that there has been no ground for misapprehension of the intentions of Government, who, at the time of the re-organisation of the department, after the fullest consideration of the claims of Messrs. Ferguson, Yarde, and Sheffield, graded these officers together at the foot of the list with a marked separation from the rest of the Deputy Conservators.

3. The decision of the Government, in their order of the 7th August 1874, No. 1,003, when they accepted the recommendation of the Inspector of Forests that these officers and Mr. Brougham might be considered eligible to the allowances of a 3rd-class Deputy Conservator, is misquoted when it is stated that they were declared "to be eligible for promotion *to the grade of 3rd-class Deputy Conservator*."

6. Mr. Ferguson's position in the department seems to me to be an exceptional one. In paragraph 13 of the Government Order putting the department on its present footing, the Government observe that "the nature of the duties to be performed (by Forest Officers) is the same in all cases"—an observation which, I would respectfully submit, is not quite correct. Mr. Ferguson's duties, for instance, are essentially different from these performed by, say, the Deputy-Conservator of South Canara, for whose post Mr. Ferguson, there is no doubt, would be quite incompetent. Of this, he is as well aware as any one; but, on the other hand, it would be difficult to find any one in the department who could have brought the Nelambur plantations into as satisfactory a condition as they are now in. It seems to me, therefore, that Mr. Ferguson's position on the list should be determined not so much by comparison with the promotion of men who have entirely different duties to perform, but by the number of years of satisfactory management of the plantations entrusted to his charge; and my own opinion is that, considering Mr. Ferguson was thirty-six years of age when he joined the department in 1862, his case deserves very favorable consideration. He himself would wish to rise to a Deputy-Conservator of the 2nd-Class, and I certainly think that, if Mr. Ferguson continues to give the satisfaction he has done hitherto, he should be allowed to occupy that position during the last few years of his service before attaining his 55th year when he may be obliged to retire.

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2. The matter has already been placed before Government, who, on the representation then before them, declared him, with three others, to be eligible for promotion to the grade of 3rd-Class Deputy-Conservator on Rupees 350 salary *plus* Rupees 150 travelling allowance. He claims however to be placed in the 2nd grade on Rupees 500 *plus* Rupees 150.

3. The reasons which led Government to reject this claim when preferred after the reorganization of the department in 1872 are detailed in the letter from Captain Walker, recorded in G. O., 7th August 1874, No. 1,003. They may be shortly stated to be that he came out without any promise from Dr. Cleghorn, and had not any right to expect promotion to the higher grades; and that he entered the department as an Overseer, and, as compared with certain other men who entered under similar circumstances, has been favorably treated.

4. It appears to the Board that Mr. Ferguson's case is not quite fairly stated by the Inspector of Forests in the letter referred to. Mr. Ferguson declares that he understood from Dr. Cleghorn that he would be eligible for promotion to the higher grades, and he appeals to the fact that when entertained in the Overseer grade he resigned and was immediately employed as a Sub-Assistant Conservator. The Inspector merely says there is no record in his office of this resignation, but the fact is placed beyond doubt by the letter recorded in the Government Order cited by the Collector of Malabar. The prompt recognition of his claim to position in the

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* G. O., 29th April 1870, No. 610.

G. O., 5th Nov. 1867, No. 2,618.
„ 18th April 1868, „ 1,027.

6. The Government are aware of the continued good service rendered by Mr. Ferguson at Nelambur, and the Board cannot but think that in the regrading he has suffered hardship which it is incumbent on Government to redress, and that from his qualification on entering the department, from what took place shortly afterwards, from his subsequent services and position at the time in the department, he ought then to have been placed in the 3rd-class at least without bar to his rising to the 2nd if occasion and opportunity occurred. The Board resolve to submit his case, through the Inspector of Forests, for favorable reconsideration by Government.

(A true Copy and Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 198. Order thereon, 15th November 1875, No. 1,645.

Forests, No. 6.

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The words of the order are "*to a grade not higher than* 3*rd-class* Deputy Conservator," and are thus quite consistent with the former order on the subject.

4. His Excellency in Council is pleased now to mark his sense of the good services of Messrs. Ferguson, Yarde, and Sheffield, by sanctioning an immediate increase to their allowances, which, in the case of the two latter, will be similar to those of a Deputy Conservator of the 3rd Class. In the case of Mr. Ferguson, the distinction hitherto made with reference to the amount of his allowances will be maintained by fixing his pay at Rs. 400 and his travelling allowance at Rs. 100.

(True Extract.)

(Signed) L. A. CAMPBELL,
Under-Secretary to Government.

To the Officiating Inspector of Forests.
,, the Board of Revenue.
,, the Accountant-General.

Exd. F. R. Bantleman.

Jc. No. 4492/75.

Govt. of Madras

REVENUE.

To

The Officiating Inspector

of Forests,

&c., &c., &c.

Dated November, 15th.

Rec'd.

Encl.

G. O., 15th November 1875, No. 1,645.

NOVEMBER.

Nos. 197-198.

Mr. Ferguson, Deputy Conservator of Nelambur Forests.—Intimating that the Government see no reason to reconsider the orders passed on the memorial of — regarding his position in the department, but sanctioning an immediate increase to his salary and to the salaries of Messrs. Yarde and Sheffield on account of their good services.

FOREST No. 173.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 19th August 1875, No. 2,331.

Read the following letter from W. LOGAN, Esq., Acting Collector of Malabar, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Calicut, 23rd July 1875, No. 241:—

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" " 1,722, " 7th July "
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4. As regards the first of these assertions, I have no doubt at all that Mr. Ferguson is stating a fact, and Dr. Cleghorn would hardly have recommended him to have charge of a school of forestry (paragraph 2 of Captain Walker's letter above quoted) had he not held a high opinion of Mr. Ferguson's qualifications as a practical Forester. I may as well here mention also that Captain Walker has misquoted Dr. Cleghorn's letter above alluded to. The Board will find the correct extract in Mr. Ferguson's petition, and will observe that the increase to Rupees 300 was to be made when a forest school was established, *or* when Mr. Ferguson attained six years' service.

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G. O., 21st November 1862, No. 2,462.

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(A true Copy and Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

To the Acting Secretary to Government, Revenue Department,
through Inspector of Forests, with original memorial.

Copy to Collector of Malabar.

Exd. W. J. Lewis.

Office of Inspector of Forests,
Ootacamund 15th September 1875.

No 575.

From,

Captain Campbell Walker,
Offg. Inspector of Forests,
Ootacamund.

To,

The Secretary to Government,
Revenue Department,
Ootacamund.

Sir,

In forwarding Board's Proceedings No: 173/2,331 dated 19th August, with original Memorial from Mr. Ferguson Deputy Conservator of Forests 4th Class, I have the honor to state that I regret extremely that in my letter No: 126 dated 1st June 1874 (G.O. 7th August 1874, No: 1003) I failed to represent accurately the facts, 1st as to Mr. Fergusons resignation, & 2nd as to his promotion to the Grade of 2nd Class Assistant Conservator (Rs: 300 +60) being due to him, in Doctor Cleghorns estimation, after he had completed 6 years service, whether the Forest School were established or not. The inaccuracies are due to

Spun
A.P.R. 1035
75-76

1875.

Board of Revenue,

MADRAS.

PROCEEDINGS, 19TH AUGUST 1875, No. 2,331.

Encl.

Rev 3914/75

Received 29

AUGUST.
Forest No. 173.

Memorial—from Mr. Ferguson, Deputy Conservator of Nelambur Forests in Malabar District, praying for reconsideration of the orders fixing his position in the graded list of the department, submitted for favorable consideration of Government, through Inspector of Forests.

to the confused state of the records in this office, and inadequacy of the Office Establishment, and not to any wish on my part to misrepresent or depreciate Mr. Ferguson's position or Services.

2. The other statements in my letter already referred to are, I believe, substantially correct.

Major General Morgan, who was acting Conservator when Mr. Ferguson came out, states that "he had no promise whatsoever from Doctor Cleghorn" and, although I do not doubt that Mr. Ferguson believed he had some sort of promise, I cannot think that Doctor Cleghorn ever promised him promotion to the Controlling grades of the Forest Department, appointments which were and are solely in the gift of the Governor-in-Council, and which were at the time filled, I believe exclusively, by Officers of the Army or Medical Department.

General Morgan appointed Mr. Ferguson an Overseer of the 2nd Grade (Rs. 80) on the 11th Febry. 1862,

1862, and I presume that he joined that appointment, in fact Colonel Beddome in his letter, No. 217 dated 18th October 1862, recorded with G.O. No. 2426 of 17th November 1862, states that "this sum (Rs. 80 per mensem) is not sufficient for him to live on, and he has just tendered his resignation". This resignation would appear never to have been accepted, & Colonel Beddome proceeds to recommend Mr. Ferguson for promotion to the Grade of Sub Assistant, of which the Government approve. It would thus appear that Mr. Ferguson served as an overseer from Febry. to November 1862, and was then promoted to a higher Grade in the upper subordinate Establishment along with Messrs. Spring and Lennon, and subsequently, on account of his good services, to the Grades of Asst. Conservator 3rd. and 2nd Class, along with Messrs. Garde and Sheffield, both of whom entered the Government Service prior to himself and have given equal satisfaction in the discharge of equally important duties.

3. It appears to me unnecessary to

to enter more fully into the subject of Mr. Ferguson's claims and qualifications which are already well known to Government.

I am confident that had it not been for the re-organization order grading all Forest Officers above the rank of Overseer as Deputy Conservators, and observing that "the nature of the duties to be performed is the same in all cases", "An observation which", to quote the Collector of Malabar, I would respectfully submit, is not quite correct", he would never have claimed promotion to the grade of 2nd Class Deputy Conservator.

4. As it is I would suggest that his claims, along with those of Messrs. Yarde and Sheffield, which I consider equally good, should be considered as special, and that if funds be available they may be promoted irrespective of their position on the list, and without interfering with the legitimate run of promotion to the other officers of the Department, who have entered on Quite a different footing.

5. I am not sure that personal allowances carry with them increased pension, if they do, increased emoluments in that shape, and honorary or supernumerary rank would appear the best method of solving the difficulty.

Funds are at present available owing to the permanent vacancy in the 1st Class Deputy's grade and I consider that the claims of all three Officers merit recognition during the concluding years of their service in this Department.

6. In conclusion I venture respectfully to deprecate this system of a subordinate in a Department memorializing Government through the Collector of his District, as opposed to all sentiments of discipline or subordination without which no Department can retain that Coherence or "Esprit de Corps" so essential to its efficiency. The Collector is, of course, fully justified, under existing regulations, in advocating the claims of his Forest Officer, but naturally takes a

a purely local and restricted
view of them, without knowledge
of the traditions and Constitution
of the department as a whole.
The Board have in this instance
been courteous enough to forward
the claim through the Inspector,
but I would ask Government to
consider what would be the
feelings of a Collector, or say the
Inspector General of Police, or
Surgeon General, were similar
Memorials from their Assistants
forwarded to Government through
the Inspector of Forests with
his support?

Every Officer of a Depart-
ment has, of course, a right to
have his claims or grievances laid
before Government, but I believe
that the usual and correct
course is that he should address
the head of his department
through his immediate Supe-
rior by letter, and request
that they be laid before Govern-
ment if beyond his competency

or

or opposed to his views.

I have the honor to be
Sir,
Your most obed.t Servant,
Campbell Gunther Captain,
Offg. Insp.-tor of Forests.

copy

To

The Honble William Robinson
C.S.I.

Governor of
Madras

The humble petition of
John Ferguson, Deputy
Conservator of Salt works
Tirada

Most respectfully sheweth,

That your petitioner was appointed to Tirada
26 February 1874 forwarded to Govt
Robertk, late Governor of Madras,
thro' the Collector of Malabar, re-
marks by the Salt Inspector of Tirada
the Board's Proceedings entering the
Salt Inspector's views recorded in G.O.
of 9th August 1874, No 1103, Govern-
ment that your petitioner be promoted to
the grade of 3rd Class Deputy Conservator
Salary Rs 350 + 150 when opportunity
offers.

Revenue - 1875 - 76.

Copy
of the Offg. Collector of Malabar
to
the Secy to Govt Revenue Dept.

Dated Office Head Quarters, 18th
Received 20th November
No: 5745.
Proceedings (Secy)
Subject

Memorial of Subramanian Ramasamy
for formal consideration of Govt
from Mr. Ferguson, Dy Conservator
of Salt Chowkies in Malabar Dist: praying for
recommendation of the orders
passed on his petition in the
Board's List of the 26th Feby: with
the Offg: Collector's explanation

Read 20th November 1875

B - 197

Copy of Petition of Subramanian Ramasamy

Office. In the above petition, promotion
was claimed to the grade of 2d Class Deputy
Conservator Salary Rs 500 + 100
supported by the Collector of Malabar
but objected to by the Asst. Inspector
but recommending promotion to the
grade of 3d Class Deputy as above
shown.

2d It would appear that the
claim made has been misapprehended
by the Asst. Inspector, and therefore
your Petitioner takes leave respectfully
to submit this petition for your Excellency
in Council's most favorable re-consideration
and that you will be pleased to
grant the promotion craved.

3d The Asst. Inspector's
own objections are that there was no
promise made by Dr Cleghorn nor
recorded resignation; and your Petr

entered

entered the Department in subordinate
grade as an Overseer.

4th As stated in former petition
your Petr met Dr Cleghorn in Madras
in 1861 and underwent a training & practi-
cal examination in Forestry on Estate
& Plantations, and operations were conducted
on the principles as has been done in the
a Plumbar Teak Plantations for the past
12 years, and in fact the same as carried
elsewhere, & Dr Cleghorn entered
into promise, and was then only promised
employment and promotion to the highest
executive grade in the Madras Forest Dept
consequently your Petitioner, on the faith
of the above promise, paid passage &
proceeded to Madras, free of expense
to Government, but on arrival, found
that Dr Cleghorn was absent on furlough
only, and was nominated by the Asst

Conservator

Conservator of Forests a 2nd class Crown
Salary £600 per annum. Being
unable to get the misunderstanding
rectified, resigns the Service, wherein
Captain Bloome, the Acts Conr.
of Forests, recommended you Excy
should be entertained as a Sub Ast
Assistant Conservator Salary £350,
and Instructions in G. C. of 17 November
1862 & No 2426 (copy inclosed) Captain
of the Acts Conservator's letter re-
corded in the Order above quoted
you Excy then ordered on the duties of
Sub Assistant Conservator and re-
ceived charge of the Adamaua range
on the 1st December 1862, and never held
charge as an Overseer.

Of course it was understood the
promise made by both Lt Cleghorn &
Captain Bloome was subject to the

approval of Government, and though
mentioned by the mission Government
confirmed the promise respecting which
Captain Bloome wrote.

Some of opinion that Mr Ferguson
should be promoted to 3rd Class Assistant
from the 21st November 1862. He will then
have been three years in the grade of
Sub Assistant Conservator. Mr Ferguson
has not been to anticipate promotion
earlier than what I now propose.
vide Capt Bloome's letter received in G
No 1778.

The Government approve of the Acts
arrangements in regard to Mr Ferguson's pro-
motion.

From the above both Captain Bloome
and Government admit the promotion
being under and according to promise,
otherwise there was one more getting the
word "anticipate".

5th Your Excy was again pre-
moted to the grade of 2nd Class Assistant
Conservator

Conservator salary Rs 300 + 60 vide G.O.
by the Govt 1870 p. 618, regarding
which the Supt. Engineer remarks,
as originally recommended by Mr Stephen
on account of the work connected with
the foregoing Forest Schools to be established.

"The School has never been established"
vide Para 17 of Mr Stephens letter received
in G.O. of 5th November 1867 p. 2618.

"Beg to suggest that when the school
"is established, i.e., as soon as he has com-
"pleted 6 years' service, that he be allowed
a salary of Rs 300 per mensem".

The G.O. above quoted para 6.

"The Government fully recognize Mr
Ferguson's good services in this important
work, and will be prepared to consider
favorably the suggestion for an increase to
his pay so as to raise it to Rs 300 monthly
as proposed in para 17. When the fore-
-going time comes the Addl. Conservator will
bring the matter from" on "due course".

Vide Secretary of State for India in

Council

Comments Reported to

Para 5 "Until my arrival the 4 years
"two months of the early four years
"four years to portion the appointment
"of Mr Ferguson further record
in G.O. 18th April 1868, p. 1027

"Adverting to para 5 of the foregoing
"reporter am to point out that the G.O.
of 5th November 1867 above quoted, majo
"Beadome is requested to bring forward
"at an early date the case of Mr Ferguson
"to whom it was recommended by Dr
"a monthly salary of Rs 300
"should be allowed, on which it appears, Mr Ferguson
"completed in February last"

The above shows the increased pay
recommended by Dr Stephen was to
have effect from the date of completion
being immediately accorded, otherwise
after 6 years' service was completed.

6th The retiring Inspector
assumes that your Honours favourable
consider with high favour

Prefaced. The former a Native of the Country, entered the Department as Writer. The latter, with a long, Military service, entered as an Overseer; both had their duties to learn at the expense of Government, whereas your Petitioner came out to Bassein with a thorough knowledge of the Province free of expense to Government, and a Native employment in the subordinate grade, and was appointed to the Central Branch of the Deptt.

To The Chief Inspector

of P.W. States that there was always a grade of Jemadar, Mukt. Moory, Peadas and others were all Promoted and Appointed as Deputies or Apprentices, their names appearing annually above that of Mr. Forrest in the List.

Mr. Forrest's Last of 1872 was the only one

I never saw printed list after this one 4/12

one seen by your Petitioner, wherein, on Appointment in April 1870, when promoted to the 2nd class Apprentiate grade, from Overseer and then a 3rd class Apprentice only, and Messrs. Douglas, Williams & Hayes, Hodgson, Morgan, and Pestonjee subsequently entered also as 3rd class Apprentices Salary Rs 200 + 60, while Petty Salary was Rs 300 + 60, being Rupees 100 more and one step above all these Officers, but nevertheless the re-organization being finished in 1872, these Officers were all placed above your Petitioner in the Gazetted List. This was a grievous hardship to be subjected to after 10 years approved service, to be superseded by these 7 Officers, 1 with three years & with two years service, the three first on the list, are 3rd Class Deputies, whereas your Petitioner from Educational qualifications before entering the Service, and by long approved Service in the most important

15

important things in the Presidency, as
well as by the promise held out when
he resigned the service, and every reason
to expect to be put on the list as a 2d
Class Deputy. And this Mr. Secretary
prays the Honourable Court especially to
recommend.

The Asst. Inspector remarks
that your Petr was eligible for promo-
tion to 1st Class Assistant (according
under the old rules, and is by every
claim, to entitled under the new rule
Vide re-organization Scheme dated 26th
January 1792 paras 13 & 25 & 27.

8th The Asst. Inspector in
Para 4 States:

"Mr. Ferguson must therefore have
risen to the grade of 1st Class Assistant
Salary Rs. 400 + 40.

recommended promotion to that of a
3d Class Deputy Salary Rs 350 + 150,

and

and states, if it is a slight recommendation
this is not the case: there would be a
gain of Rs something allowance, but
a loss of Rupees 50 on pay the item
from which retiring allowance will be
calculated.

The foregoing shews that
your Petitioner, two very recent
degrees [illegible] Class Deputy ships from
re-organization, and should, at the
least, have been entitled to 3d Class
Deputy, and seeing that your Petitioner
had had no promotion since April
1790, and also how took the benefit of the
3d Class Deputy's Salary, assigned by the
new grading, now earnestly craves
promotion through that of a 2d Class Asst
Salary Rs 500 + 150, a rank will attain
shortly some promotion for the Hon
and Family, and a better retiring al-
lowance for [illegible] Servant, and

therefore

Revenue Dept

17 Inlosure for Orders 17

Offg Dispr of Forests

Letter for favorable consid.n
Memorial from Mr Ferguson, Dy Conservr of Malabar Forests, Malabar &c, praying for reconsideration of the orders fixing his position in the graded list of the Dept &c

} M. E. 15: Sep/75 No 845

I forwarded Mr W. Ferguson's claim for allowance on account of special posting to the Nilgherry Forests, under Messrs Conolly & Sheppard, & the promotion to the 2nd class of service in the Forest Dept. & the grade of 2nd Class Dyson. on Rs. 500 + 150 T. A. & as Lister over the heads of Mr Speir in the Bengal Civil Service, Capt. C. Walker & Lt. Beddome is altogether unreasonable & unwarrantable.

I am quite confident that Dr. Cleghorn never could have held out any such expectations to Mr Ferguson

With this letter the Inspector of Forests his opinion on a Memorial from Mr Ferguson, Dy Conservr of Forests Malabar.

The Memorial was forwarded by Mr Ferguson & his immediate superior the Collr of Malabar, who sent it to the Board, and they sent it to the Govt through the Inspector of Forests

&c

I forwarded Mr W. Ferguson's claim for allowance on account of special posting to the Nilgherry Forests, under Messrs Conolly & Sheppard, & the promotion to the 2nd class of service in the Forest Dept. & the grade of 2nd Class Dyson. on Rs. 500 + 150 T. A. & as Lister over the heads of Mr Speir in the Bengal Civil Service, Capt. C. Walker & Lt. Beddome is altogether unreasonable & unwarrantable.

I am quite confident that Dr. Cleghorn never could have held out any such expectations to Mr Ferguson

forgive me beg your Excellency in Council will take the foregoing into your most favorable consideration & grant the promotion solicited,

and your petitioner
Shall,
as in duty bound
Ever pray.

J Ferguson

Deby Conservr of Forests
1 September
2nd June 1875

I have the honor to be
Sir
Your most obedient
humble Servant
J. Ferguson
Deby Conservr of Forests
Malabar

The Memorial of Mr Ferguson
Dy Conservator of Forests
Malabar.

In para 6 of his letter the Inspector dispenses this consp. as subversive of discipline, and compares it to the case of an Assistant Collector, an Assistant Supt. of Police, or a Surgeon, submitting a memorial to Govt through the Inspector of Forests.

Mr Jefferson's first memorial was submitted by me, when Collector of Malabar, with a letter printed in Bombay Govt 7th May 1874 No 1065

It was, as I stated, a delicate matter for a District Officer to express any opinion on a subject involving a question of relative rank among a number of Officers distributed over the Presidency and

the lowness of attainment upon certain points in his profession, has hitherto an inferiority attached to Forests. I say this with official & deprecation. Mr Jefferson's services & talents have hitherto been thankfully & honestly rendered. & Mr Lewis's entitle him & every assistance to parents long is owing but his duties have been of a special character. & through the exigencies of Forest work I am convinced that he & others like him qualified for charge of Districts. The Inspection is unfavourable to a District Officer. & has attained in Calcutta such pleasant & great success.

When the grading was determined on the 2 orgs Messrs Jefferson & Lewis were graded together for both the List & both. Marked separation from

the head of the Forest Dept. It was distinctly understood that they were to be promoted in Branch. Col. Pearson himself protested against any encouragement being given to such expectations. & so far from the Govt having had the matter fully laid before them Lyster's is gratuitously assumed in this Memorial. Mr Jefferson's claims & a different decision was arrived at by Council very strongly advocated by the Hon Mr Lowis. Ultimately viewed by Lord Hobart. & it was after the fullest consideration that the decision was arrived at that Messrs Pearson. Lyster & Hobart concurred in promoting the higher grade.

The decision of Govt in Sec. 7. Augt 7th is entirely quite consistent with this previous decision. They say "the Govt Secretary's decision arrived at is that indicated in para 3 of the Bd's Proc. of July 7th No 522. that in suspending the promotion of the four officers there named

and I merely noticed some abstract principles deserving of attention.

These were that, in a Despatch dated 24 Feb 1868 the Secretary of State approved of the raising of Mr Jefferson's pay to Rs 300 a month, considering the course justified by the results of the 5 previous years.

When 4 years later it became necessary to make the officers in the Forest Dept, it was a question whether Mr Jefferson should be a 3d Class Deputy on Rs 350 or a 4th Class on 250. The latter course was adopted, but to avoid the appearance of injustice, 50 Rs was deducted from consolidated travelling

travelling allowance and added to salary under the terms of G.O. 20 August 1872 N. 1238.

He was however still left below 5 officers in the grade of 4th class all of whom had only 2 years service at the time of the re-organization to count against Mr. Ferguson's 10 years.

Except [illegible] nothing on record to show the principle on which after the [illegible] of the reorganization the [illegible] were [illegible] and it would appear that the [illegible] was not fully [illegible] before the [illegible] was published.

It is [illegible] that Major Broome considered the course of placing Mr. Ferguson below

(viz. Ferguson. Cant. Sheffield & Broughton) & Mr. Ferguson's claim to promotion to 2nd grade as Higher Grade Asst of 3rd Class Conservator.

The Govt. pursuant upon the recommendn. of the Dept. of Forests & Agriculture. viz: that Mr. F. & S. "did not consider that Mr. F. was eligible for promotion to the allowances of a 3rd Cl. Officer" i.e. Rs. 350 salary & Rs. 150 Forest allowance. and this Govt. quite willing to adopt Mr. Curtis W. F. case Govt. maintain the distinction without touching the question of the amt. of the allowances before last promotion (vide Govt. Resolution & the fact that he has hitherto no travelling allowance) performing duty at Rs. 400. & his D.A. at Rs. 100. This Govt. also accepted Mr. Curtis's contention in the matter of pension.

I understand that funds are available for doing this at once.

I think it right Mr. Scott here & I consider that the G.O. on this subject did adopt Mr. Curtis's view in this present Resolution & do not correctly quote the decision of Govt. of India as Mr. Curtis states.

I am sorry that

from my frequent conferences with Mr. Clayton on Forest matters & the claims of the Forest Staff. that he could never possibly have held out Mr. W. Ferguson the expectation of "promotion & the highest Executive Grade in the Imperial Forest Dept". or as understood in Shimla by the Conservator or Inspector at the head of the Dept. that the Govt. were disposed to admit except Mr. F's claim based on this expectation - Govt. say that a promise to make Mr. Clayton himself. Mr. Curtis not in a position much later, in disposing of the matter.

I believe that a (?) has been placed in the margin of Capt. Watkins present letter - Since Capt. Watkins his remark that Messrs. Curtis & Sheffield have given equal satisfaction (but not Mr. Ferguson) in the discharge of their duties.

I believe the statement is quite justified by facts. I have always heard Messrs. Curtis & Sheffield's discharge of their duties spoken of most favorably, on one occasion in particular I have reason to think that Mr. Curtis's representation to Govt. on the question of pay & allowances was the means of Mr. Ferguson's being retained in the Service.

7 Oct. 75.

below 7 of his juniors, and nearly at the bottom of a grade having 50 Officers in it, would have had for many years to come, no prospect of his ever getting beyond the 2nd grade, and as a gentleman of his standing and position in the service he must feel that his prospects of promotion were very unsatisfactory.

This does not appear to prevent a military man from rising to the highest ranks, or an officer in the I.C.S. to the rank of Sessions Judge, though in both these cases exceptional promotion at one places [illegible] Commissioned Officers in direct subordination to the

Mr. Curtis

official terms permitted.

In the Trust Dept. even this difficulty is non-existent, and it is submitted that the position is wholly untenable.

In forwarding his former letter, the Inspector of Trusts quoted from a letter of Dr. Clapham's to the effect that Mr. Jeffrey's pay was to be increased to 300 Rs a month when a Trust School of which he proposed to place him in charge, was established, and argued that, as this school was never established, the promotion was not earned.

As Mr. Logan however now points out they [illegible] instructions to be correct

Rule

I consider the position of the Inspector has assumed. The fact that both parties concerned in this dispute.

should have added "or when he attains 6 years service". 20

In para 3 of his letter above quoted, the Inspector contrasted Mr. Jeffrey's promotion with that of Messrs Wade & Griffiths who also entered the Dept. in the overseer grade.

Mr. Logan however now shows, on unquestionable evidence, which both the Board and the Inspector admit, that on being appointed on his arrival in India, to the grade of overseer Mr. Jeffrey was assigned and was immediately appointed Assistant Conservator.

The Inspector expresses his regret at having failed

to represent accurately the facts as to Mr Ferguson's resignation, and attributes the inaccuracy to the confused state of the records in his office.

He proceeds however to argue that, as the resignation was not formally accepted, and as Mr Ferguson was gazetted to the highest grade of Lieut. Assistant, he must be regarded as having entered no protest.

It is submitted, however, that this is more special pleading, and that the admitted facts justify the statement that Mr Ferguson did not protest the

He cites General Morgan's testimony & the substantial accuracy of his statement of the case. But testimony I conceive to be incompatible with W. Ferguson's assertion.

I cannot admit anything of the kind. But consider that as regards rank & relative position. W. Ferguson has excellent ground for complaint. But that on the contrary he has attained higher nominal rank than his antecedents & talents warranted him in expecting.

In the matter of pay I have already said that I consider his claims with ground of long & good service.

It is only not necessary but in my opinion not even justifiable.

the service in the grade of



it is submitted, show that Mr Ferguson has suffered great hardship in the grading of the Dept., and that if the remedy proposed in the G.O. 7th Augt 1874, N. 1003, that he is to be promoted when opportunity offers to the grade of 3d Class, is to be of any real efficacy, it is necessary that Mr Ferguson should not supersede some of those juniors by whom he has been superseded, as all have been so recently promoted that no one in the Dept is now eligible for promotion, under

under the rule of 3 years
being attained in a Class,
except in regard to those
here 5 years in his present
position.

There is now a vacancy
in the grade of 1st Class,
and even if it is decided to
leave that open, the grade
of 2d or 3d Class might be
temporarily increased by
one until the vacancy in
the 1st Class can be filled up.

A.L.

I am disposed to
acquiesce in W. Ferguson's
promotion in rank.

I can confirm Mr. Hudleston's
explanation of the in-
tentions of the Govt
as regards the special
position of Messrs Ferguson
Yorke & Sheffield at
the time of regrading.
It was intended to

recognize their good
service in their the Forest
Department by increased
pay, but it was not
intended that they shd
rise in grade. The subject
was repeatedly discussed
and this was the Resolution
at wh the Govt arrived.
I cannot accept the
alleged promise of Dr
Leghorn. I think it
is the highest degree
improbable and I do
not think that it
shd interfere with the
Govt in assigning
a proper position to

22

Mr. Ferguson and the
Messrs Yorke & Sheffield
others are here especially [illegible]

I gladly agree to Mr.
Hudleston's proposal
to mark the sense the
Govt entertain of the
services of these officers,
as suggested by the
Board of Revenue -
& approved by Mr.
Hudleston, - but I
would reiterate the
decision
intention of the Govt
that they have no
claim to anything
but the "allowances" &
that they will not be
promoted. - in grade -

London 11/10 1881 P.L. Ellis

Hon'ble

RD

23 No. 1645

23

Proc. of the Madras Govt.
Under date the 15th November 1875

Read the following
letter from the Off.g
Insp. of Forests.—

Forwarding for favorable consideration of Govt., Memorial from Mr. Ferguson, Dy Conservator of Nilambur Forests in Malabar Dist. praying for re-consideration of the orders fixing his position in the Grade & list of the Dept.

H.E. 15th Sept/75
No. 545

His Exy the G. in C. sees no reason to re-consider the orders passed on Mr. Ferguson's former Memorial—

2. H.E. observes that there has been no ground for misapprehension

Hill district — Have heard this matter fully discussed — both by Lempriere & Brough advocating — & consider that Mr Ferguson is perfectly sound

In personal points to Sconcern Mr F's claims Mr Lempriere

considered [illegible]

misapprehension of the intentions of Govt. who, at the time of the re-organization of the department, after the fullest consideration of the claims of Messrs. Ferguson, Garde & Sheffield, graded these officers together at the foot of the list with a marked separation from the rest of the Deputy Conservators. —

3- The decision of the Govt. in their order of the 7th Augt. 1874 of £1,003, when they accepted the recommendation of

of the Dept of Forests that these officers & Mr. Broughams might be considered eligible to the allowances of a 3d. class D.C. Conservator, is mis-quoted when it is stated that they were declared "to be eligible for promotion to the grade of 3d. Class D.C. Conservator." The words of the order are "to a grade not higher than 3d Class D.C. Conservator" and are thus quite consistent with the former order on the subject. —

H.S.

4. H.E. in Council is pleased now to mark his sense of the good services of Messrs. Ferguson, Garde & Sheffield by sanctioning an immediate increase to their allowances, which in the case of the two latter will be similar to those of a Deputy Conservator of the 3d. Class. In the case of Mr. Ferguson the distinction hitherto made with reference to the amount of his allowances will be maintained by fixing his pay at Rs. 400 & his travelling allowance at Rs. 100.

25

3 To the Offg. Inspector of Forests dr. 17 Nov.
14 the Board of Rev.s
6 the Secretariat General.s

50
14

90

Mr. Ferguson's
graded System
in the Forest Dept.