(1) Number of pages 18

(2) Date of repair 6.6.84

(3) Initials of the Referencer

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. / B.P. No:	Press. / Mis.
1315	
Dated 15.8.1878	197 .

Not to be folded or roughly handled

Archives I—5,806—24-2-78.

1315/1

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

15th August 1878, No. 1,315.

Read the following paper:—

No. 209. From E. VENKATA GOVINDA RAO NAIDU, late Sub-Magistrate of Vellore and Kangundi, North Arcot District, to C. G. MASTER, Esq., Secretary to Government, Revenue Department, dated Madras, 24th June 1878.

I BEG respectfully to submit herewith, for transmission to the Right Honorable the Secretary of State for India, my Memorial (in triplicate) appealing against the endorsement of Government, dated 21st January 1878, on petition No. 3,195 of 1877, declining to modify their order approving the decision of the Collector of the North Arcot District dismissing me from service.

2. I respectfully request that the Memorial, with its enclosures, may be forwarded for the consideration of the Secretary of State for India in Council.

ENCLOSURE No. 1.

Memorial from E. VENKATA GOVINDA RAO NAIDU, late Sub-Magistrate of Vellore and Kangundi, in the North Arcot District, to the Right Honorable the Secretary of State for India, London, dated 24th June 1878.

MOST RESPECTFULLY SHEWETH,

THAT your Memorialist has been unjustly dismissed from the service of Government by the Collector of the district above referred to, and that the Board of Revenue, Madras, and the local Government have returned his appeals to them without properly considering them or doing him justice.

2. Your Memorialist, therefore, ventures to place this Memorial before your Lordship in Council, in the earnest hope that your Lordship will duly consider the facts therein detailed and render justice.

3. In the year 1869 Memorialist entered the service of Government, and in the year 1873 he was appointed Sub-Magistrate of Vellore in the district above referred to.

4. Here he continued to do his duties up to January 1877, when he was transferred by the Collector to Kangundi, in the same district,—a place notoriously unhealthy, so-much-so that, in less than three years, more than six Sub-Magistrates left the station, each in turn being prostrated by sickness.

5. The transfer was not sought by Memorialist, but as it gave an increase of pay to him, and as he was unwilling to disobey orders in view of the exigencies of the service, he made no objections to the transfer and started to join his new station (Kangundi) the very next day to that on which the transfer was notified to him.

6. He worked there for over three months, but he was not proof against the sickness of the place. His health gradually gave way, and finally he was disabled for work by ague.

7. There was no medical assistance available at hand. Your Memorialist, therefore, on the night of the 4th May 1877 started by rail for Vellore, previously delivering over charge of the office to his immediate subordinate, and reporting the same to his superior, the Sub-Collector of North Arcot, whose head-quarters are at Vellore.

8. On the 5th May, after arrival at Vellore, the first thing that your Memorialist did was to see the Civil Surgeon of the place, Dr. Price. The conversation with him is detailed below, and Memorialist craves particular attention to it, as a reference to it is necessary at a later stage in the Memorial, in elucidation of the facts of the case.

9. Memorialist explained to the Doctor that he was suffering from ague. The Doctor thereon inquired to know if a Medical Certificate was wanted; Memorialist replied that he did not want one then, that he had come to place himself under treatment, and that the Doctor might give the regular Medical Certificate after a few days' treatment, if one was wanted by Memorialist's superiors.

10. Memorialist was then directed to attend hospital as an out-patient for ague, and a Certificate to that effect was granted by the Doctor.

11. Memorialist forwarded this Certificate at once to the Sub-Collector, with a request that leave might be granted for the time that Memorialist continued to be under treatment.

12. The Sub-Collector was absent from Vellore when Memorialist arrived at the place. He was on a tour in the villages and returned to the station on the 7th May. Immediately after arrival, he sent a Takeed, No. 37*, to Memorialist stating that, from the Certificate forwarded by him, he appeared to be suffering from ague, not a very serious sickness, and that, therefore, he would be considered as absent without leave until production of a regular Medical Certificate, showing clearly the nature of the sickness he was suffering from.

* Enclosure No. 1.

13. At the same time, the Sub-Collector also wrote a demi-official letter,† to Memorialist, which is enclosed in original, asking him when he would be able to return to his duty, and informing him that if he was unfit for work he should send in a regular Medical Certificate to enable the Sub-Collector to make arrangements for the post.

† Enclosure No. 2.

14. Memorialist replied to say that he was still ailing, and that he would produce a Medical Certificate as ordered. Later in the day, after the fit of ague for the day had passed over, Memorialist called personally on the Sub-Collector. That officer then remarked that he did not think that Memorialist was suffering from any severe sickness, and that Memorialist might, therefore, go back to his station. If, however, he could not do so, a Medical Certificate should be sent in. The Sub-Collector, at the same time, remarked that he had written to Dr. Price to know if Memorialist was *too ill* to do his duties, and that Dr. Price had written back to say that the sickness was *not very serious*.

15. Memorialist immediately went to Dr. Price and asked to know if he thought that Memorialist was in a fit state of health at the time to do his duties. Dr. Price then said that he would give medicines which Memorialist might take with him, and that he would also send a Hospital Assistant to attend on Memorialist, but that, "under the circumstances," he could not grant a regular Medical Certificate.

16. Memorialist was really ailing at the time, and he could not understand what the "circumstances" were under which the Doctor was precluded from giving the usual Certificate, though, however, he did not hesitate to offer to supply medicines, and to send a Hospital Assistant to attend on Memorialist.

17. From the nature of the Sub-Collector's inquiry addressed to the Doctor, desiring to know whether Memorialist was *too ill* to do his duties, and the Doctor's reply that the sickness was *not very serious*, and from the Doctor's conversation with Memorialist, it appeared to Memorialist that there was an inclination to send back Memorialist to Kangundi, at any rate, and to subordinate all considerations of health to his inclination.

18. In a similar case in the same district, some years ago, the then District Surgeon certified in the case of the late Gyanasagara Row, then Tahsildar of the Arcot Taluk, that "his heart beat like trumpet, and that he was in sound health." The Tahsildar was in a very bad state of health at the time, and another Doctor certified that "he was in a dying state." Leave for one month was granted on the latter Certificate, but before the expiration of eight days, the Tahsildar died, and was no more.

19. Memorialist felt that, in his own case, a mistake, similar to that made in the case of Gyanasagara Row, by the then District Surgeon, might have been made by Dr. Price.

20. Dr. Price was going away to Madras on the same evening as that on which Memorialist saw him, and there was, therefore, no time for Memorialist to see him again or explain matters.

21. Under these circumstances and in view of the very bad condition of his health, which there could be no doubt would have terminated fatally if Memorialist had gone back to Kangundi, he resolved on going to Madras the same evening and consulting the doctors of that place.

22. It must be noted here that both in his Takeed No. 37 and in his demi-official letter of the same date, and also in his conversation with Memorialist referred to in paragraphs 12, 13, and 14, the Sub-Collector called on Memorialist simply to submit the usual Medical Certificate, but had not specified or restricted that the Certificate should be obtained from any particular Doctor. Also, there was no rule in force at the time prohibiting Government servants from obtaining Certificates of sickness from medical officers not belonging to their district.

23. Memorialist, therefore, did nothing contrary to orders or rules in going to Madras to place himself under treatment and to obtain a Certificate from the medical officers of that place.

24. Immediately after arrival at Madras, *i.e.*, on the morning of the 8th May 1877, Memorialist saw Dr. Stanbrough, the Special Health Officer of Madras, who had on previous occasions treated Memorialist and explained to him the state of his health, and also told him that he had been admitted as an out-patient for ague by Dr. Price of Vellore as detailed in paragraphs 9 and 10 *supra*, though that officer since declined to give a regular Medical Certificate.

25. Dr. Stanbrough examined Memorialist, found him really sick and unable to do his duties, and thereon granted the usual Certificate recommending the grant of leave for two months. With this Certificate Memorialist waited on Surgeon-Major Hunt who countersigned the same.

26. Memorialist forwarded the Certificate so countersigned to the Sub-Collector at Vellore on the same day, *i.e.*, on the 8th May, with a letter requesting that leave as recommended might be granted.

27. A few days after the Certificate had been forwarded, Memorialist received at Madras on the 12th May 1877, a demi-official letter* from Mr. Whiteside, the Collector of the District. In this letter Mr. Whiteside stated that he had been informed by the Sub-Collector that Memorialist had left Kangundi without leave and had reported himself sick. Mr. Whiteside required Memorialist to go back at once to Kangundi or proceed to Chittoor to place himself under the treatment of the Zillah Surgeon of that place. This demi-official letter is dated the 8th May, and was posted at Palmanair to Memorialist's address at Vellore. After going to Chittoor and Vellore, it finally reached Memorialist at Madras on the 12th May as already stated.

* Enclosure No. 3.

28. On the same day Memorialist also received by the Post an official order† from Mr. Whiteside, dated 10th May 1877, No. 185, stating that Memorialist had been warned by the Sub-Collector that unless a Medical Certificate from the Zillah Surgeon of the North Arcot District was produced, Memorialist would be considered as absent without leave; that, notwithstanding this warning, Memorialist had left the district, and that therefore he was placed under suspension, and that if he did not return immediately, he would be dismissed.

† Enclosure No. 4.

29. Long before the receipt of the demi-official letter and the order above referred to, Memorialist had forwarded the Certificate granted to him by two commissioned medical officers at Madras, and it will be observed from paragraph 22 *supra* that the Sub-Collector had not at any time intimated to Memorialist that he was prohibited from obtaining a Medical Certificate from medical officers not belonging to the district.

30. Under these circumstances, therefore, Memorialist wrote* to Mr. Whiteside on the 13th May 1877, stating that he was still ill from ague and pain in the joints, and therefore unable to join his post, and that if the Collector was not satisfied with the original Certificate granted by Dr. Price of Vellore and the subsequent regular Certificate granted by Dr. Stanbrough and Surgeon-Major Hunt, he might refer to other commissioned medical officers at Madras as to Memorialist's state of health.

* Enclosure No. 5.

31. In reply to the above, the Collector sent another order†, dated 17th May 1877, stating that if Memorialist did not join his appointment at once, he must take the consequences. The Collector again repeated that Memorialist had been warned by the Sub-Collector against obtaining a Certificate from any officer other than the District Zillah Surgeon. This is incorrect as already explained. In the same order Mr. Whiteside further added that Memorialist's assertion that Dr. Price had certified to his ill-health was wholly false. This refers to that part of Memorialist's letter, dated 13th May 1877, in which he alluded to the original Certificate granted by Dr. Price, admitting Memorialist as an out-patient for ague. Memorialist fails to see that he made any false statement by referring to this Certificate of Dr. Price.

† Enclosure No. 6.

32. Memorialist at this stage hoped to be soon able to go back to his duty, but his health suffered again from a relapse, and he therefore, on the 6th June 1877,‡ wrote to the Collector, and requested that he would be pleased to grant him fifteen days' time at least on the Certificates already submitted by him. If, however, the Collector was unwilling to do so, Memorialist requested that his resignation of the service might be accepted.

‡ Enclosure No. 7.

33. The Collector, however, would do neither, but recorded a Proceedings,§ dated 13th June 1877, No. 226, dismissing Memorialist from the service.

§ Enclosure No. 8.

34. From the papers recorded by the Collector in the above Proceedings, it will be seen that he had held correspondence with the Board of Revenue on this subject. Memorialist

learns that at first the Board suggested to Government that as the Doctor at Vellore had refused to give a regular medical certificate, and one had been granted by the officers at Madras, the opinion of a Medical Committee should be obtained as to the cause of the difference between the Doctors, and as to the state of the health of Memorialist.

35. This, however, was never done, though Memorialist also had repeatedly asked that the opinion of a Medical Committee might be taken. In the mean while, the Collector's order suspending Memorialist from service was approved.

36. The Collector subsequently wrote to the Board informing them that he had dismissed Memorialist from service. Memorialist learns that on this communication the Board pointed out to the Collector that he had no authority to dismiss a Sub-Magistrate from public service without the previous sanction of Government, and that he should call for any explanation which Memorialist may have to offer and submit it to them.

37. Memorialist had addressed the Board against the injustice done to him by the Collector, but they gave endorsements ‖ referring him to the Collector, to whom, they stated, instructions had been given.

‖ Enclosures Nos. 9 & 10.

38. With reference to these endorsements Memorialist addressed the Collector repeatedly, but he neither called for nor took any explanation from Memorialist, though the Board had directed him to do so.

39. Memorialist learns that the Collector ultimately wrote to the Board stating that he did not intend to contravene the rule requiring the previous sanction of Government to dismiss officers of the rank of Memorialist, but that as Memorialist had written a final letter refusing to join his station, notwithstanding the repeated orders issued to him, he had been dismissed, and the Collector, therefore, requested that the order might be upheld.

40. The Board then dropped their requisition for an explanation from Memorialist, and, Memorialist learns, called on the Collector to send the letter in which it was stated Memorialist had refused to return to duty.

41. The last letter which Memorialist wrote to the Collector is the one referred to in paragraph 32, dated 6th June 1877, in which he asked for fifteen days' time, and stated that if this could not be granted, he was under the painful necessity of being compelled to resign the service.

42. Memorialist fails to see that this letter was disrespectful, or was an absolute refusal on his part to return to duty.

43. Nevertheless, after obtaining copy of this letter, the Board appear to have recommended to Government the confirmation of the Collector's order dismissing memorialist from service, and the Government also confirmed it.

44. The Collector would not admit any explanation from Memorialist, nor were the petitions addressed by Memorialist to the Board considered by them or submitted by them to Government when they recommended to Government the confirmation of his dismissal from the service. Thus it happened that the Government also passed their orders without allowing an opportunity of explanation to Memorialist.

45. When Memorialist addressed Government they passed an endorsement*, dated 21st January 1878, stating that they saw no reason to reconsider their order approving Memorialist's removal from the service.

* Enclosure No. 11.
Do. „ 12.

46. Thus it will be seen that both the Government and the Board have approved of Memorialist's removal from service, solely on the strength of the Collector's representations without allowing any opportunity of explanation to Memorialist.

47. Memorialist learns that in his letters to the Board the Collector has, evidently with a view to prejudice Memorialist's case, made several irrelevant imputations which are unfounded, in fact, viz., that Memorialist had, at the very out-set, when he was transferred to Kangundi, raised objections to go there; that he had grown remiss in his duties; that he had been in the habit of secretly coming away to Vellore on Sundays without leave, &c. All these imputations are an after thought, and have been fully refuted in Memorialist's petitions addressed to the Board and Government, which, however, as already stated, were never properly considered by the authorities. Memorialist, therefore, begs that the petitions submitted with enclosures Nos. 9, 10, and 11, may be consulted on these points.

48. Memorialist did not commit any grave offences such as fraud, &c., to merit dismissal from service. He had fallen sick in a notoriously unhealthy place, a transfer to which, though on promotion, is like banishment to an unknown region, and in the absence of medical aid at hand, he had come down to the head-quarters of his immediate superior the Sub-Collector, to place himself under medical treatment, duly reporting the fact to the Sub-Collector. And as directed by the Sub-Collector, he had also forwarded the required Medical

Certificate obtained from the medical officers of Madras, the Doctor at Vellore having, under not very satisfactory circumstances, refused the Certificate as already detailed. And for this Memorialist is dismissed from the service.

49. Memorialist begs respectfully to submit that he has been very unjustly dealt with, and there is no adequate reason why an explanation should not have been taken from him, or the state of his health referred for the opinion of a Medical Committee, as suggested by the Board themselves at one stage of the proceedings, and as repeatedly requested by Memorialist.

50. Memorialist left his station on the night of the 4th May 1877, and in little more than a month the Collector issued the final dismissal order, dated 13th June 1877. And yet, Memorialist learns, the Collector has, while writing six months afterwards, represented to the Board that Memorialist had not yet returned to duty, as if it was open to him to return after dismissal.

51. Memorialist, therefore, earnestly prays that all the facts above stated and the documents herein enclosed may be duly considered and justice rendered to Memorialist by restoring him to service, or if this cannot be done, by at least accepting his resignation and sparing his character from the stigma of dismissal.

For which act of kindness, Memorialist, as in duty bound, will ever pray.

No. 210. ORDER THEREON, 15th August 1878, No. 1,315.

Miscellaneous.

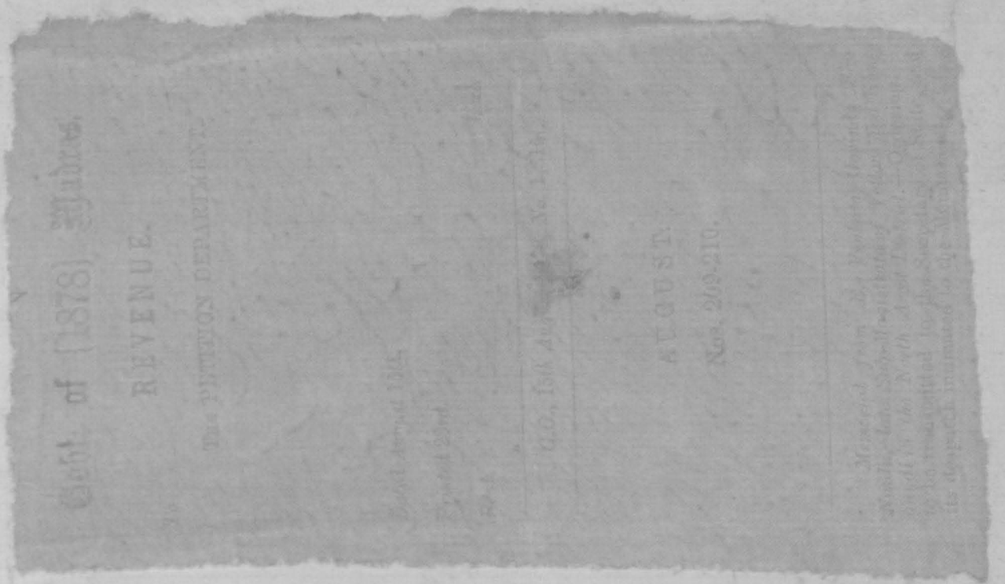
ORDERED that the Memorial be forwarded to the Secretary of State, and that the Memorialist be informed of its despatch.

(True Extract.)

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

To the Petition Department.

Exd. F. R. Bantleman.



1331
24/6/78
18 Encl.

No. 3550
Revenue 1878 Sept.
Government of Madras.

DEPARTMENT.

Petition No. 1331 of 1878.
From C. Venkata Gowda
Rao Naida.
Occupation late Lt Peyte
of Vellore & Vanguet
Village
Taluk
District North Arcot
Dated 24 June 1878
Received 24 " "
14 Enclosures.

Memorandum

ABSTRACT.

In 1878 the petitioner submits herewith a Memorial to the Secretary of State for

forwards, appealing against the order of petitioner dismissed by the Collector of North Arcot, which has been upheld by Govt; and prays that the memorial with its enclosures may be transmitted to that authority.

No. 209-

To

C. G. Master Esqre,
Secretary to Government,
Revenue Department,
Fort Saint George.

Honored Sir,

I beg respectfully to submit herewith for transmission to the Right Honorable the Secretary of State for India, my Memorial in Triplicate appealing against the order of Govt. dated 21st January 1878 on Petition No. 3195 of 1877 declining to modify their order approving the decision of the Collector of the North Arcot District dismissing me from service.

I respectfully request that the Memorial with its enclosures may be forwarded for the consideration of the Secretary

Secretary of State for India in Council.

One Enclosure to follow

I beg to remain

Madras
24th June 1870.

Honored Sir

Your most obedient Servant

Illegible

late Sub Collr.

1318
6

D. 1318

Proceedings of Madras Government

Revenue Department

No 1911 Read the following letter from the Accountant General Madras to the Secretary to Government Revenue Department dated Fort St George 1st September 1868.

With reference to the order of Government in the Revenue Department dated 7th instant forwarding a petition from the Sheristadar to report that the Rules admit of the payment of half of the Tahsildar's pay to Gokulagar for the period he has acted as Tahsildar of Madura during the suspension of Sooriadoo Thooty together with half pay of his own as sole Executor to the deceased Chetty Sooriadoo Thooty.

In reply to the above I have the honor to report that the Rules admit of the payment of half of the Tahsildar's pay to Gokulagar for the period he has acted as Tahsildar of Madura during the suspension of Sooriadoo Thooty together with half pay of his own as sole Executor to the deceased Chetty Sooriadoo Thooty.

This honorable Course are entitled Charges to Government of Rs 485-6-8 for the period in question, since Sooria Thooty has been restored

Sooriadoo

Dis No 1149 of 1868

to Office with benefit of sole pay,
and for this Extra charge the Sanction
Government is necessary.

Order thereon.

15 September 1868 No 9387.

The Assignment of Rs 485 6 8
is Sanctioned.

True Extract

/Signed/ R Dalrymple
Off Secy to Govt

Revenue Board's Office
7 Octr 1868

True Copy.

Translation of the Order of the Collector

No 1318

To

Ramaswamy Aiyangar
Sub Magistrate in charge
Seroorudamy Dt

As Sadagopa Chetty Sub
Magistrate of Mudukolattoor Dt having
been transferred to Seroorudamy Dt
you are hereby directed to deliver
over charge to him.

You are appointed as Sub
Magistrate in charge of Mudukolattoor
Dt & therefore to take charge of the
Office & Conduct the duties connected
therewith. I cannot describe at present
that you will receive increase of pay
for the additional duty attached to the
office of that Dt

/Signed/ D Carbuthnath
Collector

Chudasco 12 November
1867

True translation
Ramaswamy Aiyangar

Dr No 1149 Dt 28

GO 15 August [illegible] 1315

Transferred with a Memorial to the Secretary of State & other Enclosures to the Chief Secretary to Govt.

(By order)
Philip Hanmer
Private Secretary

Govt House
Rotacamund
24th May 1878

No. 28/6

No. 5
29/5/78

Original

1315/10

To

The Right Honorable the
Secretary of State for India,
LONDON.

The humble Memorial of E. VENKATA GOVINDA RAO NAIDU, late Sub-Magistrate of Vellore and Kangundi in the North Arcot District of the Madras Presidency in India.

Most Respectfully Sheweth,

1. That your Memorialist has been unjustly dismissed from the service of Government, by the Collector of the District above referred to, and that the Board of Revenue, Madras, and the local Government have returned his appeals to them without properly considering them or doing him justice.

2. Your Memorialist therefore ventures to place this Memorial before your Lordship in Council, in the earnest hope that your Lordship will duly consider the facts therein detailed and render justice.

3. In the year 1869 Memorialist entered the service of Government, and in the year 1873 he was appointed Sub-Magistrate of Vellore in the District above referred to.

4. Here he continued to do his duties up to January 1877, when he was transferred by the Collector to Kangundi, in the same District, a place notoriously unhealthy, so-much-so that, in less than three years, more than six Sub-Magistrates left the station, each in turn being prostrated by sickness.

5. The transfer was not sought by Memorialist, but as it gave an increase of pay to him, and as he was unwilling to disobey orders in view of the exigencies of the service, he made no objections to the transfer and started to join his new station, Kangundi, the very next day to that on which the transfer was notified to him.

6. He worked there for over three months, but he was not proof against the sickness of the place. His health gradually gave way, and finally he was disabled for work by Ague.

7. There was no medical assistance available at hand. Your Memorialist, therefore, on the night of the 4th May 1877 started by rail for Vellore, previously delivering over charge of the office to his immediate subordinate and reporting the same to his superior, the Sub-Collector of North Arcot, whose head-quarters are at Vellore.

8. On the 5th May, after arrival at Vellore, the first thing that your Memorialist did was to see the Civil Surgeon of the place, Doctor Price. The conversation with him is detailed below, and Memorialist craves particular attention to it, as a reference to it is necessary at a later stage in the Memorial, in elucidation of the facts of the case.

In No 1331 of 78

9. Memorialist explained to the Doctor that he was suffering from Ague. The Doctor thereon enquired to know if a Medical Certificate was wanted; Memorialist replied that he did not want one then, that he had come to place himself under treatment, and that the Doctor might give the regular Medical Certificate after a few days' treatment, if one was wanted by Memorialist's superiors.

10. Memorialist was then directed to attend Hospital as an out-patient for Ague, and a Certificate to that effect was granted by the Doctor.

11. Memorialist forwarded this Certificate at once to the Sub-Collector, with a request that leave might be granted for the time that Memorialist continued to be under treatment.

12. The Sub-Collector was absent from Vellore when Memorialist arrived at the place. He was on a tour in the villages and returned to the station on the 7th May. Immediately after arrival, he sent a Takeed* No. 37 to Memorialist stating that, from the Certificate forwarded by him he appeared to be suffering from Ague, not a very serious sickness, and that therefore he would be considered as absent without leave until production of a regular Medical Certificate, showing clearly the nature of the sickness he was suffering from.

* Enclosure No. 1.

13. At the same time the Sub-Collector also wrote a demi-official letter† to Memorialist which is enclosed in original, asking him when he would be able to return to his duty, and informing him that if he was unfit for work he should send in a regular Medical Certificate to enable the Sub-Collector to make arrangements for the post.

† Enclosure No. 2.

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17. From the nature of the Sub-Collector's enquiry addressed to the Doctor, desiring to know whether Memorialist was *too ill* to do his duties, and the Doctor's reply that the sickness was *not very serious*, and from the Doctor's conversation with Memorialist, it appeared to Memorialist that there was an inclination to send back Memorialist to Kangundi, at any rate, and to subordinate all considerations of health to his inclination.

18. In a similar case in the same District, some years ago, the then District Surgeon certified in the case of the late Gyanasagara Row, then Tahsildar of the Arcot Taluq, that "his heart beats like a trumpet, and that he was in sound health." The Tahsildar was in a very bad state of

13/5/11

health at the time, and another Doctor certified that "he was in a dying state." Leave for one month was granted on the latter certificate, but before the expiration of eight days, the Tahsildar died and was no more.

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22. It must be noted here that both in his Takeed No. 37 and in his demi-official letter of the same date, and also in his conversation with Memorialist, referred to in paras. 12, 13 and 14, the Sub-Collector called on Memorialist simply to submit the usual Medical Certificate, but had not specified or restricted that the certificate should be obtained from any particular Doctor. Also, there was no rule in force at the time prohibiting Government servants from obtaining certificates of sickness from Medical Officers not belonging to their District.

23. Memorialist therefore did nothing contrary to orders or rules in going to Madras to place himself under treatment and to obtain a certificate from the Medical Officers of that place.

24. Immediately after arrival at Madras, *i. e.*, on the morning of the 8th May 1877, Memorialist saw Doctor Stanbrough, the Special Health Officer of Madras, who had on previous occasions treated Memorialist, and explained to him the state of his health, and also told him that he had been admitted as an out-patient for Ague by Doctor Price of Vellore as detailed in paras. 9 and 10 *supra*, though that officer since declined to give a regular Medical Certificate.

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27. A few days after the certificate had been forwarded, Memorialist received at Madras on the 12th May 1877, a demi-official letter * from Mr. Whiteside, the Collector of the District. In this letter Mr. Whiteside stated that he had been informed by the Sub-Collector that Memorialist had left Kangundi without leave and had reported himself sick. Mr. Whiteside required Memorialist to go back at once to Kangundi or proceed to Chittoor to place himself under the treatment of the Zillah Surgeon of that place. This demi-official letter is dated the 8th May, and was posted at Palmanair to Memorialist's address at Vellore. After going to Chittoor and Vellore, it finally reached Memorialist at Madras on the 12th May as already stated.

* Enclosure No. 3.

28. On the same day Memorialist also received by the post an official order † from Mr. Whiteside dated 10th May 1877, No. 185, stating that Memorialist had been warned by the Sub-Collector that unless a Medical Certificate from the Zillah Surgeon of the North Arcot District was produced, Memorialist would be considered as absent without leave; that notwithstanding this warning Memorialist had left the District, and that therefore he was placed under suspension, and that if he did not return immediately, he would be dismissed.

† Enclosure No. 4.

29. Long before the receipt of the demi-official letter and the order above referred to, Memorialist had forwarded the certificate granted to him by two Commissioned Medical Officers at Madras, and it will be observed from para. 22 *supra*, that the Sub-Collector had not at any time intimated to Memorialist that he was prohibited from obtaining a Medical Certificate from Medical Officers not belonging to the District.

30. Under these circumstances, therefore, Memorialist *wrote to Mr. Whiteside on the 13th May 1877 stating that, he was still ill from Ague and pain in the joints, and therefore unable to join his post, and that if the Collector was not satisfied with the original Certificate granted by Doctor Price of Vellore and the subsequent regular certificate granted by Doctor Stanbrough and Surgeon-Major Hunt, he might refer to other Commissioned Medical Officers at Madras as to Memorialist's state of health.

* Enclosure No. 5.

31. In reply to the above, the Collector sent another order, dated † 17th May 1877, stating that if Memorialist did not join his appointment at once, he must take the consequences. The Collector again repeated that Memorialist had been warned by the Sub-Collector against obtaining a certificate from any officer other than the District Zillah Surgeon. This is incorrect as already explained. In the same order Mr. Whiteside further added that Memorialist's assertion that Doctor Price had certified to his ill-health was wholly false. This refers to that part of Memorialist's letter, dated 13th May 1877, in which he alluded to the original certificate granted by Doctor Price, admitting Memorialist as an out-patient for Ague. Memorialist fails to see that he made any false statement by referring to this certificate of Doctor Price.

† Enclosure No. 6.

32. Memorialist at this stage hoped to be soon able to go back to his duty, but his health suffered again from a relapse, and he, therefore, on the 6th June 1877 ‡ wrote to the Collector and requested that he would be pleased to grant him fifteen days' time at least on the certificates already submitted by him. If, however, the Collector was unwilling to do so, Memorialist requested that his resignation of the service might be accepted.

‡ Enclosure No. 7.

§ Enclosure No. 8.

33. The Collector, however, would do neither, but recorded a Proceedings § dated 13th June 1877, No. 226, dismissing Memorialist from the service.

34. From the papers recorded by the Collector in the above proceedings, it will be seen that he had held correspondence with the Board of Revenue on this subject. Memorialist learns that at first the Board suggested to Government that as the Doctor at Vellore had refused to give a regular Medical Certificate, and one had been granted by the Officers at Madras, the opinion of a Medical Committee should be obtained as to the cause of the difference between the Doctors, and as to the state of the health of Memorialist.

35. This, however, was never done, though Memorialist also had repeatedly asked that the opinion of a Medical Committee might be taken. In the meanwhile the Collector's order suspending Memorialist from service was approved.

36. The Collector subsequently wrote to the Board informing them that he had dismissed Memorialist from service. Memorialist learns that on this communication the Board pointed out to the Collector that he had no authority to dismiss a Sub-Magistrate from public service without the previous sanction of Government, and that he should call for any explanation which Memorialist may have to offer and submit it to them.

37. Memorialist had addressed the Board against the injustice done to him by the Collector, but they gave endorsements‖ referring him to the Collector, to whom, they stated, instructions had been given.

‖ Enclosures Nos. 9 & 10.

1315/12

38. With reference to these endorsements Memorialist addressed the Collector repeatedly, but he neither called for nor took any explanation from Memorialist, though the Board had directed him to do so.

39. Memorialist learns that the Collector ultimately wrote to the Board stating that, he did not intend to contravene the rule requiring the previous sanction of Government to dismiss officers of the rank of Memorialist, but that as Memorialist had written a final letter refusing to join his station notwithstanding the repeated orders issued to him, he had been dismissed, and the Collector therefore requested that the order might be upheld.

40. The Board then dropped their requisition for an explanation from Memorialist, and, Memorialist learns, called on the Collector to send the letter in which it was stated Memorialist had refused to return to duty.

41. The last letter which Memorialist wrote to the Collector is the one referred to in para. 32, dated 6th June 1877, in which he asked for fifteen days' time, and stated that if this could not be granted, he was under the painful necessity of being compelled to resign the service.

42. Memorialist fails to see that this letter was disrespectful, or was an absolute refusal on his part to return to duty.

43. Nevertheless after obtaining copy of this letter, the Board appear to have recommended to Government the confirmation of the Collector's order dismissing Memorialist from service, and the Government also confirmed it.

44. The Collector would not admit any explanation from Memorialist, nor were the Petitions addressed by Memorialist to the Board considered by them or submitted by them to Government when they recommended to Government the confirmation of his dismissal from the service. Thus it happened that the Government also passed their orders without allowing an opportunity of explanation to Memorialist.

45. When Memorialist addressed Government they passed an endorsement*, dated 21st January 1878 stating that, they saw no reason to re-consider their order approving Memorialist's removal from the service.

* Enclosure No. 11.

46. Thus it will be seen that both the Government and the Board have approved of Memorialist's removal from service, solely on the strength of the Collector's representations without allowing any opportunity of explanation to Memorialist.

47. Memorialist learns that in his letters to the Board, the Collector has, evidently with a view to prejudice Memorialist's case, made several irrelevent imputations which are unfounded, in fact, viz., that Memorialist had, at the very out-set, when he was transferred to Kangundi, raised objections to go there; that he had grown remiss in his duties; that he had been in the habit of secretly coming away to Vellore on Sundays without leave, &c. All these imputations are an after thought, and have been fully refuted in Memorialist's Petitions addressed to the Board and Government, which, however, as already stated, were never properly considered by the authorities. Memorialist therefore begs that the Petitions submitted with Enclosures Nos. 9, 10 and 11 may be consulted on these points.

48. Memorialist did not commit any grave offences such as fraud, &c., to merit dismissal from service. He had fallen sick in a notoriously unhealthy place, a transfer to which, though on promotion, is like banishment to an unknown region, and in the absence of medical aid at hand, he had come down to the head-quarters of his immediate superior the Sub-Collector, to place himself under medical treatment, duly reporting the fact to the Sub-Collector. And as directed by the Sub-Collector, he had also forwarded the required Medical Certificate.

obtained from the Medical Officers of Madras, the Doctor at Vellore having, under not very satisfactory circumstances, refused the certificate as already detailed. And for this, Memorialist is dismissed from the service.

49. Memorialist begs respectfully to submit that he has been very unjustly dealt with, and there is no adequate reason why an explanation should not have been taken from him, or the state of his health referred for the opinion of a Medical Committee, as suggested by the Board themselves at one stage of the proceedings, and as repeatedly requested by Memorialist.

50. Memorialist left his station on the night of the 4th May 1877, and in little more than a month the Collector issued the final dismissal order, dated 13th June 1877. And yet, Memorialist learns, the Collector has, while writing six months afterwards, represented to the Board that Memorialist had not yet returned to duty, as if it was open to him to return after dismissal.

51. Memorialist therefore earnestly prays that all the facts above stated and the documents herein enclosed may be duly considered, and justice rendered to Memorialist by restoring him to service, or if this cannot be done, by at least accepting his resignation and sparing his character from the stigma of dismissal.

For which act of kindness, Memorialist as in duty bound

WILL EVER PRAY.

Ellem Kartyoma Venkatarama Rao Naidu
late Sub-Magistrate

Madras
24th June 1878

Duplicate

13/8/13

To

The Right Honorable the
Secretary of State for India,
LONDON.

The humble Memorial of E. VENKATA GOVINDA RAO NAIDU, late Sub-Magistrate of Vellore and Kangundi in the North Arcot District of the Madras Presidency in India.

Most Respectfully Sheweth,

1. That your Memorialist has been unjustly dismissed from the service of Government, by the Collector of the District above referred to, and that the Board of Revenue, Madras, and the local Government have returned his appeals to them without properly considering them or doing him justice.

2. Your Memorialist therefore ventures to place this Memorial before your Lordship in Council, in the earnest hope that your Lordship will duly consider the facts therein detailed and render justice.

3. In the year 1869 Memorialist entered the service of Government, and in the year 1873 he was appointed Sub-Magistrate of Vellore in the District above referred to.

4. Here he continued to do his duties up to January 1877, when he was transferred by the Collector to Kangundi, in the same District, a place notoriously unhealthy, so-much-so that, in less than three years, more than six Sub-Magistrates left the station, each in turn being prostrated by sickness.

5. The transfer was not sought by Memorialist, but as it gave an increase of pay to him, and as he was unwilling to disobey orders in view of the exigencies of the service, he made no objections to the transfer and started to join his new station, Kangundi, the very next day to that on which the transfer was notified to him.

6. He worked there for over three months, but he was not proof against the sickness of the place. His health gradually gave way, and finally he was disabled for work by Ague.

7. There was no medical assistance available at hand. Your Memorialist, therefore, on the night of the 4th May 1877 started by rail for Vellore, previously delivering over charge of the office to his immediate subordinate and reporting the same to his superior, the Sub-Collector of North Arcot, whose head-quarters are at Vellore.

8. On the 5th May, after arrival at Vellore, the first thing that your Memorialist did was to see the Civil Surgeon of the place, Doctor Price. The conversation with him is detailed below, and Memorialist craves particular attention to it, as a reference to it is necessary at a later stage in the Memorial, in elucidation of the facts of the case.

In No 1331 8/13

9. Memorialist explained to the Doctor that he was suffering from Ague. The Doctor thereon enquired to know if a Medical Certificate was wanted; Memorialist replied that he did not want one then, that he had come to place himself under treatment, and that the Doctor might give the regular Medical Certificate after a few days' treatment, if one was wanted by Memorialist's superiors.

10. Memorialist was then directed to attend Hospital as an out-patient for Ague, and a Certificate to that effect was granted by the Doctor.

11. Memorialist forwarded this Certificate at once to the Sub-Collector, with a request that leave might be granted for the time that Memorialist continued to be under treatment.

12. The Sub-Collector was absent from Vellore when Memorialist arrived at the place. He was on a tour in the villages and returned to the station on the 7th May. Immediately after arrival, he sent a Takeed* No. 37 to Memorialist stating that, from the Certificate forwarded by him he appeared to be suffering from Ague, not a very serious sickness, and that therefore he would be considered as absent without leave until production of a regular Medical Certificate, showing clearly the nature of the sickness he was suffering from.

* Enclosure No. 1.

13. At the same time the Sub-Collector also wrote a demi-official letter† to Memorialist which is enclosed in original, asking him when he would be able to return to his duty, and informing him that if he was unfit for work he should send in a regular Medical Certificate to enable the Sub-Collector to make arrangements for the post.

† Enclosure No. 2.

14. Memorialist replied to say that he was still ailing, and that he would produce a Medical Certificate as ordered. Later in the day, after the fit of Ague for the day had passed over, Memorialist called personally on the Sub-Collector. That officer then remarked that he did not think that Memorialist was suffering from any severe sickness, and that Memorialist might therefore go back to his station. If, however, he could not do so, a Medical Certificate should be sent in. The Sub-Collector at the same time remarked that he had written to Dr. Price to know if Memorialist was *too ill* to do his duties, and that Doctor Price had written back to say that the sickness was *not very serious*.

15. Memorialist immediately went to Doctor Price and asked to know if he thought that Memorialist was in a fit state of health at the time to do his duties. Doctor Price then said that he would give medicines which Memorialist might take with him, and that he would also send a Hospital Assistant to attend on Memorialist, but that "under the circumstances" he could not grant a regular Medical Certificate.

16. Memorialist was really ailing at the time, and he could not understand what the "circumstances" were under which the Doctor was precluded from giving the usual certificate, though, however, he did not hesitate to offer to supply medicines, and to send a Hospital Assistant to attend on Memorialist.

17. From the nature of the Sub-Collector's enquiry addressed to the Doctor, desiring to know whether Memorialist was *too ill* to do his duties, and the Doctor's reply that the sickness was *not very serious*, and from the Doctor's conversation with Memorialist, it appeared to Memorialist that there was an inclination to send back Memorialist to Kangundi, at any rate, and to subordinate all considerations of health to his inclination.

18. In a similar case in the same District, some years ago, the then District Surgeon certified in the case of the late Gyanasagara Row, then Tahsildar of the Arcot Taluq, that "his heart beat like a trumpet, and that he was in sound health." The Tahsildar was in a very bad state of

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health at the time, and another Doctor certified that "he was in a dying state." Leave for one month was granted on the latter certificate, but before the expiration of eight days, the Tahsildar died and was no more.

19. Memorialist felt that in his own case a mistake, similar to that made in the case of Gyanasagara Row by the then District Surgeon, might have been made by Doctor Price.

20. Doctor Price was going away to Madras on the same evening as that on which Memorialist saw him, and there was therefore no time for Memorialist to see him again or explain matters.

21. Under these circumstances and in view of the very bad condition of his health, which there could be no doubt would have terminated fatally if Memorialist had gone back to Kangundi, he resolved on going to Madras the same evening and consulting the Doctors of that place.

22. It must be noted here that both in his Takeed No. 37 and in his demi-official letter of the same date, and also in his conversation with Memorialist, referred to in paras. 12, 13 and 14, the Sub-Collector called on Memorialist simply to submit the usual Medical Certificate, but had not specified or restricted that the certificate should be obtained from any particular Doctor. Also, there was no rule in force at the time prohibiting Government servants from obtaining certificates of sickness from Medical Officers not belonging to their District.

23. Memorialist therefore did nothing contrary to orders or rules in going to Madras to place himself under treatment and to obtain a certificate from the Medical Officers of that place.

24. Immediately after arrival at Madras, *i. e.*, on the morning of the 8th May 1877, Memorialist saw Doctor Stanbrough, the Special Health Officer of Madras, who had on previous occasions treated Memorialist, and explained to him the state of his health, and also told him that he had been admitted as an out-patient for Ague by Doctor Price of Vellore as detailed in paras. 9 and 10 *supra*, though that officer since declined to give a regular Medical Certificate.

25. Doctor Stanbrough examined Memorialist, found him really sick and unable to do his duties and thereon granted the usual certificate recommending the grant of leave for two months. With this certificate Memorialist waited on Surgeon-Major Hunt who countersigned the same.

26. Memorialist forwarded the certificate so countersigned to the Sub-Collector at Vellore on the same day, *i. e.* on the 8th May, with a letter requesting that leave as recommended might be granted.

27. A few days after the certificate had been forwarded, Memorialist received at Madras on the 12th May 1877, a demi-official letter * from Mr. Whiteside, the Collector of the District. In this letter Mr. Whiteside stated that he had been informed by the Sub-Collector that Memorialist had left Kangundi without leave and had reported himself sick. Mr. Whiteside required Memorialist to go back at once to Kangundi or proceed to Chittoor to place himself under the treatment of the Zillah Surgeon of that place. This demi-official letter is dated the 8th May, and was posted at Palmanair to Memorialist's address at Vellore. After going to Chittoor and Vellore, it finally reached Memorialist at Madras on the 12th May as already stated.

* Enclosure No. 3.

28. On the same day Memorialist also received by the post an official order † from Mr. Whiteside dated 10th May 1877, No. 185, stating that Memorialist had been warned by the Sub-Collector that unless a Medical Certificate from the Zillah Surgeon of the North Arcot District was produced, Memorialist would be considered as absent without leave; that notwithstanding this warning Memorialist had left the District, and that therefore he was placed under suspension, and that if he did not return immediately, he would be dismissed.

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29. Long before the receipt of the demi-official letter and the order above referred to, Memorialist had forwarded the certificate granted to him by two Commissioned Medical Officers at Madras, and it will be observed from para. 22 *supra*, that the Sub-Collector had not at any time intimated to Memorialist that he was prohibited from obtaining a Medical Certificate from Medical Officers not belonging to the District.

30. Under these circumstances, therefore, Memorialist *wrote to Mr. Whiteside on the 13th May 1877 stating that, he was still ill from Ague and pain in the joints, and therefore unable to join his post, and that if the Collector was not satisfied with the original Certificate granted by Doctor Price of Vellore and the subsequent regular certificate granted by Doctor Stanbrough and Surgeon-Major Hunt, he might refer to other Commissioned Medical Officers at Madras as to Memorialist's state of health.

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31. In reply to the above, the Collector sent another order, dated † 17th May 1877, stating that if Memorialist did not join his appointment at once, he must take the consequences. The Collector again repeated that Memorialist had been warned by the Sub-Collector against obtaining a certificate from any officer other than the District Zillah Surgeon. This is incorrect as already explained. In the same order Mr. Whiteside further added that Memorialist's assertion that Doctor Price had certified to his ill-health was wholly false. This refers to that part of Memorialist's letter, dated 13th May 1877, in which he alluded to the original certificate granted by Doctor Price, admitting Memorialist as an outpatient for Ague. Memorialist fails to see that he made any false statement by referring to this certificate of Doctor Price.

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32. Memorialist at this stage hoped to be soon able to go back to his duty, but his health suffered again from a relapse, and he, therefore, on the 6th June 1877 ‡ wrote to the Collector and requested that he would be pleased to grant him fifteen days' time at least on the certificates already submitted by him. If, however, the Collector was unwilling to do so, Memorialist requested that his resignation of the service might be accepted.

‡ Enclosure No. [illegible]

33. The Collector, however, would do neither, but recorded a Proceedings § dated 13th June 1877, No. 226, dismissing Memorialist from the service.

§ Enclosure No. 8.

34. From the papers recorded by the Collector in the above proceedings, it will be seen that he had held correspondence with the Board of Revenue on this subject. Memorialist learns that at first the Board suggested to Government that as the Doctor at Vellore had refused to give a regular Medical Certificate, and one had been granted by the Officers at Madras, the opinion of a Medical Committee should be obtained as to the cause of the difference between the Doctors, and as to the state of the health of Memorialist.

35. This, however, was never done, though Memorialist also had repeatedly asked that the opinion of a Medical Committee might be taken. In the meanwhile the Collector's order suspending Memorialist from service was approved.

36. The Collector subsequently wrote to the Board informing them that he had dismissed Memorialist from service. Memorialist learns that on this communication the Board pointed out to the Collector that he had no authority to dismiss a Sub-Magistrate from public service without the previous sanction of Government, and that he should call for any explanation which Memorialist may have to offer and submit it to them.

37. Memorialist had addressed the Board against the injustice done to him by the Collector, but they gave endorsements‖ referring him to the Collector, to whom, they stated, instructions had been given.

‖ Enclosures Nos. 9 & 10

1315/15

38. With reference to these endorsements Memorialist addressed the Collector repeatedly, but he neither called for nor took any explanation from Memorialist, though the Board had directed him to do so.

39. Memorialist learns that the Collector ultimately wrote to the Board stating that, he did not intend to contravene the rule requiring the previous sanction of Government to dismiss officers of the rank of Memorialist, but that as Memorialist had written a final letter refusing to join his station notwithstanding the repeated orders issued to him, he had been dismissed, and the Collector therefore requested that the order might be upheld.

40. The Board then dropped their requisition for an explanation from Memorialist, and, Memorialist learns, called on the Collector to send the letter in which it was stated Memorialist had refused to return to duty.

41. The last letter which Memorialist wrote to the Collector is the one referred to in para. 32, dated 6th June 1877, in which he asked for fifteen days' time, and stated that if this could not be granted, he was under the painful necessity of being compelled to resign the service.

42. Memorialist fails to see that this letter was disrespectful, or was an absolute refusal on his part to return to duty.

43. Nevertheless after obtaining copy of this letter, the Board appear to have recommended to Government the confirmation of the Collector's order dismissing Memorialist from service, and the Government also confirmed it.

44. The Collector would not admit any explanation from Memorialist, nor were the Petitions addressed by Memorialist to the Board considered by them or submitted by them to Government when they recommended to Government the confirmation of his dismissal from the service. Thus it happened that the Government also passed their orders without allowing an opportunity of explanation to Memorialist.

45. When Memorialist addressed Government they passed an endorsement*, dated 21st January 1878 stating that, they saw no reason to re-consider their order approving Memorialist's removal from the service.

* Enclosure No. 11.
G.O. No. 212.

46. Thus it will be seen that both the Government and the Board have approved of Memorialist's removal from service, solely on the strength of the Collector's representations without allowing any opportunity of explanation to Memorialist.

47. Memorialist learns that in his letters to the Board, the Collector has, evidently with a view to prejudice Memorialist's case, made several irrelevant imputations which are unfounded, in fact, viz., that Memorialist had, at the very out-set, when he was transferred to Kangundi, raised objections to go there; that he had grown remiss in his duties; that he had been in the habit of secretly coming away to Vellore on Sundays without leave, &c. All these imputations are an after thought, and have been fully refuted in Memorialist's Petitions addressed to the Board and Government, which, however, as already stated, were never properly considered by the authorities. Memorialist therefore begs that the Petitions submitted with Enclosures Nos. 9, 10 and 11 may be consulted on these points.

48. Memorialist did not commit any grave offences such as fraud, &c., to merit dismissal from service. He had fallen sick in a notoriously unhealthy place, a transfer to which, though on promotion, is like banishment to an unknown region, and in the absence of medical aid at hand, he had come down to the head-quarters of his immediate superior the Sub-Collector, to place himself under medical treatment, daly reporting the fact to the Sub-Collector. And as directed by the Sub-Collector, he had also forwarded the required Medical Certificate.

obtained from the Medical Officers of Madras, the Doctor at Vellore having, under not very satisfactory circumstances, refused the certificate as already detailed. And for this, Memorialist is dismissed from the service.

49. Memorialist begs respectfully to submit that he has been very unjustly dealt with, and there is no adequate reason why an explanation should not have been taken from him, or the state of his health referred for the opinion of a Medical Committee, as suggested by the Board themselves at one stage of the proceedings, and as repeatedly requested by Memorialist.

50. Memorialist left his station on the night of the 4th May 1877, and in little more than a month the Collector issued the final dismissal order, dated 13th June 1877. And yet, Memorialist learns, the Collector has, while writing six months afterwards, represented to the Board that Memorialist had not yet returned to duty, as if it was open to him to return after dismissal.

51. Memorialist therefore earnestly prays that all the facts above stated and the documents herein enclosed may be duly considered, and justice rendered to Memorialist by restoring him to service, or if this cannot be done, by at least accepting his resignation and sparing his character from the stigma of dismissal.

For which act of kindness, Memorialist as in duty bound

WILL EVER PRAY.

Venkatagovinda Rao Naidu
late Sub Magistrate

Madras
24th June 1878

1315/16

To

The Right Honorable the
Secretary of State for India,
LONDON.

The humble Memorial of E. VENKATA GOVINDA RAO NAIDU, late Sub-Magistrate of Vellore and Kangundi in the North Arcot District of the Madras Presidency in India.

Most Respectfully Sheweth,

1. That your Memorialist has been unjustly dismissed from the service of Government, by the Collector of the District above referred to, and that the Board of Revenue, Madras, and the local Government have returned his appeals to them without properly considering them or doing him justice.

2. Your Memorialist therefore ventures to place this Memorial before your Lordship in Council, in the earnest hope that your Lordship will duly consider the facts therein detailed and render justice.

3. In the year 1869 Memorialist entered the service of Government, and in the year 1873 he was appointed Sub-Magistrate of Vellore in the District above referred to.

4. Here he continued to do his duties up to January 1877, when he was transferred by the Collector to Kangundi, in the same District, a place notoriously unhealthy, so-much-so that, in less than three years, more than six Sub-Magistrates left the station, each in turn being prostrated by sickness.

5. The transfer was not sought by Memorialist, but as it gave an increase of pay to him, and as he was unwilling to disobey orders in view of the exigencies of the service, he made no objections to the transfer and started to join his new station, Kangundi, the very next day to that on which the transfer was notified to him.

6. He worked there for over three months, but he was not proof against the sickness of the place. His health gradually gave way, and finally he was disabled for work by Ague.

7. There was no medical assistance available at hand. Your Memorialist, therefore, on the night of the 4th May 1877 started by rail for Vellore, previously delivering over charge of the office to his immediate subordinate and reporting the same to his superior, the Sub-Collector of North Arcot, whose head-quarters are at Vellore.

8. On the 5th May, after arrival at Vellore, the first thing that your Memorialist did was to see the Civil Surgeon of the place, Doctor Price. The conversation with him is detailed below, and Memorialist craves particular attention to it, as a reference to it is necessary at a later stage in the Memorial, in elucidation of the facts of the case.

In No 1331 ff/7

9. Memorialist explained to the Doctor that he was suffering from Ague. The Doctor thereon enquired to know if a Medical Certificate was wanted; Memorialist replied that he did not want one then, that he had come to place himself under treatment, and that the Doctor might give the regular Medical Certificate after a few days' treatment, if one was wanted by Memorialist's superiors.

10. Memorialist was then directed to attend Hospital as an out-patient for Ague, and a Certificate to that effect was granted by the Doctor.

11. Memorialist forwarded this Certificate at once to the Sub-Collector, with a request that leave might be granted for the time that Memorialist continued to be under treatment.

12. The Sub-Collector was absent from Vellore when Memorialist arrived at the place. He was on a tour in the villages and returned to the station on the 7th May. Immediately after arrival, he sent a Takeed* No. 37 to Memorialist stating that, from the Certificate forwarded by him he appeared to be suffering from Ague, not a very serious sickness, and that therefore he would be considered as absent without leave until production of a regular Medical Certificate, showing clearly the nature of the sickness he was suffering from.

* Enclosure No. 1.

13. At the same time the Sub-Collector also wrote a demi-official letter† to Memorialist which is enclosed in original, asking him when he would be able to return to his duty, and informing him that if he was unfit for work he should send in a regular Medical Certificate to enable the Sub-Collector to make arrangements for the post.

† Enclosure No. 2.

14. Memorialist replied to say that he was still ailing, and that he would produce a Medical Certificate as ordered. Later in the day, after the fit of Ague for the day had passed over, Memorialist called personally on the Sub-Collector. That officer then remarked that he did not think that Memorialist was suffering from any severe sickness, and that Memorialist might therefore go back to his station. If, however, he could not do so, a Medical Certificate should be sent in. The Sub-Collector at the same time remarked that he had written to Dr. Price to know if Memorialist was *too ill* to do his duties, and that Doctor Price had written back to say that the sickness was *not very serious*.

15. Memorialist immediately went to Doctor Price and asked to know if he thought that Memorialist was in a fit state of health at the time to do his duties. Doctor Price then said that he would give medicines which Memorialist might take with him, and that he would also send a Hospital Assistant to attend on Memorialist, but that "under the circumstances" he could not grant a regular Medical Certificate.

16. Memorialist was really ailing at the time, and he could not understand what the "circumstances" were under which the Doctor was precluded from giving the usual certificate, though, however, he did not hesitate to offer to supply medicines, and to send a Hospital Assistant to attend on Memorialist.

17. From the nature of the Sub-Collector's enquiry addressed to the Doctor, desiring to know whether Memorialist was *too ill* to do his duties, and the Doctor's reply that the sickness was *not very serious*, and from the Doctor's conversation with Memorialist, it appeared to Memorialist that there was an inclination to send back Memorialist to Kangundi, at any rate, and to subordinate all considerations of health to his inclination.

18. In a similar case in the same District, some years ago, the then District Surgeon certified in the case of the late Gyanasagara Row, then Tahsildar of the Arcot Taluq, that "his heart beat like a trumpet, and that he was in sound health." The Tahsildar was in a very bad state of

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health at the time, and another Doctor certified that "he was in a dying state." Leave for one month was granted on the latter certificate, but before the expiration of eight days, the Tahsildar died and was no more.

19. Memorialist felt that in his own case a mistake, similar to that made in the case of Gyanasagara Row by the then District Surgeon, might have been made by Doctor Price.

20. Doctor Price was going away to Madras on the same evening as that on which Memorialist saw him, and there was therefore no time for Memorialist to see him again or explain matters.

21. Under these circumstances and in view of the very bad condition of his health, which there could be no doubt would have terminated fatally if Memorialist had gone back to Kangundi, he resolved on going to Madras the same evening and consulting the Doctors of that place.

22. It must be noted here that both in his Takeed No. 37 and in his demi-official letter of the same date, and also in his conversation with Memorialist, referred to in paras. 12, 13 and 14, the Sub-Collector called on Memorialist simply to submit the usual Medical Certificate, but had not specified or restricted that the certificate should be obtained from any particular Doctor. Also, there was no rule in force at the time prohibiting Government servants from obtaining certificates of sickness from Medical Officers not belonging to their District.

23. Memorialist therefore did nothing contrary to orders or rules in going to Madras to place himself under treatment and to obtain a certificate from the Medical Officers of that place.

24. Immediately after arrival at Madras, *i. e.*, on the morning of the 8th May 1877, Memorialist saw Doctor Stanbrough, the Special Health Officer of Madras, who had on previous occasions treated Memorialist, and explained to him the state of his health, and also told him that he had been admitted as an out-patient for Ague by Doctor Price of Vellore as detailed in paras. 9 and 10 *supra*, though that officer since declined to give a regular Medical Certificate.

25. Doctor Stanbrough examined Memorialist, found him really sick and unable to do his duties and thereon granted the usual certificate recommending the grant of leave for two months. With this certificate Memorialist waited on Surgeon-Major Hunt who countersigned the same.

26. Memorialist forwarded the certificate so countersigned to the Sub-Collector at Vellore on the same day, *i. e.* on the 8th May, with a letter requesting that leave as recommended might be granted.

27. A few days after the certificate had been forwarded, Memorialist received at Madras on the 12th May 1877, a demi-official letter * from Mr. Whiteside, the Collector of the District. In this letter Mr. Whiteside stated that he had been informed by the Sub-Collector that Memorialist had left Kangundi without leave and had reported himself sick. Mr. Whiteside required Memorialist to go back at once to Kangundi or proceed to Chittoor to place himself under the treatment of the Zillah Surgeon of that place. This demi-official letter is dated the 8th May, and was posted at Palmanair to Memorialist's address at Vellore. After going to Chittoor and Vellore, it finally reached Memorialist at Madras on the 12th May as already stated.

* Enclosure No. 3.

28. On the same day Memorialist also received by the post an official order † from Mr. Whiteside dated 10th May 1877, No. 185, stating that Memorialist had been warned by the Sub-Collector that unless a Medical Certificate from the Zillah Surgeon of the North Arcot District was produced, Memorialist would be considered as absent without leave; that notwithstanding this warning Memorialist had left the District, and that therefore he was placed under suspension, and that if he did not return immediately, he would be dismissed.

† Enclosure No. 4.

29. Long before the receipt of the demi-official letter and the order above referred to, Memorialist had forwarded the certificate granted to him by two Commissioned Medical Officers at Madras, and it will be observed from para. 22 *supra*, that the Sub-Collector had not at any time intimated to Memorialist that he was prohibited from obtaining a Medical Certificate from Medical Officers not belonging to the District.

30. Under these circumstances, therefore, Memorialist *wrote to Mr. Whiteside on the 13th May 1877 stating that, he was still ill from Ague and pain in the joints, and therefore unable to join his post, and that if the Collector was not satisfied with the original Certificate granted by Doctor Price of Vellore and the subsequent regular certificate granted by Doctor Stanbrough and Surgeon-Major Hunt, he might refer to other Commissioned Medical Officers at Madras as to Memorialist's state of health.

* Enclosure No. 5.

31. In reply to the above, the Collector sent another order, dated † 17th May 1877, stating that if Memorialist did not join his appointment at once, he must take the consequences. The Collector again repeated that Memorialist had been warned by the Sub-Collector against obtaining a certificate from any officer other than the District Zillah Surgeon. This is incorrect as already explained. In the same order Mr. Whiteside further added that Memorialist's assertion that Doctor Price had certified to his ill-health was wholly false. This refers to that part of Memorialist's letter, dated 13th May 1877, in which he alluded to the original certificate granted by Doctor Price, admitting Memorialist as an out-patient for Ague. Memorialist fails to see that he made any false statement by referring to this certificate of Doctor Price.

† Enclosure No. 6.

32. Memorialist at this stage hoped to be soon able to go back to his duty, but his health suffered again from a relapse, and he, therefore, on the 6th June 1877 ‡ wrote to the Collector and requested that he would be pleased to grant him fifteen days' time at least on the certificates already submitted by him. If, however, the Collector was unwilling to do so, Memorialist requested that his resignation of the service might be accepted.

‡ Enclosure No. 7.

33. The Collector, however, would do neither, but recorded § Proceedings dated 13th June 1877, No. 226, dismissing Memorialist from the service.

§ Enclosure No. 8.

34. From the papers recorded by the Collector in the above proceedings, it will be seen that he had held correspondence with the Board of Revenue on this subject. Memorialist learns that at first the Board suggested to Government that as the Doctor at Vellore had refused to give a regular Medical Certificate, and one had been granted by the Officers at Madras, the opinion of a Medical Committee should be obtained as to the cause of the difference between the Doctors, and as to the state of the health of Memorialist.

35. This, however, was never done, though Memorialist also had repeatedly asked that the opinion of a Medical Committee might be taken. In the meanwhile the Collector's order suspending Memorialist from service was approved.

36. The Collector subsequently wrote to the Board informing them that he had dismissed Memorialist from service. Memorialist learns that on this communication the Board pointed out to the Collector that he had no authority to dismiss a Sub-Magistrate from public service without the previous sanction of Government, and that he should call for any explanation which Memorialist may have to offer and submit it to them.

37. Memorialist had addressed the Board against the injustice done to him by the Collector, but they gave endorsements‖ referring him to the Collector, to whom, they stated, instructions had been given.

‖ Enclosures Nos. 9 & 10.

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38. With reference to these endorsements Memorialist addressed the Collector repeatedly, but he neither called for nor took any explanation from Memorialist, though the Board had directed him to do so.

39. Memorialist learns that the Collector ultimately wrote to the Board stating that, he did not intend to contravene the rule requiring the previous sanction of Government to dismiss officers of the rank of Memorialist, but that as Memorialist had written a final letter refusing to join his station notwithstanding the repeated orders issued to him, he had been dismissed, and the Collector therefore requested that the order might be upheld.

40. The Board then dropped their requisition for an explanation from Memorialist, and, Memorialist learns, called on the Collector to send the letter in which it was stated Memorialist had refused to return to duty.

41. The last letter which Memorialist wrote to the Collector is the one referred to in para. 32, dated 6th June 1877, in which he asked for fifteen days' time, and stated that if this could not be granted, he was under the painful necessity of being compelled to resign the service.

42. Memorialist fails to see that this letter was disrespectful, or was an absolute refusal on his part to return to duty.

43. Nevertheless after obtaining copy of this letter, the Board appear to have recommended to Government the confirmation of the Collector's order dismissing Memorialist from service, and the Government also confirmed it.

44. The Collector would not admit any explanation from Memorialist, nor were the Petitions addressed by Memorialist to the Board considered by them or submitted by them to Government when they recommended to Government the confirmation of his dismissal from the service. Thus it happened that the Government also passed their orders without allowing an opportunity of explanation to Memorialist.

45. When Memorialist addressed Government they passed an endorsement*, dated 21st January 1878 stating that, they saw no reason to re-consider their order approving Memorialist's removal from the service.

* Enclosure No. 11.

46. Thus it will be seen that both the Government and the Board have approved of Memorialist's removal from service, solely on the strength of the Collector's representations without allowing any opportunity of explanation to Memorialist.

47. Memorialist learns that in his letters to the Board, the Collector has, evidently with a view to prejudice Memorialist's case, made several irrelevant imputations which are unfounded, in fact, viz., that Memorialist had, at the very out-set, when he was transferred to Kangundi, raised objections to go there; that he had grown remiss in his duties; that he had been in the habit of secretly coming away to Vellore on Sundays without leave, &c. All these imputations are an after thought, and have been fully refuted in Memorialist's Petitions addressed to the Board and Government, which, however, as already stated, were never properly considered by the authorities. Memorialist therefore begs that the Petitions submitted with Enclosures Nos. 9, 10 and 11 may be consulted on these points.

48. Memorialist did not commit any grave offences such as fraud, &c., to merit dismissal from service. He had fallen sick in a notoriously unhealthy place, a transfer to which, though on promotion, is like banishment to an unknown region, and in the absence of medical aid at hand, he had come down to the head-quarters of his immediate superior the Sub-Collector, to place himself under medical treatment, duly reporting the fact to the Sub-Collector. And as directed by the Sub-Collector, he had also forwarded the required Medical Certificate

obtained from the Medical Officers of Madras, the Doctor at Vellore having, under not very satisfactory circumstances, refused the certificate as already detailed. And for this, Memorialist is dismissed from the service.

49. Memorialist begs respectfully to submit that he has been very unjustly dealt with, and there is no adequate reason why an explanation should not have been taken from him, or the state of his health referred for the opinion of a Medical Committee, as suggested by the Board themselves at one stage of the proceedings, and as repeatedly requested by Memorialist.

50. Memorialist left his station on the night of the 4th May 1877, and in little more than a month the Collector issued the final dismissal order, dated 13th June 1877. And yet, Memorialist learns, the Collector has, while writing six months afterwards, represented to the Board that Memorialist had not yet returned to duty, as if it was open to him to return after dismissal.

51. Memorialist therefore earnestly prays that all the facts above stated and the documents herein enclosed may be duly considered, and justice rendered to Memorialist by restoring him to service, or if this cannot be done, by at least accepting his resignation and sparing his character from the stigma of dismissal.

For which act of kindness, Memorialist as in duty bound

WILL EVER PRAY.

Late Asst Magistrate.

Received
24th June 1878

G.O. 15 August 78
12/13/52