(1) Number of pages 64

(2) Date of repair 10-8-1984

(3) Initials of the Referencer G. Gb

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

REVENUE DEPARTMENT

G.O. No. / ~~B.P. No.~~	1624	Press. / Mis.
Dated	7-10-1878	197 .

Not to be folded or roughly handled

Archives I—5,806—24-2-78.

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Archives I—5,806—24-2-78.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

7th October 1878, No. 1,624.

Read the following papers :—

No. 64. Petition from RAMASAWMI IYENGAR, late Sub-Magistrate of the Town of Madura, and at present an English Accountant in the Collector's Office, Madura District, to the MOST NOBLE RICHARD PLANTAGENET CAMPBELL TEMPLE NUGENT BRYDGES CHANDOS GRENVILLE, DUKE OF BUCKINGHAM AND CHANDOS, Governor and President in Council, Fort St. George, Madras, dated Madura, 12th April 1878.

MAY IT PLEASE YOUR GRACE,—With due respect and profound submission I most humbly and respectfully beg permission to state that although I had been in sanguine hopes about the favorable disposal of my unfortunate case, which, to say the least, was one of arbitrary removal extra-judicially from the post of Sub-Magistrate on some unfounded reasons which arose through official cliquism, and thereby superseding trained officials by untrained juniors as is my unfortunate case.

2. To my great regret and sorrow those in authority believing the idle tales of some of the evil-disposed influential officers towards me that I can hardly find words to express, will not now be lost sight of, and have now again laid before Your Grace for impartial and generous consideration.

3. Although compelled reluctantly to submit through Your Grace's Government the enclosed memorial to the Most Noble the Right Honorable the Secretary of State for India, I need hardly say that owing to some accident perhaps my unfortunate case did not meet with that consideration which it justly deserves and one may reasonably expect at your Grace's noble hands. The memorial duly authenticated with the necessary vouchers are enclosed, and beg humbly that it may be submitted to the Secretary of State for India.

4. A careful perusal of the memorial will convince your Grace in Council of the justice I am now denied, especially one of my service who has creditably and faithfully worked, bearing in mind the interests of Government, to the entire satisfaction of my official superiors with the full hope that my services will one day be rewarded.

5. From the testimonials annexed to the memorial the veracity of my statement will be borne out; moreover my ancestors served Government in various capacities much to their credit which I need not here recapitulate. Contrasting the position I formerly held in the service of Government with that I now hold, and having been superseded by very many of my juniors, I cannot help but thinking the grave injustice done me, while I am struggling with a large family without even any chance of promotion to a higher grade unless Your Grace in Council takes my deplorable case into your favorable consideration and thereby remedy a gross act of injustice.

6. In thus trespassing on Your Grace's valuable time I humbly and most respectfully beg to be pardoned for the liberty taken in addressing Your Grace and the Right Honorable the Secretary of State for India, which I do with the fullest hopes of success.

For which act of charity your petitioner shall, as in duty bound, ever pray.

ENCLOSURE No. 1.

Petition from RAMASAWMI IYENGAR, late Sub-Magistrate of the Town of Madura, and now English Accountant in the Collector's Office, Madura District, Madras Presidency, to the Most Noble the Right Honorable the Secretary of State for India in Council, dated Madura, 12th April 1878.

MAY IT PLEASE YOUR LORDSHIP,—Highly sensible of the kind support received by many helpless persons like me in their hour of need, and having experienced it myself, I most respectfully beg to solicit pardon for troubling Your Lordship with this my humble address, and request a favorable consideration.

2. I am a native of this place, and was first entertained in the public service as a writer in the Collector's Office of the Madura District by the late Principal Collector, J. Blackburne, Esq., early in 1843, on the demise of my father, who had served meritoriously as Dufter Moonshee (a Vernacular Clerk under the Head Sheristadar) for a period of nearly 25 years. I was gradually posted to different posts in the Huzur, and lastly in 1861 from the post of English Record-keeper to that of the Sub-Magistrate and Deputy Tahsildar for the town of Madura. While I was English Record-keeper I had frequent opportunities of being personally acquainted with the Collector and other Covenanted Officers who have repeatedly borne testimony to the way I performed works, specially to my careful and systematic arrangement of the records, extending as they were from 1801, which until then had been in a confused, disordered state.

3. During the tour of Sir Charles Trevelyan, late Governor of the Madras Presidency, to the Southern Districts, he came to the Collector's Office on the 27th January 1860, accompanied by the Chief Secretary, J. D. Bourdillon, Esq., inspected the several departments of the Collector's Office such as Treasury, Correspondence, &c., and fortunately happened to see the records, both Vernacular and English, which after minutely examining for an hour he expressed his entire satisfaction to the Collector, Mr. T. Clarke, and to his Head Sheristadar of the way in which the English records of this Collectorate had been arranged, by stating that they were in a better and more orderly state than any other district he had seen. He at the same time remarked that Vernacular records of the office were kept in the worst possible condition. The marginal correspondence will show my assertion as correct.

From the Collector, A. Hathaway, Esq., to Board, dated 4th August 1858.*
From the Collector, A. Hathaway, Esq., to Board, dated 2nd September 1858, No. 188.

* Marked in Enclosure No. 1 (A and B).

4. I have devoted my best energies to the service of Government and grown up old therein; and I beg most respectfully to be pardoned when I say that so long as I was English Record-keeper I was never absent on leave, nor did I any way idle my time ever since I entered the public service. I took great interest in bringing to the notice of the then Collectors the former correspondence relating to matters of importance then under consideration for the welfare of the State. I also beg submissively to say that I have been also saddled, save my own work, with the responsible and important duties of conducting the law suits relating to the interests of Government brought on by the parties against the public officials in their official capacity then in *pendente lite* in different Mofussil Courts, in addition to all law suits connected with the Minor Zemindar of Shivaganga, when that estate was under the management of the Court of Wards. In that line of work I have also proved most useful in rendering assistance when required by my immediate superiors (Collectors). The perusal of the letter of R. D. Parker, Esq., the late Collector of this district, quoted in the margin, will show how I have merited the entire confidence reposed on me.

Vide Mr. Parker's Certificate No. 1 marked C, *Vide* printed testimonial.

English Record-keeper.—
I have written to the Head Accountant to desire that he will not employ Seetaramiah (a writer) to obtain records from you or in any confidential situation, and I am glad that you have brought the circumstance to my notice.
Meylur, Yours obediently,
4th November 1856. (Signed) R. D. PARKER.

5. Fully aware of my qualifications and attainments Mr. Levinge, the then District Magistrate, selected and appointed me to the post of Deputy Tahsildar and Sub-Magistrate of Madura Town. The onerous character of the work may be judged from the fact that the town containing the largest population of any in the district had a large number of vagabonds, profligates, and desperate characters to look after. Besides, the people being comparatively better educated naturally understand so well the processes of law as the Magistrate is required to devote his full time and attention to discriminate truth from falsehood. In addition to my Magisterial duties I was entrusted with the following items of work, many of which are now under the charge of Municipal Commissioners and Local Fund Boards:—

(1.) Collecting long outstanding arrears of the purchase money of the fort ditch.

(2.) Looking after the sanitary condition of the town, *e.g.*, removing filth, gravelling streets, &c., with establishment as per margin, which scale was very narrow when compared with the existing one in the Madura Municipality.

Former Establishment Pay per Month.

		Rs.
1	Maistry	10
12	Train cleaners at 6 Rs. each	72
15	Scavenger carts at 15 Rs. each	225
2	Peons at 7 Rs. each	14
		321

Present Establishment.

17	Scavenger carts at 15 Rs. each	255
15	Do. at 15 do.	225
25	Sweepers at 6 do.	150
25	Cleaners at 6 do.	150
6	Night-soil cleaners at 5 Rs. each	30
1	Maistry	35
1	Do. Assistant	15
1	Out-door Manager	100
1	Head Clerk	50
1	Do.	25
1	Do.	20
1	Do.	15
1	Do.	10
9	Bill Collectors at 10, 12 and 15 Rs. each	130
1	Lantern Superintendent	15
20	Mussaljees at 7 Rs. each	140
5	Peons at 5 Rs. each	25
		1,390

(3.) To superintend the erection of certain buildings, the chief of which are pettahs, bazaars, school-buildings, water projects, &c.

(4.) Trying and disposing of all civil suits under 10 Rs. cognizable by the Village Munsif under the Regulation IV of 1816, as there was no Munsif separately for the town. The average number of suits was 2,000 per annum.

(5.) Duties pertaining to the conservancy of avenues for five miles every way from the town. In this branch of duty I displayed additional care and attention towards planting of avenues on both sides of the northern extremity of the town on the road leading to Trichinopoly, as the soil is rocky and sterile. This was, it must be stated, given up by J. Blackburne, Esq., the late Principal Collector, as impracticable after repeated experiments. The avenues planted by me are in a splendid condition at the present day.

6. I have superintended all these labors which will generally be found more than a single officer can perform; and it must here be noticed that the operations were conducted not only vigorously but economically to merit the entire approbation of my superiors.

7. I ever distinguished myself by my conscientious discharge of duty, and by the ability, energy, and industry with which I endeavored to promote the welfare of all those placed under my care and jurisdiction.

8. This honest behavior of mine, having been found quite disagreeable to some of the *evil*-spirited influential officials who, bent on selfish designs, always organized a secret confederacy, at all events to remove me from the post, and concocted a story quite unfounded, though on several occasions their endeavors to find fault with my records, &c., failed. At last they brought the charge of disturbing the decision of my immediate superior, the District Magistrate, which a man of ordinary sense would never have dared to do at any time, specially a man of my position, whose antecedents are well known generally. This was the long-designed object of my bitterest enemies who are watching to bring me to misery, and who misrepresented some facts to Mr. Levinge, the then District Magistrate, in such a way as to prejudice the high opinion he had formed of me.

9. I was enabled to distinguish myself in a department in which I have worked zealously and unremittingly, and in which I had hopes of promotion; but by the lies and dishonorable expedients of my enemies I was removed from my post without giving me fair and proper opportunity of seeing and refuting them. I have been unfairly deprived of my position and of the means of maintaining myself and large family, and reduced to such a lower post as that of an Accountant on Rs. 20, a measure which is totally opposed to all principles of justice.

Vide his letter to Government, No. 830, dated 29th November 1861, marked D, in the printed testimonial.

10. I never did anything to merit such a punishment meted out to me. If I have erred, perhaps it was in good faith in the exercise of my judicial powers. There is nothing to show malice prepense.

11. I laid the whole of the facts before the Government, who, on the report of the District Magistrate, passed an order* to the effect "that the Government see no objection to my reinstatement to the office of Sub-Magistrate when a vacancy occurs." On the receipt of the Government Order and before I proceeded to Shivaganga to assume charge of Sub-Magistrate's office there a permanent vacancy of Sub-Magistrate's appointment occurred, which was not given me; but in seeming compliance with the Government Order the District Magistrate nominally posted me as Acting Sub-Magistrate of Tiruvadani Division, and then also acting to Shivaganga Division. This I believe was brought about by my enemies, who presented obstacles in the way of my restoration as ordered by Government. However I obeyed the orders of the District Magistrate, and I was on the first instance in charge of Sub-Magistrate's office, Tiruvadani Division, and thence proceeded to Shivaganga, from which I

* 31st May 1867, No. 11.

was most unjustly and in opposition to all right principles of policy transferred again to my present post, simply upon the report of the Head Assistant Magistrate, who was fully biased against me, having believed the got-up stories of my bitterest enemies, and I had no other alternative at the time of my recall than to submit. The jealousy of high influential native officials in the district is an insuperable difficulty in the way of doing my duty fearlessly and honestly, and I have not the slightest intention to cast a reflection upon the characters of my fellow-servants or impute bad motives to their actions; but compelled by my position, and being under the imperative necessity and, as a last resort to justice, to respectfully disclose the real circumstances of the case, I think that the Head Assistant Magistrate, Mr. McWatters, understood the nature and real facts of the case, he was nevertheless much biased by the got-up evil reports given by my bitterest enemies.

12. A grievous hurt case brought by the late Mr. Muttukrishna, B.L., before the Head Assistant Magistrate was referred for my disposal, with the records connected therewith, which reached my office on the 4th February 1868, in which the parties were bound to appear at my Cutcherry on the 25th of the same month. On that date the case was opened at 10 A.M., when the ten defendants and five witnesses and one prosecutor were present, together with four Vakils, two of whom were natives on the side of the both parties. The examination of the 1st witness took up some four to five hours; this of course inclusive of cross-questions of the Vakils for and against the defendants. This will be patent from the fact that the written examination took up some three or four sheets of Goa paper. There was nothing extraordinary in regard to the time taken up when it is considered that the time was exhausted by two English Pleaders. Again, as it was very late in the evening, and as other current duties, both revenue and registration works, required my immediate attention, as the parties concerned were waiting, and the Vakil for the defendant requested me to desist from entering into the examination of the remaining five witnesses, stating as his reason that if the examination did not close on that date his questions would have been anticipated by the remaining witnesses that were not examined, thereby causing much damage to his case; and on finding that the inquiry of the other witnesses would not be closed before midnight, I, with the consent of Mr. Muttukrishna, B.L., acceded to the wishes of Mr. Hickey, Counsellor for plaintiff. If there was the slightest objections to the proceedings I adopted in adjourning the case to the next day, such objection should have been taken and a protest entered into by the late Mr. Muttukrishna. Was this done? It is most incomprehensible that Mr. Muttukrishna, who thus quietly and calmly submitted to a proposal as just and equitable, should some time after complain of delay to the Head Assistant Magistrate, who formed a suspicion upon that statement, and who said that the case would have been inquired into within two hours; I therefore leave the facts to speak for themselves. Having thus far gone and closed the case for the prosecution on the 25th February, I was on the 26th, under similar circumstances, obliged to adjourn the case with the consent of the Counsellors until the 27th, and on that date I did well and truly try the defendants and disposed of the case. On the 26th, after the inquiry as alluded to, Mr. Muttukrishna wrote to me informally stating that I should close the case on that date, or otherwise he had instructed his clients to proceed to Madura to petition the Head Assistant Magistrate with respect to the delay. I beg most respectfully to observe that Mr. Muttukrishna's conduct in this matter was unaccountable and strange, for when he really and truly consented to all the proceedings in the matter how could he complain of delay? This was most remarkable; supposing the defendants had cited witnesses what could I do in such a case? But what object Mr. Muttukrishna had in misrepresenting facts is unknown to me. It was his duty to wait till the close of the case and if found any informality it was his duty as a Barrister Vakil to have demurred to it in open Court, instead of going to his quarters and writing private letters to me upon public matters in my capacity as a Sub-Magistrate; he was bound only to take notice of such circumstances as become known to him upon stamped paper or through a proper channel. From the whole of the case in this respect it would be seen most clearly that the Head Assistant Magistrate allowed his feelings to get the better of his judgment by his having given credence to the statement made by Mr. Muttukrishna in opposition to facts established by the Sub-Magistrate and borne out fully by the records now in existence. Had the Head Assistant Magistrate calmly and dispassionately entered into the merits of the case, he would have found upon trustworthy documentary evidence that Mr. Muttukrishna, instead of promoting the ends of justice as a Vakil, was simply promoting litigation. The proceedings in this case have been written upon 32 sheets of closely-written Goa paper, and if close attention be bestowed on the lengthy and discursive document be taken into consideration, then, surely, instead of reproach I should have been commended for my care and expedition in the trial. Upon what data the Head Assistant Magistrate considers that the work could have been effected in a couple of hours is inexplicable. I would most earnestly and willingly submit that if the work I had done could have been gone through by the most expeditious writer within twelve hours, the Head Assistant Magistrate's assertion may to some extent be believed in. I am respectfully bold enough to challenge a comparison with the records of other Sub-Magistrates. How often, in fact is it of every day occurrence frequently complained of by parties and partly rebuked by the authorities, that cases of the simplest nature have been delayed for a month or more? Had the Head Assistant Magistrate taken notice of the shortcomings of the other Sub-Magistracy under his charge? But the fact he has singled me out and made me a victim of degradation can only be attributed to the prejudice he had all along against me from the tales carried to him against me from the commencement of my acting in the post. I beg to submit for consideration of your Lordship that if the Head Assistant Magistrate believes that the delay in the case points to my corruption, a similar imputation must be made in cases where delay has occurred and complained of. A case in point, I beg to refer to Your Lordship to the circumstances in which the late Town Sub-Magistrate Muttusamien, now Tahsildar of Dindigul in this district, delayed the inquiry to a period of three months. This case was cognizable by the Sessions Judge, who, in finding delay to be against all law and procedure, sent an extract* that severe notice should be taken of the conduct of the Sub-Magistrate; what was done in this case is best known in the town of Madura, viz., nothing was done, but he was subsequently promoted to be Tahsildar of Periyakulam and then to the higher-paid taluk of Dindigul; a copy of the extract is herewith submitted for the perusal of Your Lordship. Again, if Your Lordship be pleased to peruse some proceedings quoted here below it will be clear that delay of four or five months has been excused and passed over silently, while in this my peculiar case *three or four days' delay* was considered so serious an offence as to merit such a lower depth of degradation. Cases of misconduct on the part of the officers of my stamp referred to in Board's Proceedings† have been passed over unnoticed and they were raised to high position while I was doomed to such a fate.

* Proceedings of the Session Court, 26th March 1868, and 2nd July 1868 (E and F).

† Board's Proceedings, 23rd June 1869, No. 4,521; 13th July 1869, No. 5,394; 24th July 1869; 18th March 1869, No. 1871; Order of Mr. Clarke, late Collector, to his Head Sheristadar, 16th June 1859.

13. With regard to the jail discipline in which I was supposed to have been neglectful, I must crave your Lordship's indulgence for a patient hearing of the most strange proceedings of the Head Assistant Magistrate in my case. I sentenced ten defendants to pay a fine and four others to a fine and simple imprisonment; and whilst those sentenced to simple imprisonment were undergoing incarceration the Inspector of Police brought to my notice that the four defendants were not properly confined, or that some relaxation was afforded to them by the peon in charge of the jail. I immediately instituted the necessary inquiry and passed a diary order warning the warder to be more careful in future, under the impression that such a warning was sufficient if there was an offence at all. I was simply a Superintendent of the Subsidiary Jail ex-officio when it was brought to my notice; every step was taken to rectify the irregularity. Subsequently I changed the old warder and put another in his stead. If the Head Assistant Magistrate was of opinion that the punishment was lenient, it was optional with him either to have dismissed the warder or punish him some other way. It will be patent to your Lordship that the irregularity was not brought to my notice directly it was committed by the warder, but the jail guard, whose duty it was to see to the safe custody of the prisoners, reported the circumstances after the lapse of three days to his departmental head, i.e., the Inspector of Police, from which it is too plain that there must have been a connivance between the guard and the warder. Did the Head Assistant Magistrate, when such circumstances took place, question the parties themselves as to their fault in this respect? It was never done; or did the parties themselves aver that the dereliction of duty on their side emanated from me as Superintendent of Jail? My answer to this is in most emphatic terms—No. If the view of law and fact were thus to be dispensed with by the Head Assistant Magistrate in this way, few, if any, of the Jail Superintendents (Natives or Europeans) stand a chance of not being blamed for faults beyond their control and authority. How is it possible for the Head Assistant Magistrate not to be aware that such tricks and laxity of discipline are of common occurrence not only in this but in almost all jails in England and in India.

Board's Proceedings, 13th July 1869, No. 5,394.
" " 24th " "

14. The next point deserving your Lordship's special attention is that on the 27th February I brought the inquiry to a close, as will be seen from the statements already gone into, by punishing the ten defendants as I thought best, and upon the appearance of the 11th defendant before myself at about 3½ P.M. on the same date I wrote to Muttukrishna officially asking him to produce the prosecutor and witnesses the next day. Without doing so, and without coming to my Court to represent what he had to say, he sent a letter, which is quoted, in order to show that from such a letter itself it may be clearly seen that Mr. Muttukrishna and the Head Assistant Magistrate did not enter justly and equitably into the case itself, and that against all practice and procedure arrived at conclusions which were most unwarrantable and illegal—

Enquiry commenced on the 25th February.

MY DEAR SIR,—I think the ends of justice have been met by the verdict and sentence passed to-day, and I do not think any object can be obtained by encouraging further litigation. My poor clients have been away from their home and their families for several days, and I have

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advised them to return home in peace, so you must discharge the other accused with a warning on the ground that I moved to withdraw the charge.

Yours faithfully,

27th February 1868. (Signed) W. T. MUTTUKRISHNA, B.L.

15. Your Lordship will be pleased to see that Mr. Muttukrishna was knowingly doing what was wrong, or was virtually ignorant of the principles of law as stated in the Procedure Code. The Head Assistant Magistrate sent the case to be tried under Section 325, Indian Penal Code, and which was tried as such under Chapter 14 of the old Procedure Code. I was unable to receive a razeenamah either at the commencement or close of the case; what finding and sentence was recorded against one defendant operated in the same way for those who may have put in their appearance subsequently; it was so in this case. Mr. Muttukrishna's letter to me will show Your Lordship that although a Barrister he did not know his duty as a Vakil for his clients: the ends of justice were amply met when ten out of eleven defendants were punished, thereby meaning that the 11th defendant should be let off scot-free. He further states that nothing would be gained by further litigation, showing plainly that from the commencement he did not espouse his clients' cause upon just grounds, but from motives either of party-spirit or litigation. Further, he says that his poor clients have been away from their home and families several days, meaning, of course, that petitioner should waive the requirements of justice by letting off the 11th defendant and sending his clients away, and setting at naught the express provisions of the Code. To show that Mr. Muttukrishna was doing or rather taking upon himself too much the duties of a Magistrate, he further states that he advised his clients to return home in peace, offering thereby a direct insult and annoyance to a Sub-Magistrate whose bounden duty was by law to try the remaining defendants, even if it did not cost the same labor and time. Again, Mr. Muttukrishna proposed that I should with a warning send the 11th accused away, for he says "he moved him to withdraw the case." In the first instance he was not justified in asking me to do a thing so much opposed to law, and in the next he was ignorant of the procedure in a trial under Chapter 14 of the late Procedure Code as to withdrawing a case; from the letter it will be seen that Mr. Muttukrishna was dictating to me to do an act amounting to a compounding of the offence. To prove this, take a case of a murder in which eleven prisoners were concerned, would it be consonant with justice to punish the ten present and let one off with a warning either at the request of the prosecutor or his Barrister Vakil? Will any Court allow this? or was it ever known that such a course was proposed by any Vakil to any Court? As I did not accede to his wish in the matter of the trial of the 11th defendant, Mr. Muttukrishna, no doubt from anger, misrepresented matters to the Head Assistant Magistrate.

16. In the usual course of business the Head Assistant Magistrate, when committing the case to my Cutcherry for trial, did in accordance with the provisions of the Procedure Code bind the prosecutor and his witnesses in the penal sum of Rupees 100 each in default of their putting in their appearance whenever required by the Magistrate; and when the case was thus referred to my Cutcherry, the Muchalikas were to be dealt with by me as if the prosecutor and others had been bound again before the Sub-Magistrate. It will be clear to Your Lordship that I dealt with the case in its entirety, according to law, ignoring the suggestions of Mr. Muttukrishna, and I enforced the penalty. Admitting, for the sake of argument, that I had quietly, and calmly, and ignorantly acceded to the request of Mr. Muttukrishna with reference to the dismissal of 11th defendant, I should like to know whether it was not in the power of the prosecutor to have brought a complaint against me for such an act of gross injustice; in fact, prosecutor himself conspired with Mr. Muttukrishna to carry out such a wicked design; how could I, as a conscientious Magistrate, carry on business, and with what propriety could I face my European superiors? Was it possible for me to commit such an act as proposed by Mr. Muttukrishna? The Code provides expressly that I cannot but punish the 11th defendant. I could not have proceeded against him without the appearance of the prosecutor and his witnesses. What was I to do? Was the Muchalika to become a piece of waste paper? Because the Muchalikas thus taken were rightly executed, the Head Assistant Magistrate finds fault with me according to his understanding of the law. As at the time no instructions were laid down for the guidance of the Sub-Magistracy with reference to Muchalikas, I acted in good faith in this case. The case thus adjudicated and decided upon by me was also confirmed in appeal, thereby showing that my entire proceedings in this case were both just and legal. What possible public policy could there be in manifest wrong-doing.

17. My superiors had entertained a very high opinion of my merits,* and I worked hard at my difficult and laborious situation, and rendered good assistance in measures calculated to result in the *well-being* of the State as stated in paragraph 4.

* *Vide* letters from Hon. W. Robinson, dated 11th October and 5th November 1858; Mr. Parker's letter, dated 31st January 1859 (O, H, I, respectively printed book).

18. I have got a strong claim for promotion. I am positive in all I write, and I now give expression to it without the shadow of doubt on my mind, the least I can say on

this painful subject is to avow the correctness of the sentiments made above; and I respectfully solicit attention and credence to the fact that I acted wholly in good faith throughout the case.

19. I trust that a review of the circumstances of the case, together with present explanation, will enable Your Lordship to acquit me of my unintentional fault or irregularity, as also to restore me to the appointment I was deprived of, having regard to my good character and antecedents; I am conscious I am guilty of nothing more than the prompt discharge of duty, and I humbly and respectfully appeal to Your Lordship, hoping that justice will be done.

20. Having thus unfolded the history of my most unfortunate and deplorable case for Your Lordship's calm and dispassionate judgment, I humbly trust that I shall meet with justice and equity to which I am entitled under the peculiar circumstances above recited. I was unfortunate all along, inasmuch as I had to contend with evil and designing men self-assumed, whose duty was to give to their superiors idle tales affecting my character. I have suffered for series of years in this unaccountable way, and find it difficult to provide for my large family with even the necessaries of life.

21. I was injured to so great an extent as I could hardly express. The Head Assistant Magistrate never gave a fair trial to me to rebut the aspersions made against my character. He treated all the reports spread against me departmentally, thereby depriving me of the benefit of a regular judicial trial.

22. I also lament that if the recent orders of Government reserving the power of dismissal or removal of the Tahsildars or Deputy Tahsildars on their own hands which were left to the Collectors and Magistrates formerly had been promulgated a few years before or at the eve of my removal unjustly, it would have been a great boon and will relieve me from undergoing all these difficulties, and I would not have been treated so mercilessly all along without the least consideration of my seniority in the service, as well as of my antecedents and my meritorious service as stated above.

23. If these melancholy and unhappy events had not fallen all on a sudden, I would have arisen by this time to a high post of equal rank with that now filled by my colleagues.

24. I stand senior in the list of service. My activity and usefulness will be seen from the enclosed printed testimonials, and will conclude that, in point of education, knowledge, and experience in Revenue and Magisterial matters, I am not behind any official who has been promoted over my head.

25. I have been about twenty years in the Government service, and have uniformly enjoyed the confidence of my official superiors. This is the first time I was charged with neglect of duty. Even if an error had crept into the proceedings, which I deny, there was assuredly no reason to charge me with criminal neglect, or to blight my prospects for all time to come. I trust that Your Lordship will not take me as having written in a captious spirit about a matter disposed of by the Collector and which is already explained.

26. Mr. Levinge, in 1863, was kind enough to include among, my name in the list of persons who are eligible and qualified to fill up the post of Tahsildars required by the Board by Standing Circular, 23rd September 1863, No. 603; a glance at the remarks* therein contained will prove that I possess peculiar qualifications for promotion in any branches of the Revenue and Magisterial Departments, which list is on the record in the Board's Office.

* Copy submitted herewith for ready perusal (J).

27. The memorandum appended herewith† will show that I am the only person singled out from enjoying the privilege of serving Government in higher and more responsible posts. I have sustained a loss of prestige and health, save those accorded to my fellow officers, though their wrong and irregularities are more grave in comparison of mine, still they have been restored without any loss to their appointment and promotion. I am at a loss to understand why I should be denied the right which the law gives to every one of Her Majesty's subjects in the country? So I understand all the subjects of Her Majesty stand equal in the eye of the law, and there is not even a shadow of difference in that respect.

† Enclosure K.

28. My degradation and distress impel me to ask whether there is one law for the rich and another for the poor.

29. It will be seen from the Standing Orders‡ of the Board of Revenue that much consideration and courtesy should always be shown towards the experienced old servants who could not be removed on mere grounds of a mere sneer of the officers and for the neglect and culpable of holding the duties, except on the occasion of a serious fault. I deeply regret, indeed, that such a sort of courtesy was never shown to me by any officer, either the Collector or the Head Assistant Magistrate, at whose hands I fell a victim, as I have not done in the least any such fault to merit such a heavy punishment.

‡ Page 390.
Board's Proceedings, dated 22nd June 1863, No. 3,726.
" " 7th August 1862, No. 5,160.
G.O., 24th November 1873, No. 591.

30. I therefore in conclusion confidently appeal to Your Lordship for final orders in my case which I hope would have the effect of restoring me to my post of Deputy Tahsildar and Sub-Magistrate of the Town of Madura, and as the matter is one which to a great extent affects the interest of myself and my large family.

31. I most respectfully beg to apologize for having written at so great a length upon this subject, but it is one which is of great importance to myself, and so I shall conclude with the hope that it is not yet too late for the Government to undo what their subordinates have done.

32. Your Lordship may be well aware that merit and service are too important considerations which should never be lost sight of by the authorities in making promotions. Seniority of service is of course a good thing in its way, but that seniority coupled with meritorious service is certainly I trust much better. I need hardly say that this wrong and unjust practice of superseding good and trained officers by inexperienced persons, proves much heart-burning and discouragement among those who are thus passed over, and this proves prejudicial to the interest of the public service.

For which act of charity your petitioner shall, as in duty bound, ever pray.

No. 761.

TRANSFERRED with six enclosures to the Chief Secretary.

(By Order.)

GOVERNMENT HOUSE,
OOTACAMUND,
16th April 1878.

(Signed) P. J. HANKIN,
Private Secretary.

No. 916.

REFERRED to the Collector of Madura, who will report the circumstances under which the petitioner was removed from the post of Acting Sub-Magistrate of Shivaganga.

2. Copies of any correspondence that passed between the Collector and Head Assistant Collector on the subject will be forwarded for the information of Government.

(By Order.)

FORT ST. GEORGE,
31st May 1878.

(Signed) L. A. CAMPBELL,
Under Secretary.

Miscellaneous No. 279.

FORWARDED to the Acting Head Assistant Collector for report, together with copies of correspondence bearing on the matter.

MADURA,
4th June 1878.

(Signed) H. J. STOKES,
Acting Collector.

From H. J. STOKES, Esq., Acting Collector of Madura, to the Honorable D. F. CARMICHAEL, Chief Secretary to Government, Fort St. George, dated Manamadura, 23rd August 1878, No. 2,924.

WITH reference to the endorsement on Petition No. 916, dated 31st May last, herewith returned, I have the honor to report that the records on the subject of the removal of Ramasawmi Iyengar from the post of Shivaganga Sub-Magistrate appear to have been destroyed. But an original order issued to the petitioner is produced (translation enclosed), from which it would appear that he delayed an inquiry for three days which could have been finished in two hours; that he showed great indulgence to the prisoners in the case when in the sub-jail; and that he did not acquit himself properly in levying the penalties to which the complainant's witnesses were liable.

1624/5

2. The petitioner has been serving Government for thirty-three years. He formerly held the office of the Madura Town Sub-Magistrate and was removed from that post. The Government have, upon an appeal preferred by the petitioner, sanctioned his reappointment to the post of Sub-Magistrate on the occurrence of a vacancy. Upon this order he was appointed as Acting Sub-Magistrate of Tiruvadanai and then of Shivaganga.

3. The petitioner has not passed any examination and, in my opinion, is not qualified for the post of Sub-Magistrate.

TRANSLATION of a Takeed, dated 21st March 1868, from the Magistrate of the Madura District, to Ramasawmi Iyengar, Huzur English Accountant, but doing duty as 2nd-Class Sub-Magistrate of Shivaganga.

Read letter from G. McWatters, Esq., Acting Head Assistant Magistrate, dated 16th March 1868, about your irregularity in Calendar Cases No. 38 of 1868 on the file of your office.

The above case was referred to you and on the appearance of the parties on the 25th February in pursuance of the recognisance taken from the complainant and his witnesses and of the summons issued to the accused persons it appears that you have only recorded the complainant's deposition and postponed the inquiry till the 26th, on which date you have taken down some depositions, and again adjourned it till the 27th, while the case might have been disposed of in two hours on the 25th idem itself. It appears also that Mr. Muttukrishna, complainant's Vakil, objected to the impropriety of the adjournment, and he having come from Madura requested that he should return as soon as possible, and further he sent you a letter to the effect that neither he nor his client could appear on the 27th, and that he had sent them to Madura with instructions to apply to the Magistrate for withdrawing the case there, whereupon you went to Mr. Muttukrishna and requested him to wait till the 27th, saying that you will dispose of the case on that date.

Four prisoners having been sentenced by you to fifteen days' imprisonment and fine and six to fine only, it appears that you have willingly neglected to execute the sentence of imprisonment. It appears also that the prisoners were not confined according to law, and they were allowed to go out of the jail for taking their meals. Though you lay the blame on the peons, yet the same appears to have been committed even after the Police Inspector brought the matter to your notice. You have issued warrant for the attachment of the property of the complainant's witnesses for their default to appear in accordance with the terms of the Muchalika, while you knew full well that they have conformed themselves thereto, and the result was that while the prisoners received slight punishment, complainant's witnesses had to pay a fine of Rs. 100 each.

You have thus deliberately overstepped your authority and conducted proceedings as if with a bad motive; you have therefore proved yourself incompetent to hold the responsible post of a Sub-Magistrate, and you are hereby directed to join your post of Accountant.

(Signed) D. ARBUTHNOTT,
Magistrate.

(True Translation.)

(Signed) T. RAM ROW,
Deputy Collector,
for Acting Collector.

No. 65. ORDER THEREON, 7th October 1878, No. 1,624.

Miscellaneous.

THE petitioner will be informed that his memorial has been despatched to the Secretary of State.

(True Extract.)

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

To the Petition Department.

Exd. W. H. French.

Govt. of 1878 Madras
REVENUE
Petition Department
Dated October 7th
Received
Disposed
Date
Section
Folio
Page
Number
Date of Petition
Date of Receipt
Date of Disposal
Nature of Petition
Name of Petitioner
Residence
Subject
Remarks

916
24/4/78
Encl. 7
No. 64

1624

The Most Noble Richard
Plantagenet Campbell Temple
Nugent Brydges Chandos
Grenville, Duke of Buckingham
and Chandos, Governor and
President in Council
Fort St. George
Madras.

May it please Your Grace.

With due respect and
profound submission I most humbly and
respectfully beg permission to state that
although I had been in sanguine hopes
about the favorable disposal of my unfor-
tunate case which to say the least was
one of arbitrary removal Extra-judicially
from the post of Sub-Magistrate on some
unfounded reasons which arose through
official cliquism and thereby superseding
trained Officials by untrained juniors
as is my unfortunate case.

2. To my great regret and sorrow
those in authority believing the idle tales
of some of the Evil disposed influential
Officers towards me that I can hardly find
words to Express, will not now be lost sight
of and have now again laid before Your
Grace for impartial and generous consideration

3.

Although compelled reluctantly to submit through Your Grace's Govern= =ment the Enclosed Memorial to the Most Noble the Right Honorable the Secretary of State for India, I need hardly say that owing to some accident perhaps my unfortu= =nate case did not meet with that considera= =tion which it justly deserves and one may reasonably expect at Your Grace's noble = hands. The Memorial duly authentica= =ted with the necessary vouchers, Enclosed and beg humbly that it may bee Sub= =mitted to the Secretary of State for = India.

A careful perusal of the Memorial will convince Your Grace in Council of the justice I am now denied, especially one of my Service who has creditably and faithfully worked bearing in mind the interests of Government to the Entire satisfaction of my Official Superiors with the full hope that my Services will one day be rewarded.

5. From the testimonials annexed to the memorial the veracity of my Statement will be borne out;- moreover my ancestors served Government in various capaci= =ties much to their credit which I need not here recapitulate. Contrasting the position I formerly held in the Service of Government with that I now hold, and having been superseded by very many of my Juniors I cannot help but thinking the grave injustice done me, while I am struggling with a large family without Even any chance of promotion to a higher grade unless Your Grace in Council = takes my deplorable case into your fa= =vorable consideration and thereby reme= =dy a gross act of injustice. 1624/1

6. In thus trespassing on Your Graces' valuable time I humbly and most respectfully beg to be pardoned for the liberty taken in addressing Your Grace, and the Right Honorable the Secretary of State for India, which I do with the fullest hopes of Success.

For which act of Charity Your Petitioner shall as in duty bound Ever pray

Madura
12th April 1878

Ramāswāmi Ayengar,
Sale Sub Magistrate
of the Town of Madura
& prent English Accounts
Collector's Office
Madura District.

To.

The Most Noble
The Right Honorable
The Secretary of State
for India
in Council.

May it please Your Lordship

1. Highly sensible of the kind support received by many helpless persons like me in their hour of need, and having Experienced it myself, I most respectfully beg to solicit pardon for troubling Your Lordship with this my humble address, and request a favorable consideration.

2. I am a native of this place, and was first entertained in the Public Service as a Writer in the Collectors' Office of the Madura District by the late Principal Collector J. Blackburne Esqre early in 1843 on the demise of my father who had served meritoriously as Dufter Moonshee (a Vernacular Clerk under the Head Sheristadar) for a period of nearly 25 years. I was gradually posted to different posts in the Hoozoor, and lastly in 1861 from the post of English Record Keeper to that of the Sub-Magistrate, and Deputy Tahsildar for the town of Madura While I was English Record Keeper I had

No. 761
Transferred with 6 Enclosures to the Chief Secretary
By order
Assistant Secretary
Govt House
Ootacamund
15th April 1875
No. 2

frequent opportunities of being personally acquainted with the Collector and other Covenanted Officers who have repeatedly borne testimony to the way I performed work specially to my careful and systematic arrangement of the records extending as they were from 1801 which until then had been in a confused disordered state.

3. During the tour of Sir Charles Trevellyan, late Governor of the Madras Presidency, to the Southern Districts, he came to the Collector's Office on the 27th January 1860 accompanied by the Chief Secretary J. D. Bourdillon Esqre inspected the several Departments of the Collector's Office such as Treasury, Correspondence &c and fortunately happened to see the Records both Vernacular and English, which after minutely Examining for an hour, he expressed his entire satisfaction to the Collector Mr J. Clarke and to his Head Sheristadar of the way in which the English Records of this Collectorate had been arranged by stating that they were in a better and more orderly state than any other District he had seen. He at the same time remarked that Vernacular Records of the Office were kept in the worst possible condition. The marginal correspondence will shew any assertion as correct.

4. 1624/9 I have devoted my best Energies to the Service of Government and grown up old therein, and I beg most respectfully to be pardoned when I say, that so long as I was English Record Keeper, I was never absent on leave nor did I any way idle my time Ever since I entered the Public Service. I took great interest in bringing to the notice of the then Collectors the former Correspondence relating to matters of importance then under Consideration for the welfare of the State. I also beg Submissively to say that I have been also saddled, save my own work, with the responsible and important duties of conducting the Law Suits relating to the interests of Government brought on by the parties against the Public Officials in their official capacity then in pendentilite in different Mofussil Courts, in addition to all Law Suits connected with the Minor Zemindary of Shevagungah, when that Estate was under the manangement of the Court of Wards. In that line of work I have also proved most useful in rendering assistance when required by my immediate Superiors (Collectors). The perusal of the letter of R. D. Parker Esqre the late Collector of this district quoted in the margin* will shew how I have merited the Entire Confidence reposed on me.

J. Fell

Vide Mr Parker's Certificate No 1. marked — C

Printed Testimonial No

* from the Collector A. Matthews Esq Board, dated 4th August 1858 from Do 2d Sept 1858 No 188. marked in Enclosure A & B.

* Maylor 4th Nov 1856 English Record Keeper I have written to the Head Accountant to desire that he will not employ Sestaramiah (a writer) about Records from

5. Fully aware of my qualifications and attainments Mr. Levinge the then District Magistrate selected and appointed me to the post of Deputy Tahsildar and Sub-Magistrate of Madura town. The onerous character of the work may be judged from the fact that the town containing the largest population of any in the District, had a large number of vagabonds, profligates, and desperate characters to look after, Besides the people being comparatively better Educated naturally understand so well the processes of law as the Magistrate is required to devote his full time and attention to discriminate truth from falsehood.

In addition to my Magisterial duties I was entrusted with the following items of work many of which are now under the charge of Municipal Commissioners and Local Fund Boards.

1. Collecting long outstanding arrears of the purchase money of the Fort ditch.
2. Looking after the sanitary condition of the town E.g. removing filth, gravelling Streets &c. with Establishment as per margin* which scale was very narrow when compared with the Existing one in the

Jon or in any confidential Situation and I am glad that you have brought the circumstance to my notice.
Jn. Obediently
Sd/ A. D. Parker

Ramaswami Ayyar

Former Establishment Pay per Month Rs.
1 Mistry 12
12 Ozan cleaners @ 8 Rs each 72
15 Scavengers Carts @ 15 Rs each 225
2 Peons @ 7 Rs each 14
1 Sweeper 6
1 Cleaner 8
1 Night Soil cleaner 5
Total 342

the Madura Municipality. 1624/10

Present Establishment.

17 Scavengers Carts @ 15 Rs each ---------- 255.
15 Ds @ 8 Rs ---------- 225
25 Sweepers @ 6 Rs ---------- 150.
25 Cleaners @ 6 Rs ---------- 150.
6 Night Soil cleaners @ 5 Rs ---------- 30.
1 Mistry ---------- 35
1 Do assistant ---------- 15
Out Door Manager ---------- 100
1 Clerk ---------- 50.
1 Do ---------- 25
1 Do ---------- 20.
1 Do ---------- 15.
1 Do ---------- 10.
9 Bill Collectors @ 10-12 v 15 Rs each ---------- 130
1 Cantonment Supt ---------- 15.
70 Mazdoors @ 7 Rs each ---------- 490.
5 Peons @ 5 Rs each ---------- 25.
1340.

Ramaswami Ayyar

Superintend the Erection of new buildings, the chief of which are Pettahs, Bazaars, School Building, Water Projects &c.

4. Trying and disposing of all Civil Suits under 10 Rupees cognizable by the Village Moonsiff under the Regulation 4 of 1816 as there was no Moonsiff separately for the Town. The average number of Suits was 2000 per annum.

5. Duties pertaining to the conservancy of avenues for five miles every way from the town. In this branch of duty I displayed additional care and attention towards planting of Avenues on both sides of the northern Extremity of the town on the road leading to Trichinopoly, as the Soil is rocky and Sterile. This was it must be stated given up by J. Blackburne Esqr. the late Principal Collector as impracticable after repeated Experiments. The avenues planted by me are in a splendid condition at the present day.

day.

6. I have Intermitte- ...se
labours which u ...nd
more than Sing ...n;
and it must here be noticed that the
operations were Conducted not only vi-
-gorously but Economically to merit the
Entire approbation of my Superiors

7. I Ever distinguished myself by
my conscientious discharge of duty, and
by the ability, Energy, and industry with
which I Endeavored to promote the wel-
-fare of all those placed under my care
and jurisdiction.

8. This honest behaviour of mine,
having been found quite disagreeable to
some of the Evil Spirited influential of-
-ficials who bent on Selfish designs, al-
-ways organized a Secret confederacy at
all Events to remove me from the post
and Concocted a Story Quite unfounded,
tho' on Several occasions their Endea-
-vors to find fault with my records
were failed. At last they brought the
charge of disturbing the decision of my
immediate Superior the District Ma-
-gistrate, which a man of ordinary
Sense would never have dared to do
at

Vide his letter to Govt
No. 330 dt 29th Nov. 1861
Marked - D -
in the Printed
Testimonial

at any time Specially a man of my po-
-sition whose antecedents are well known
generally. This was the long desig- 162
-ject of my bitterest Enemies who are
watching to bring me to misery, and who
misrepresented some facts to Mr. Levinge
the then District Magistrate in such a
way as to prejudice the high opinion he
had formed of me.

9. I was Enabled to distinguish my-
-self in a Department in which I have
worked Jealously and unremittingly
and in which I had hopes of promo-
-tion; but by the lies and dishonorable
Expedients of my Enemies I was removed
from my post without giving me fair
and proper opportunity of seeing and
refuting them. I have been unfairly
deprived of my position and of the
means of maintaining myself and
large family and reduced to such a
lower post as that of an Accountant
on Rs: 20 a measure which is totally
opposed to all principles of justice.

10. I never did anything to
merit such a punishment meted out
to me. If I have Erred perhaps it was in
good faith in the Exercise of my judicial
powers. There is nothing to show malice
prepense.

11. I laid the whole of the facts before

the Government who on the report of the
Magistrate passed an order* to
that "that the Government see no
objection to my reinstatement to the
office of Sub-Magistrate when a vacan-
cy occurs". On the receipt of the Go-
vernment Order and before I proceed-
ed to Shevagunga to assume charge of
Sub-Magistrates' Office there, a perma-
nent vacancy of Sub-Magistrate's ap-
pointment occurred which was not
given me, but in seeming Compliance
with the G. O. the District Magistrate
nominally posted me as Acting Sub-
Magistrate of Tirovadanai Division and
then also Acting to Shevagungah Division.
This I believe was brought about by my
Enemies who presented obstacles in the
way of my restoration as ordered by
Government. However I obeyed the
orders of the District Magistrate and
I was on the first instance in charge of
Sub-Magistrates' Office Tirovadanai Di-
vision and thence proceeded to Sheva-
gungah from which I was most un-
justly and in opposition to all right
principles of policy transferred again to
my present post simply upon the report of
the Head Assistant Magistrate who
(was

* 31st May 1867 No. 11

Ramanathapuram Collectorate

(was fully biased against me) having
believed the got up stories of my bitter-
est Enemies, and I had no other alter-
native at the time of my recal than
to submit. The jealousy of high influ-
ential native officials in the District
is an insuperable difficulty in the way
of doing my duty fearlessly and honestly
and I have not the slightest intention
to cast a reflection upon the characters
of my fellow Servants or imputes bad
motives to their actions. But Compelled
by my position and being under the
imperative necessity and as a last resort
to justice to respectfully disclose the
real circumstances of the case. I think
that the Head Assistant Magistrate
Mr. McWatters understood the nature
and real facts of the case, he was
theless much biased by the go
Evil reports given by my bitteres-
mies.

12. A grievous hurt case brought by
the late Mr. Muttukrishna B.L. before
the Head Assistant Magistrate was re-
ferred for my disposal with the records
connected therewith which reached
my Office on the 4th February 1868 in
which the parties were bound to appear
at

Ramanathapuram Collectorate

at my Cutcherry on the 25th of the same month. On that date the Case was opened at 10 a.m. when the 10 Defendants and 5 Witnesses, and One Prosecutor were present together with 4 Vakeels, 2 of whom were natives on the side of the both parties. The Examination of the 1st witness took up some 4 to 5 hours, this of course inclusive of cross questions of the Vakeels for and against the Defendants. This will be patent from the fact that the written Examination took up some 3 or 4 Sheets of Goa paper. There was nothing Extraordinary in regard to the time taken up when it is considered that the time was Exhaus by two English pleaders. Again as it was very late in the Evening and as other current duties both Revenue registration works required my immediate attention as the parties Con- were waiting and the Vakeels the Defendant requested me to desist from Entering into the Examination of the remaining 5 witnesses stating as his reason that if the Examination did not close on that date, his questions would have been anticipated by the remaining witnesses that were not Examined, thereby causing much damage to his case;

8

and on finding that the Enquiry of the other witnesses would not be closed before midnight, I with the consent of Mr. Muttukrishna B. L. acceded to the wishes of Mr. Hickey Counsellor for Plaintiff. If there was the slightest objections to the proceedings I adopted in adjourning the case to the next day such objection should have been taken and a protest Entered into by the late Mr. Muttukrishna. Was this done? It is most incomprehensible that Mr. Muttukrishna who thus quietly and calmly submitted to a proposal as just and Equitable, should some time after Complain of delay to the Head Assistant Magistrate who formed a Su person upon that Statement and who said that the Case would have been Enquired into within two hours; I therefore leave the facts to Speak for themselves. Having thus far gone and closed the case for the prosecution on the 25th February, I was on the 26th under Similar Circumstances obliged to adjourn the Case with the consent of the Counsellor until the 27th and on that date I did well and truly try the Defendants and

and disposed of the case. On the 26th after the Enquiry as alluded to, Mr. Mutthu-Krishna wrote to me informally stating that I should close the case on that date, or otherwise he had instructed his clients to proceed to Madura to petition the Head Assistant Magistrate with respect to the delay; I beg most respectfully to observe that Mr. Mutthu-Krishna's Conduct in this matter was unaccountable and Strange; for when he really and truly consented to all the proceedings in the matter how Could he complain of delay!. This was most remarkable. Supposing the Defendants had cited witnesses what could I do in Such a case But at object Mr. MutthuKrishna had in misrepresenting facts is unknown to me. It was his duty to wait till the close of the Case and if found any informality it was his duty as a Barrister Vakeel to have demurred to it in open Court instead of going to his quarters and writing private letters to me upon public matters in my capacity as a Sub-Magistrate; he was bound only to take notice of Such circumstances as become known to him upon Stamped paper or thro' a proper

Ramaswami Ayyar

4

1824/13

proper channel. From the whole of the case in this respect it would be seen most clearly that the Head Asst. Magistrate allowed his feelings to get the better of his judgment by his having given credence to the Statement made by Mr. Mutthakrishna in opposition to facts Established by the Sub-Magistrate and borne out fully by th -ds no- in Existence. Had the Head Assistant Magistrate calmly and dispassionately Entered into the merits of the Case, he would have found upon trustworthy documentary Evidence that Mr. Mutthu-Krishna instead of promoting the Ends of justice as a Vakeel was Simply promoting litigation. The proceedings in this Case have been written upon 32 Sheets of closely written Goa-paper, and if close attention be bestowed on the lengthy and discussive document be taken into consideration, then Surely instead of reproach I should have been commended for my care and Expedition in the trial. Upon what data the Head Assistant Magistrate considers that the work could have been Effected in a couple of hours is inexplicable. I would most Earnestly and willingly Submit that if the

Ramaswami Ayyar

work

work I had done could have been gone through by the most Expeditious writer within 12 hours the Head Assistant Magistrate's assertion may to some Extent be believed in: I am respectfully bold Enough to challenge a Comparison with the records of other Sub-Magistrates. How often in fact is it of occurrence frequently complained of by parties and partly rebuked by the authorities that cases of the Simplest nature have been delayed for a month or more? Had the Head Assistant Magistrate taken notice of the short-comings of the other Sub-Magistracy under his charge? But the fact he has singled me out and made me a victim of degradation, can only be attributed to the prejudice he had all along against me from the tales carried to him against me from the commencement of my acting as the post. I beg to submit for Consideration of Your Lordship that if the Head Assistant Magistrate believes that the delay in the case points to my corruption a similar imputation must be made in cases where delay has occurred and complained of. A case

in point I beg to refer to Your Lordship to the circumstances in which the late Town Sub-Magistrate Muttusamien now Tahsildar of Dindigul in this District delayed the Enquiry to a period of 3 months. This case was cognizable by the Sessions Judge who, in finding delay to be against all Law and procedure, sent an Extract* that Severe notice should be taken of the Conduct of the Sub-Magistrate; what was done in this case is best known in the town of Madura Vide** nothing was done but he was subsequently promoted to be Tahsildar of Paraicolum and then to the higher paid Taluq of Dindigul. A copy of the Extract is herewith submitted for the perusal of Your Lordship. Again if Your Lordship be pleased to peruse some proceedings quoted here below, it will be clear that delay of 4 or 5 months has been Excused and passed over Silently; while in this my peculiar case 3 or 4 days delay was considered by Sessions an offence as to merit such a lower depth of degradation. Cases of misconduct on the part of the Officers of my Stamp referred to in Boards' Proceedings** have been passed over unnoticed and they were raised to high position

(62/15)

* Proceedings of the Sessions Court 26th March 1868 & 2nd July 1868

** Boards Proceedings 23rd June 1869 No. 4524 13th July 1869 No. 5394 24th July 1869

while

while I was doomed to such a fate.

13. With regard to the Jail discipline in which I was supposed to have been neglectful, I must crave Your Lordships' indulgence for a patient hearing of the most strange proceedings of the Head Assistant Magistrate in my case. I sentenced 10 Defendants to pay a fine and the 4 others to a fine and simple imprisonment, and whilst those sentenced to Simple imprisonment were undergoing incarceration the Inspector of Police brought to my notice that the 4 Defendants were not properly confined or that some relaxation was afforded to them by the Peon in charge of the Jail. I immediately instituted the necessary Enquiry and passed a Diary Order warning the warder to be more careful in future under the impression that such a warning was sufficient if there was an offence at all. I was simply a Superintendent of the Subsidiary Jail & officio when it was brought to my notice, Every Step was taken to rectify the irregularity. Subsequently I changed the old warder and put another in his stead. If the Head Assistant Magistrate was of opinion

18th March 1869 No. 187
Order of Mr. Clark late Collector to his Hr. Cherristadar 15th June 1859.

Board's No. 13th April 1869
No 5394
Dt 24th July 1869

that the punishment was lenient, it was optional with him either to have dismissed the warder, or punish him some other way. It will be patent to Your Lordship that the irregularity was not brought to my notice directly it was committed by the warder, but the Jail Guard whose duty it was to see to the safe custody of the prisoners, reported the circumstances after the lapse of 3 days to his Departmental Head ie. the Inspector of Police from which it is too plain that there must have been a connivance between the Guard and the warder. Did the Head Assistant Magistrate when such circumstances took place, question the parties themselves as to their fault in this respect? It was never done; or did the parties themselves aver that the dereliction of duty on their side Emanated from me as Superintendent of Jail? My answer to this is in most Emphatic terms - No - If the view of law and fact were thus to be dispensed with by the Head Assistant Magistrate in this way, few, if any of the Jail Superintendents (Natives or Europeans) stand a chance of not being blamed for faults beyond their control, and

and authority. How is it possible for the Head Assistant Magistrate not to be aware that such tricks and laxity of discipline are of common occurrence not only in this but in almost all Jails in England and in India.

14. The next point deserving Your Lordship's Special attention is, that on the 27th February, I brought the Enquiry to a close as will be seen from the Statements already gone into by punishing the 10 Defendants as I thought best and upon the appearance of the 11th defendant before myself at about 3½ P.m. on the same date, I wrote to Muttukrishna officially asking him to produce the Prosecutor and witnesses the next day- without doing so and without coming to my Court to represent what he had to say, he sent a letter which is quoted in order to show that from such a letter itself it may be clearly seen that Mr. Muttukrishna and the Head Assistant Magistrate did not enter justly and Equitably into the case itself and that against all practice and procedure arrived at conclusions which were most unwarrantable and illegal.

Enquiry Commenced on the 25th February.

27th February 1868.

My dear Sir.

1624/21

I think the Ends of justice have been met by the verdict and Sentence passed today and I do not think any object can be obtained by encouraging further litigation. My poor Clients have been away from their home and their families for several days and I have advised them to return home in peace, so you must discharge the other accused with a warning on the ground that I moved to withdraw the charge.

Yours faithfully
Signed/ W. T. Muttukrishna B. L.

15. Your Lordship will be pleased to see that Mr. Muttukrishna was knowingly doing what was wrong or was virtually ignorant of the principles of Law as stated in the Procedure Code. The Head Assistant Magistrate sent the case to be tried under Section 325 I. P. Code and which was tried as such under Chapter 14 of the Old Procedure Code. I was unable to receive a Razeenamah either at the commencement or close of the case; what finding and Sentence was recorded against One Defendant operated in the same way for those who may

may have put in their appearance subsequently - it was so in this case - Mr. Muttukrishna's letter to me will shew Your Lordship that although a Barrister he did not know his duty as a Vakeel for his clients, the ends of justice were amply met when 10 out of 11 Defendants were punished; thereby meaning that the 11th Defendant should let off Scot-free. He further states that nothing would be gained by further litigation shewing plainly that from the commencement he did not espouse his clients' cause upon just grounds but from motives either of party-spirit or litigation. Further he says that his poor clients have been away from their home and families several days, meaning of course that Petitioner should waive the requirements of justice by letting off the 11th Defendant and sending his clients away; an thing at naught the Express provisions of the Code. To shew that Mr. Muttukrishna was doing, or rather taking upon himself too much the duties of a Magistrate, he further states he advised his clients to return home in peace, offering thereby a direct insult

Rama Swamy Aiyar

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insult and annoyance to a Sub-Magistrate whose bounden duty was by law to try the remaining Defendants even if it did cost the same labour and time. Again Mr. Muttukrishna proposed that I should with a warning send the 11th accused away for he says "he moved him to withdraw the case". In the first instance he was not justified in asking me to do a thing so much opposed to Law, and in the next he was ignorant of the procedure in a trial under Chapter 14 of the late Procedure Code as to withdrawing a case, from the letter it will be seen that Mr. Muttukrishna was dictating to me to do an act amounting to a compounding of the offence. To prove this take a case of a murder in which 11 Prisoners were concerned, would it be consonant with justice to punish the 10 present and let one off with a warning either at the request of the Prosecutor or his Barrister Vakeel? will any Court allow this? or was it ever known that such a course was proposed by any Vakeel to any Court? As I did not accede to his wish in the matter of the

Ramaswamy Aiyar

trial

trial of the 11th Defendant, Mr. Muttukrish-
-na no doubt from anger misrepresented
matters to the Head Assistant Magistrate.
16.— In the usual Course of bussiness,
the Head Assistant Magistrate when com-
-mitting the Case to my Cutcherry for
trial did in accordance with the provi-
-sions of the Procedure Code bind the Pros-
-cutor and his witnesses in the Penal Sum
of Rupees 100 each, in default of their put-
-ting in their appearance whenever required
by the Magistrate, and when the Case was
thus referred to my Cutcherry the Mu-
-chalikas were to be dealt with by me as
if the Prosecutor and others had been
bound again before the Sub Magistrate.
It will be clear to your Lordship that I
dealt with the case in its Entirety, ac-
-cording to Law, ignoring the Suggestions
of Mr. MutteKrishna, and I Enforced
the penalty. Admitting for the sake
of argument that I had quietly, and
calmly, and ignorantly acceded to the
request of Mr. Muttukrishna with-
reference to the dismissal of 11th Defend-
-ant, I should like to know whether
it was not in the power of the Prosecutor
to have brought a Complaint a-

me for such an act of gross injustice,
in fact, Prosecutor himself conspired
with Mr. MutteKrishna to carry out
such a wicked design, how could I as
a Conscientious Magistrate carry on
business and with what propriety could
I face my European Superiors? was it
possible for me to commit such an
act as proposed by Mr. Muttukrishna?
The Code provides Expressly that I can-
-not but punish the 11th Defendant-
I could not have proceeded against him
without the appearance of the Pros-
-cutor and his witnessas. What was
I to do? was the Muchalika to be com-
a piece of waste paper? Because the
Muchalikas thus taken were rightly
Executed, the Head Assistant Magistrate
finds fault with me accordng to his
understanding of the Law. As at the
time no instructions were laid down
for the guidance of the Sub-Magistracy
with reference to Muchalikas. I acted
in good faith in this case. The Case
thus adjudicated and decided upon
by me was also confirmed in Appeal,
thereby Shewing that my Entire pro-
-ceedings in this Case were both just
and legal. What possible public
policy could there be in manifest
wrong

wrong doing.

17. My Superiors had entertained a very high opinion of my merits*, and I worked hard at my difficult and la=borious situation and rendered good assistance in measures calculated to result in the well-being of the State as stated in Para 4.

18. I have got a strong claim for promotion. I am positive in all I write, and I now give expression to it without the shadow of doubt on my mind, the least I can say on this pain=ful occasion is to avow the correctness of the sentiments made above; and I respectfully solicit attention and cre=dence to the fact that I acted wholly in good faith throughout the case.

19. I trust that a review of the cir=cumstances of the case together with present explanation will enable Your Lordship to acquit me of my unintent=ional fault or irregularity, as also to restore me to the appointment I was deprived of, having regard to my good character and antecedents;—I am conscious I am guilty of nothing more than the prompt discharge of duty, and I humbly and respectfully appeal to Your Lordship hoping that justice will be done.

*Vide letters from Hon'ble W. Robinson dated 14th October & 5th November 1858. Mr. Parker's letter dated 31st January 1859.

G.H.I respective Pinked Book

Ramaswami Appu & Co

1624/20

20. Having thus unfolded the histo=ry of my most unfortunate and deplorable case for Your Lordship's calm and dis=passionate judgment, I humbly trust that I shall meet with justice and Equity to which I am entitled under the peculiar circumstances above re=cited. I was unfortunate all along inasmuch as I had to contend with Evil and designing men self assumed, whose duty was to give to them supe=riors idle tales affecting my characte=r which I have suffered for series of years in this unaccountable way, and find it difficult to provide for my large family with Even the necessaries of life.

21. I was injured to a great ex=tent as I could hardly express. The Head Assistant Magistrate never gave a fair trial to me to rebut the aspers=ions made against my character. He treated all the reports spread against me departmentally, thereby depriving me of the benefit of a regular judi=cial trial.

22. I also lament that if the recent orders of Government reserving the powers of dismissal or removal of the Tahsildars or Deputy Tahsildars on their own hands which were left to the Collectors and Magistrates formerly, had been promulgated a few days before—at the Eve of my removal

Ramaswami Appu & Co

unjustly, it would have been a great boon and will relieve me from undergoing all these difficulties, and I would not have been treated so mercilessly all along without the least consideration of my Seniority in the Service, as well as of my antecedents and my meritorious Service as stated above.

23. If these melancholy and unhappy Events had not fallen all on a sudden, I would have arisen by this time to a high post of Equal rank with that now filled by my Colleagues.

24. I stand Senior in the list of Service. My activity and usefulness will be seen from the Enclosed printed Testimonials, and will conclude that in point of Education, Knowledge, and Experience in Revenue and Magisterial matters, I am not behind any Official who has been promoted over my head.

25. I have been about 20 years in the Government Service and have uniformly enjoyed the confidence of my Official Superiors. This is the first time I was charged with neglect of duty. Even if an Error had crept into the Proceedings, which I deny, there was assuredly no reason to charge me with criminal neglect or to blight my prospects for all time to come. I trust that

Your Lordship will not take me as having written in a captious spirit about a matter disposed of by the Collector and which is already explained.

26. Mr. Levinge in 1863 was kind enough to include among my name in the List of persons who are Eligible and qualified to fill up the post of Tahsildars required by the Board by Standing Circular 23rd September 1863 No. 603, a glance at the remarks therein contained will prove that I possess peculiar qualifications for promotion in any branches of the Revenue and Magisterial Departments, which list is on the record in the Boards' Office.

27. The Memo: appended hereunto will shew that I am the only person singled out from Enjoying the privilege of serving Government in higher and more responsible posts. I have sustained a loss of prestige, and health. Save those accorded to my fellow Officers though their wrong and irregularities are more grave in comparison of mine, still they have been restored without any loss to their appointment and promotion. I am at a loss to understand why I should be denied the right which the law gives to Every one of Her Majesty's Subjects in the country?

So

1624/21

Copy submitted herewith for ready perusal

Enclosure No. 2

So I understand all the subjects of Her Majesty stand Equal in the Eye of the law, and there is not Even a Shadow of difference in that respect.

28. My degradation and distress impel me to ask whether there is one law for the rich and another for the poor.

29. It will be seen from the Standing Order* of the Board of Revenue that much consideration and courtesy should always be shown towards the Experienced old Servants who could not be removed on mere grounds of a mere sneer of the Officers and for the neglect and culpable of holding the duties except on the occasion of a Serious fault. I deeply regret indeed that Such a sort of courtesy was never shewn to me by any officer either the Collector or the Head Assistant Magistrate at whose hands I fell a victim, as I have not done in the least any such fault to merit such a heavy punishment.

30. I therefore in conclusion confidently appeal to Your Lordship for final Orders in my case which I hope would have the Effect of restoring me to my post of Deputy Tahsildar and Sub-Magistrate of the town of Madura and as this matter is

* Page 390. Board's Pro: 22nd June 1863. No. 3726. Board's Pro: 7th Augt. 1862 No. 5760 G. O. 24th November 1873. No. 591.

8.

great Extent affects the interest of myself and my large family.

31. I most respectfully beg to apologize for having written at so great a length upon this subject, but it is one, which is of great importance to myself, and so I shall conclude with the hope that it is not yet too late for the Government to undo what their Subordinates have done

32. Your Lordship may be well aware that merit and Service are two important Considerations which should never be lost sight of by the authorities in making promotions. Seniority of Service is of course a good thing in its way, but that Seniority coupled with meritorious Service is certainly I trust much better. I need hardly say that this wrong and unjust practice of Superseding good and trained Officers by inexperienced persons, proves much heart burning and discouragement among those who are thus passed over, and is also prejudicial to the interest of the Public Service.

For which act of Charity Your Petitioner shall as in duty bound Ever pray.

Madura
12th April 1878

Ramaswamy Ayengar
late Sub Magistrate of the town of Madura & now Acting Accts in the Collector's Office Madura
District Madras Presidency

No 2924

No 916 of 1873

MADRAS

Referred to the Collector of Madura who will report the circumstances under which the Petitioner was removed from the post of Acting Sub Magistrate of Shevagunga.

2. Copies of any correspondence that passed between the Collector and Head Assistant Collector on

on the subject will be forward-
-ed for the information of
Government.

Fort St. George
31st May 1878

By Order
L. Mundy Campbell
Under Secretary

16 24
25

No 2924

Madura Collector's Office
Circuit Bulletin
(Camp) Manamadura
Sivagangah Zemindary
23 August 1878.

1624/26

Rec'd

Revd,

I J Stokes Esqre
Acting Collector of Madura

To. The Honble D.F. Carmichael,
Chief Secretary to Government

Port St George

Sir

With reference to the endorsement on Petition
No 916 dated 31 May last herewith returned, I have
the honor to report that the records on the subject of the
removal of Ramasamy Sysanga from the post of Nattam-
gangah Sub Registrate appear to have been destroyed.
But an original order issued to the petitioner as pro-
duced (translation enclosed) from which it would appear
that he (has) delayed an enquiry for three days which
could be finished in two hours, that he showed great
indulgence to the prisoners in the case when in the Sub-
jail and that he did not acquit himself properly in
levying the penalties to which the complainants Wit-
nesses were — liable.

The petitioner has been serving Government
for [x] Thirty three years. He formerly held the office of the Madura
Sub

Misc No 279
Forwarded to the Acting
Head Assistant Collector for
report together with Copies
of Correspondence bearing
on the matter

Madura
24th June 1878

W Wilkes
Ag Collector

Rec'd Cir for D
letter sent for the Peon
& 1865 on Budget together
with the enclosures.
Peon says he has destroyed
the letter as reported
by letter No 46 of D 10th inst

DD 10-7-78

Revd
11-7-78

No 226
1878

Returned
A.H.A.C.

P.D. No 141
1878.

F.W

1624
27

Town Sub Magistrate & was removed from that post.
The Government have upon an Appeal preferred by
the petitioner sanctioned his re-appointment to the
post of Sub Magistrate on the occurrence of a vacancy.
Upon this order he was appointed as acting Sub Magte
of Tirowadanai & thence of Shivagangah.
3 The petitioner has not passed any examinations & in my
opinion is not qualified for the post of Sub Magte.

I have the honor to be,
Sir,
Your most Obedt Servant.

Acting Collector.

Translation of a Yakeel dated 21st March 1868 from the Magistrate of the Kadura District to Rámasámi Aiyangár Huzur English Accountant but doing duty as 2nd Class Sub Magistrate of Shivaganga

Read letter from Mr Waters Esqr Ag Head Assistant Magistrate dated 16th March 1868 about your irregularity in Calendar Case No 38 of 1868 on the file of your office.

The above Case [illegible] to you and on the appearance of the parties on the 25th February in pursuance of the recognizance taken from the Complainant and his witnesses and of the Summons issued to the accused persons it appears that you have only recorded the Complainant's deposition & postponed the enquiry till the 26th on which date you have taken down some depositions and again adjourned it till the 27th while the Case can be disposed of in

2

Encl. to 31-5-78: 916
14-2-78: 169
26-4-28: 169 a/c
31-5-67: 3693/66
12. 3. 67: —
1744 67/71 1-05

Chennapatnam 1878 Dated 14th
From
The Asst Collector of
Madura
To
The Chief Secretary
to Government
Fort St George
Dated 22nd August 1878
Received 28th —
Sir 24/24
Encl 2

Reporting the circumstances under which Bail Petitioner Ramasamy Aiyangar was arrested from the bail of Shivaganga Zamindar

2d hours on the 25th idem itself. It appears also that Mr. Muthukrishna Complainant's Vakil objected to the impropriety of the adjournment and he having come from Madura requested that he should return as soon as possible and further he sent you a letter to the effect that neither he nor his Client could appear on the 27th and that he had sent them to Madura with instructions to apply to the Magistrate for withdrawing the Case there whereupon you went to Mr. Muthukrishna & requested him to write till the 27th saying that you will dispose of the Case on that date.

4 prisoners having been sentenced by you to 15 days imprisonment and fine and 6- to fine only, it appears that you have withheld [illegible] the sentence of imprisonment. It appears also that the prisoners were not convicted according to law & they were allowed to go out of the Jail for taking their meals. Though you lay the blame on the peons yet the same appears to have been Committed even after the Police Inspector brought the matter to your notice. You have issued warrant for the attachment of the property of the Complainant's witnesses for their default to appear in accordance with the terms of the Muchalika, while you knew full well that they have conformed themselves thereto & the result was that while the prisoners received slight punishment, Complainants [illegible] had to pay [illegible] each. You have thus deliberately overstepped your authority and Conducted proceedings as if with a bad motive; you have therefore proved yourself incompetent to hold the responsible post of a Sub Magistrate and you are hereby directed to give your best attention to your duties as Accountant.

(Signed) D. Arbuthnot
Asst.

(True Translation)

J. Rankin

Asst Collector for
Collector

(529 27

1624
30

Enclosure No 2 to
Mauritius Despatch
Letter of 29th July
23rd August 1878

Translation of
Petition dated 24th March
1878 from the Chiefs
of Flacq and Moka
Plaine Lyons and Rivière
Seche to Mauritius
Council
Forwarded by Governor
Receipt of Despatch

Under paying Pension
Commn 1878 Sept.

Government of Madras.

No 4440

PUBLIC DEPARTMENT.

Petition No. 916 of 1878.

From Ramaswami Iyengar

Dated 12th April 1878.

Occupation late Sub Magistrate & Collector at present Collectorate Head Assistant

Village Madura

Talook -do-

District Madura

Received 24th April 1878.

Enclosures.

ABSTRACT.

Submits a Memorial to the Secretary of State for India, praying for restoration to his former post of Sub Magistrate & Dy Tahsildar, from which he has been unjustly reduced; and requests that the same may be transmitted to its address with

No 916 of 1878. Dated 12th April 1878.

Recd 24th ——

From Ramaswami Iyengar late Sub Magistrate of the Town of Madura & at present an English Accountant in the Collectors office Madura -

Submits a Memorial to the Secretary of State for India, praying for restoration to his former post of Sub Magistrate of the town of Madura & Dy Tahsildar, from which he has been unjustly reduced; and requests that the same may be transmitted to its address with

Under Rule 1 of the Resolution in Public Department dated 7th October 1878 the Memorial noted in the margin is forwarded to the Secretary of State for India in Council for disposal.

By Command of
His Excellency the Governor in Council

Chief Secretary.

To the Secretary of State for India in Council.

Fort St George
7th October 1878.

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16/24
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Public Department

Order

The Petr. will be informed that his Memorial has been despatched to the Secretary of State.

Let a letter be addressed to the Secretary of State

7th October 1878

To the Secretary of State

My Lord

We have the honor to forward a Memorial presented by one Ramaswami Iyengar formerly Sub Magistrate of the town of Madura & now an Accountant in the office of the Collector of that District praying for restoration to his former post.

2 Enc

the favourable recommendation of this Government.

With report from the Asst. Collector of Madura, dated 22nd Augt. 1878 No. 2924.

The memorialist was removed from the office of Huzoor Sheristadar in the year 1874 by the Magistrate of the District who had reason to be dissatisfied with his conduct in a particular case, but as this action of the latter officer was somewhat irregular, the Government of the day passed an order stating that they would not object to the Establishment of Ramaswamy Iyengar to the post of Sheristadar on the occurrence of a vacancy.

3. This order was passed in the year — Memorialist was appointed head assistant first at Tirovadanai & afterwards at Shivaganga, while at the latter his immediate

See Kumbakonam letter of 3rd Aug. 1878 No. 2924.

See Collr's general letter.

See papers with petition 24th Oct. 1878 & reply of Asst. Collr. dated 30th Nov. 1878.

See Collr's letter dated 3rd Dec. 1878.

3/1824

superior appears to have heard appeals & proceedings connected unfavorably of his procedure & the District Magistrate directed that the memorialist should report to the Sheristadar & Accountant.

The appeal against this order appears to have been presented & on calling for information regarding it we learn that the records relating to it have for the most part been destroyed but the order itself is forthcoming & a translation is appended.

4. After a silence of ten years the memorialist now comes forward to complain of the treatment he has experienced but the grounds on which he was removed from Shivaganga are clearly set forth & there can be little doubt that he either misconducted himself or was unfit to be a Magistrate's

present District
Magistrate Report
that Ramasami
Iyengar "has not
passed any Examination"
& is in his opinion
"not qualified for
the post of Tahsildar".

6. We have no
Recommendation to
make on behalf of
the Memorialist who
has already appealed
to Your Lordship's direct
Report to certain alleged
allowances claimed
by him. (Vide our letter
despatched Board: 16 Aug 78)

I.O.