Archives I—10,006—16-8-77.

(1) Number of pages 16

(2) Date of repair 17-12-84

(3) Initials of the Referencer _____ _____

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. / B.P. No.	2025	Press. / Mis.
Dated	17-12-1878	197 .

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

2025

17th December 1878, No. 2,025.

Read the following paper :—

No. 186. From P. NARAINSAWMY NAIDU, Clerk of the Madura Collector's Office, dated Madura, 28th October 1878, No. 2,123.

ABSTRACT.—Prays for the transmission to the Secretary of State for India of the accompanying memorial and its enclosures requesting that petitioner may be restored to his former post of Sheristadar of Periyakulam Taluk, or order issued to appoint him to a similar post which may next fall vacant.

ENCLOSURE No. 1.

Petition from P. NARAINSAWMY NAIDU, Clerk of the Madura Collector's Office, to the Right Honorable the Secretary of State for India in Council, dated Madura, 28th October 1878.

MY LORD,—With feelings of profound respect and submission petitioner, P. Narainsawmy Naidu, Clerk, Collector's Office, Madura, in the Presidency of Madras, begs leave to submit his unfortunate case to your Excellency in Council. Petitioner will not trouble your Excellency in Council with any long history of the high-handed and arbitrary manner in which he has been dealt with, but shall submit only such points as will clearly elucidate his case.

1. Petitioner entered Government service in 1854, and having, in 1865, passed the Special Test Examination prescribed for the post of Tahsildar, was appointed Taluk Sheristadar of Pulney Taluk, whence he was transferred to Periyakulam in 1867. While serving here petitioner noticed several irregularities (enumerated in the memorandum* herewith *A. appended) in the Tahsildar's administration of the treasury, committed in utter disregard of all [illegible] kindly requested the Tahsildar, Sreenivasamoorthy Iyengar, both verbally and by writing, to put a stop to them; but the Tahsildar turning a deaf ear to his entreaties, petitioner, from a strict sense of duty, was under the painful necessity of bringing them to the notice of the Collector, the Hon. D. Arbuthnott, †B. by an urzee† dated 11th October 1868. The Collector, into whose favor the Tahsildar had unduly insinuated himself, took no more notice of these serious irregularities than ‡C. sending a lenient takeed,‡ which will serve to show with what indulgence he was treated. This attempt of petitioner to do what he considered his duty incensed the Tahsildar against him, and from that time forward he tried his best to ruin petitioner by poisoning the mind of the Collector with all sorts of gross misrepresentations; various attempts having failed, he at last prevailed upon one Chetraputramooppen, who was a prisoner under his remand in a case of culpable homicide, by promise of release, to bring a complaint of extortion against petitioner, and he of course too readily obeyed his words.

2. The District Magistrate, who had been already prejudiced by the Tahsildar, suspended poor petitioner from office, started an enquiry with a preconceived idea of guilt, and committed him to the Court of Sessions, which having no such prejudice honorably acquitted poor petitioner without even calling for his defence besides expressing an intention of proceeding against the prosecutor and his witnesses for perjury.

3. In spite of the above acquittal, which fully vindicates the character of your Excellency's poor petitioner, Mr. J. R. Arbuthnott, the then Officiating Collector, who knew nothing about the nature of the case, degraded him (as he believes at the instance of his uncle, the Hon. D. Arbuthnott) from the post of Taluk Sheristadar to the post of a Clerk on Rs. 30 in the Collector's Office. Though a promise of promotion to higher pay was held out to petitioner in the order* of degradation, dated 26th January *D. 1869, no promotion was given him, though several vacancies occurred, and in May 1870 he appealed against his unjust degradation to the Board of Revenue, who called for the Officiating Collector's report on the subject.

4. Evidently enraged at this step of your Excellency's poor petitioner, the Officiating Collector submitted a report to the Board introducing in it certain unfounded statements to make his own proceedings good, whereupon the Board declined to interfere in the matter.

5. The grounds for petitioner's degradation as stated by the Officiating Collector are—

(I.) That numerous reports and personal observation convinced him (Officiating Collector) that petitioner while at Pulney Taluk exercised undue influence over the Tahsildar, and used that influence most injuriously, which therefore necessitated his transfer to another taluk.

(II.) That he was of opinion that though there was no legal proof of guilt, there was not the least room to doubt that petitioner has misconducted himself in the manner imputed to him in the extortion case.

6. With regard to the first ground, petitioner begs respectfully to submit that the statement of the Officiating Collector is wholly unfounded. In the first place it seems odd how a Taluk Sheristadar, who is a subordinate of the Tahsildar, can exercise the so-called undue influence over his superior, except by raising a voice against his irregularities as the petitioner did in the present case. The order† of the transfer sent to Tahsildar runs thus: "As the Sheristadar of your taluk has been transferred to Periyakulam and *vice versa*, you are directed to send Naramsawmy Naidu to Periyakulam." But no mention of any misconduct whatever was made therein, nor is there on record a single report or complaint from any party to convince the Officiating Collector that petitioner exercised undue influence over the Tahsildar and used it injuriously. The Officiating Collector appointed your Excellency's petitioner as Sheristadar in February 1867 and confirmed him in September; and in December of the same year the then Collector, the Hon. D. Arbuthnott, transferred him (petitioner) to Periyakulam Taluk. So that the instances of misconduct imputed must have been brought to his notice in the course of only two months, for it is reasonable to suppose that if petitioner had really misbehaved himself, the Officiating Collector would never have confirmed him, and it remains to be judged whether the Officiating Collector had time enough to make personal observations about petitioner's conduct in so short a time, and in what way he could have made it, beyond trusting to the misrepresentations made to him by those who sought petitioner's ruin. Petitioner need hardly say that it must only be by slow and laborious process that one can get influence over his superior, if that were possible at all, and that a good deal of time must have elapsed before the effect of using that influence injuriously becomes so prominently known to the Officiating Collector as to induce him to bring about petitioner's transfer. The Officiating Collector stated in his report that he personally informed petitioner that his misconduct in the Pulney Taluk was the sole reason for his transfer, but your Excellency in Council will see no reason why the cause of his transfer, which is said to have been personally communicated to him, should have been omitted in the order of such transfer, nor will your Excellency in Council hold such personal information admissible in a legal point of view. The vague statement of the Officiating Collector is attributable to nothing else but in the first place to his being provoked in consequence of petitioner having appealed to the Board of Revenue against his order, and in the next place to petitioner's having forwarded to the Board a testimonial‡ given him by his superior as to his good character, which had a bearing in the disproof of the Officiating Collector's reason for his transfer. Petitioner did not complain of his transfer to Periyakulam Taluk, inasmuch as it is a healthier place and there was no reduction of pay; further, that as the Periyakulam Taluk Sheristadar had acquired landed property in that taluk, the Collector deemed it advisable to transfer him to Pulney Taluk under the Sub-Collector, and this transfer took place when the Officiating Collector, who subsequently degraded petitioner, was Sub-Collector; if there had been anything bad against the petitioner, and if his transfer was at the Sub-Collector's motion, then there might have been some correspondence between him and the Collector as to the circumstances which necessitated petitioner's transfer, but no such correspondence has ever taken place. Hence the statement of the Officiating Collector, that the petitioner while at Pulney Taluk misconducted himself in such a manner as to necessitate his transfer to another taluk, is utterly unfounded.

†E.

‡F.

7. That in respect to the second ground, petitioner begs to state that the suspicion which the Officiating Collector attaches to petitioner's innocence is not only against the opinion and conclusion of the Sessions Judge in the case, but is unsustainable in law, as would be seen from the authenticated copy of the proceedings* subsequently passed by the Sessions Judge. At the time of petitioner's trial for extortion by the Sessions Judge it was not the practice for the Courts to draw out a summary in cases of acquittal. Hence the Officiating Collector formed an erroneous opinion altogether of the case and this unfounded opinion the Officiating Collector having conveyed to the Board, they declined to interfere in petitioner's behalf.

*G.

8. Your Excellency's humble petitioner then petitioned the Sessions Judge to record his opinion of the case, as the Officiating Collector had vaguely attached a moral doubt to petitioner's innocence. The Sessions Judge says "it was not the practice at the time alluded to for the Court to record a statement of evidence in arriving at an acquittal; all, therefore, the Sessions Judge can say now is that the acquittal of petitioner was a *bonâ fide* one on the merits of the case, and moreover it was arrived at without going into any defence. There was no legal flaw in the evidence, nor any collusion on the part of the witnesses that the Court was aware of." These are the words of the highest tribunal of the district—one that possessed no small discrimination in the nature of the case.

9. Your Excellency's humble petitioner thereupon petitioned the Board to reconsider the matter, as their decision was based upon the Officiating Collector's erroneous report, which was evidently against the conclusion of the highest judicial officer in the district who had personally investigated the case, but the Board declined† to re-open the matter. Petitioner then appealed to Government, but the then Government of Lord Napier saw no ground to interfere in spite of the above reasonable representations.

†H.

10. Thus your Excellency in Council will perceive that the undue influence alleged to have been exercised by the petitioner over the Tahsildar and the misconduct imputed to him, which necessitated his transfer and his subsequent degradation, are arbitrary and unjust, and the result of prejudice and misapprehension. The Proceedings of the Sessions Judge vindicates petitioner's character and relieves it from all culpability.

11. Board's Standing Order‡ No. XLIV of 1866 and XLIX of 1867 state that when a subordinate officer is acquitted of an offence by a Court of competent jurisdiction, he is entitled to reinstatement, and if that is considered inexpedient for strong reasons, the Board's sanction should be obtained before any punishment is awarded to him. According to this your Excellency's poor petitioner must either have been reinstated or his case referred to the Board before he was degraded, but no such thing was done in his case, and he was denied the benefit of such a reference.

‡I.

12. Petitioner further begs to bring to your Excellency's notice the fact of the Police Inspector, who was conjointly accused and tried with petitioner upon the same charge, but was upon appeal to the Inspector-General of Police reinstated in the very post of Police Inspector, while petitioner has had no redress.

13. Petitioner has been waiting till now vainly hoping that his case may at some time or other receive the favorable consideration of the authorities, but though vacancies are of frequent occurrence, petitioner's attempts have proved fruitless; the authorities, who have no knowledge of the real circumstances of the petitioner's case, being under the impression that having been once degraded a sort of moral stigma attaches to his character, and that he is ineligible for further promotion. Petitioner has always been honest, zealous, and attentive in the discharge of his duties, and the treatment which he has so little merited is a source of [illegible] a copy of the certificate given§ him under the direction of HIS EXCELLENCY THE LATE GOVERNOR OF MADRAS.

§J.

14. Induced by the renown which the Government of His Grace the Duke of Buckingham has acquired for patient research and deliberate consideration into the claims of injured merit, petitioner appealed on the 13th September 1878, but to his great misfortune it appears that His Grace was given no opportunity of even looking at the petition, much less of going into the merits of the case, and the petition was returned with usual endorsement.‖

‖K.

15. In these circumstances, petitioner most humbly begs that your Excellency in Council at least, as the final appellate authority, will enter into the merits of the case, and by a just consideration of all the circumstances above set forth, and of the long service (24 years), the zeal and the integrity with which he has been serving Government, and the wrong which has been done him, order his restoration to the post of Sheristadar of Periyakulam Taluk, or to a similar post that may next fall vacant.

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

No. 187. ORDER THEREON, 17th December 1878, No. 2,025.

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. A. F. Goodall.

Govt. of [1878] Madras.

REVENUE.

To

THE PETITION DEPARTMENT.

Dated December 1878.

Printed 23rd.

Read.

G.O., 17th December 1878, No. 2,025.

DECEMBER.

Nos. 186-187.

Memorial from P. Narayanasamy Naidu, Clerk of the Madura Collector's Office, praying for restoration to his former grade.—Informing the petitioner that his memorial has been despatched to the Secretary of State.

TO

THE RIGHT HONORABLE THE SECRETARY
OF STATE FOR INDIA IN COUNCIL.

MY LORD,

With feelings of profound respect and submission Petitioner P. Narayanasawmy Naidu, Clerk, Collector's Office, Madura, in the Presidency of Madras, begs leave to submit his unfortunate case to Your Excellency in Council. Petitioner will not trouble Your Excellency in Council with any long history of the high handed and arbitrary manner in which he has been dealt with, but shall submit only such points as will clearly elucidate his case.

1. Petitioner entered Government Service in 1854 and having in 1865 passed the Special Test Examination prescribed for the post of Tahsildar was appointed Talaq Sheristadar of Pulney Taluq whence he was transferred to Periakulam in 1867. While serving here, Petitioner noticed several irregularities (enumerated in the memorandum * herewith appended) in the Tahsildar's *A administration of the Treasury, committed in utter disregard of all rules and he repeatedly requested the Tahsildar Sreenivasamoorthy Iyengar, both verbally and by writing to put a stop to them; but the Tahsildar turning a deaf ear to his entreaties, Petitioner from a strict sense of duty was under the painful necessity of bringing them to the notice of the Collector, The Honorable D. Arbuthnott, by an Urzee † dated 11th October 1868. The Collector into whose favour †B the Tahsildar had unduly insinuated himself took no more notice of these serious irregularities than sending a lenient Takeed ‡ which will serve to show with what indulgence he was treated. ‡C This attempt of Petitioner to do what he considered his duty incensed the Tahsildar against him and from that time forward he tried his best to ruin Petitioner by poisoning the mind of the Collector with all sorts of gross misrepresentations; various attempts having failed, he at last prevailed upon one Chetraputramooppen who was a prisoner under his remand in a case of culpable homicide by promise of release to bring a complaint of extortion against Petitioner and he of course too readily obeyed his words.

2. The District Magistrate who had been already prejudiced by the Tahsildar suspended poor Petitioner from Office, started an enquiry with a preconceived idea of guilt and committed him to the Court of Sessions, which having no such prejudice honorably acquitted poor Petitioner without even calling for his defence, besides expressing an intention of proceeding against the prosecutor and his witnesses for perjury.

3. In spite of the above acquittal which fully vindicates the character of Your Excellency's poor Petitioner Mr. J. R. Arbuthnott the then Officiating Collector, who knew nothing about

the nature of the case degraded him (as he believes at the instance of his Uncle, The Honorable D. Arbuthnott) from the post of Taluq Sheristadar to the post of a Clerk on Rs. 30 in the Collector's Office. Though a promise of promotion to higher pay was held out to Petitioner in the
*D order * of degradation dated 26th January 1869, no promotion was given him, though several vacancies occurred and in May 1870 he appealed against his unjust degradation to the Board of Revenue, who called for the Officiating Collector's report on the subject.

4. Evidently enraged at this step of Your Excellency's poor Petitioner the Officiating Collector submitted a report to the Board introducing in it certain unfounded statements to make his own proceedings good, whereupon the Board declined to interfere in the matter.

5. The grounds for Petitioner's degradation as stated by the Officiating Collector are:

(I). That numerous reports and personal observation convinced him (Officiating Collector) that Petitioner while at Pulney Taluq exercised undue influence over the Tahsildar and used that influence most injuriously, which therefore necessitated his transfer to another Taluq.

(II). That he was of opinion that though there was no legal proof of guilt there was not the least room to doubt that Petitioner has misconducted himself in the manner imputed to him in the extortion case.

6. With regard to the first ground Petitioner begs respectfully to submit that the statement of the Officiating Collector is wholly unfounded. In the first place it seems odd how a Taluq Sheristadar who is a subordinate of the Tahsildar, can exercise the so-called undue influence over his superior, except by raising a voice against his irregularities as the Petitioner did in
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P. Narainsawmy Naidu

his transfer, but Your Excellency in Council will see no reason why the cause of his transfer which is said to have been personally communicated to him, should have been omitted in the order of such transfer, nor will Your Excellency in council hold such personal information admissible in a legal point of view. The vague statement of the Officiating Collector is attributable to nothing else, but in the first place to his being provoked in consequence of Petitioner having appealed to the Board of Revenue against his order, and in the next place to Petitioner's having
*F forwarded to the Board, a testimonial * given him by his superior as to his good character which had a bearing in the disproof of the Officiating Collector's reason for his transfer. Petitioner did not complain of his transfer to Periakulam Taluq in as much as it is a healthier place and there was no reduction of pay; further that as the Periakulam Taluq Sheristadar had acquired landed property in that Taluq, the Collector deemed it advisable to transfer him to Pulney Taluq under the Sub-Collector, and this transfer took place when the Officiating Collector who subsequently degraded Petitioner, was Sub-Collector; if there had been anything bad against the Petitioner, and if his transfer was at the Sub-Collector's motion, then there might have been some correspondence between him and the Collector as to the circumstances which necessitated Petitioner's transfer, but no such correspondence has evertaken place. Hence the statement of the Officiating Collector, that the Petitioner while at Pulney Taluq misconducted himself in such a manner as to necessitate his transfer to another Taluq, is utterly unfounded.

7. That in respect to the second ground, Petitioner begs to state that the suspicion which the Officiating Collector attaches to Petitioner's innocence, is not only against the opinion and
†G conclusion of the Sessions Judge in the case but is unsustainable in law, as would be seen from the authenticated copy of the proceedings † subsequently passed by the Sessions Judge. At the time of Petitioner's trial for extortion by the Sessions Judge, it was not the practice for the Courts to draw out a summary in cases of acquittal. Hence the Officiating Collector formed an erroneous opinion altogether of the case, and this unfounded opinion the Officiating Collector having conveyed to the Board, they declined to interfere in Petitioner's behalf.

8. Your Excellency's humble Petitioner then petitioned the Sessions Judge to record his opinion of the case as the Officiating Collector had vaguely attached a moral doubt to Petitioner's innocence. The Sessions Judge says "it was not the practice at the time alluded to for "the Court to record a statement of evidence in arriving at an acquittal; all therefore the "Sessions Judge can say now is that the acquittal of Petitioner was a bonâfide one on the merits "of the case and moreover it was arrived at without going into any defence. There was no legal flaw in the evidence nor any collusion on the part of the witnesses that the Court was aware "of." These are the words of the highest tribunal of the District—one that possessed no small discrimination in the nature of the case.

9. Your Excellency's humble Petitioner thereupon petitioned the Board to reconsider the matter as their decision was based upon the Officiating Collector's erroneous report which
‡H was evidently against the conclusion of the highest Judicial Officer in the District who had personally investigated the case, but the Board declined ‡ to reopen the matter. Petitioner then appealed to Government, but the then Government of Lord Napier saw no ground to interfere in spite of the above reasonable representations.

2525/4

10. Thus Your Excellency in Counsil will perceive that the undue influence alleged to have been excercised by the Petitioner over the Tahsildar and the misconduct imputed to him which necessitated his transfer and his subsequent degradation, are arbitrary and unjust and the result of prejudice and misapprehension. The Proceedings of the Sessions Judge vindicates Petitioner's character and relieves it from all culpability.

*I 11. Board's standing order * No. XLIV of 1866 and XLIX of 1867 state that when a Subordinate Officer is acquitted of an offence by a Court of competent jurisdiction he is entitled to reinstatement and if that is considered inexpedient for strong reasons, the Board's sanction should be obtained before any punishment is awarded to him. According to this, Your Excellency's poor Petitioner must either have been reinstated or his case referred to the Board before he was degraded, but no such thing was done in his case and he was denied the benefit of such a reference.

12. Petitioner further begs to bring to Your Excellency's notice the fact of the Police Inspector who was conjointly accused and tried with Petitioner upon the same charge, but was upon appeal to the Inspector General of Police reinstated in the very post of Police Inspector while Petitioner has had no redress.

13. Petitioner has been waiting till now vainly hoping that his case may at some time or other receive the favourable consideration of the authorities, but though vacancies are of frequent occurrence Petitioner's attempts have proved fruitless. The authorities who have no knowledge of the real circumstances of the Petitioner's case, being under the impression that having been once degraded a sort of moral stigma attaches to his character and that he is ineligible for further promotion. Petitioner has always been honest, zealous, and attentive in the discharge of his duties, and the treatment which he has so little merited is a source of great discouragement and mortification to him. Petitioner begs to annex a copy of the certificate given † him under the direction of His Excellency the Late Governor of Madras.

†J

14. Induced by the renown which the Government of his Grace the Duke of Buckingham, has acquired for patient research and deliberate consideration into the claims of injured merit, Petitioner appealed on the 13th September 1878 but to his great misfortune it appears that his Grace was given no opportunity of even looking at the petition, much less of going into the merits of the case, and the petition was returned with usual endorsement ‡.

‡K

15. In these circumstances, Petitioner most humbly begs that Your Excellency in Council at least, as the final appellate authority will enter into the merits of the case and by a just consideration of all the circumstances above set forth and of the long service (24 years), the zeal and the integrity with which he has been serving Government, and the wrong which has been done him, order his restoration to the post of Sheristadar of Periakolam Taluq or to a similar post that may next fall vacant.

For which act of justice
Petitioner as in duty bound
Shall ever pray.

Madura
28th October 1878

P. Narainsawmy Naidu

Secretary of State
for India, of the
accompanying Memorial and Petition, requesting that he may be restored to the former post of Sheristadar of Periakolam Taluk, or order given to appoint him to a similar post which may next fall vacant.

2525/5 1/2 Margin

Government of Madras.

No 5355

Rev. DEPARTMENT.

Petition No. 2123 of 1878.

From P. Narainsawmy Naidu

Occupation Clerk of the Madura Collector's Office

No 2025 - 17 December 1878

Village

Talook Madura

District

Dated 28th October } 1878

Received 2nd November }

13 Enclosures.

ABSTRACT.

Prays for the restoration to the post of Sheristadar of Periakolam Taluq or to a similar post that may next fall vacant.

No 2026—
The Petitioner will be informed that his Memorial has been despatched to the Secy of State.
7/12/78

17 Dec 1878
To the Petitioner
Pet & Enc
Dept & Date 7/12

Ewh. ff. 4. 3-7
1873/74 p.

2° 25/6

Petn (Rev) Debt

No 2123

D/ 7th December 1878

2025

To

L. R. Campbell Esquire
Under Secretary to Government.
Madras.

2025
7

Most Honored Sir

With due respect I most humbly beg leave to acknowledge the receipt of your Endorsement of the 7th Instant No 2123 on my petition announcing the despatch of my Memorial to the Secretary of State but the Memorial intended to that effect has been returned with the above endorsement.

I think that instead of despatching the Memorial with the enclosures, the enclosures alone have been sent to the secretary of state.

I have therefore the honor to send my Memorial herein enclosed and beg that you will forward it to that

authority, if my surmise is correct.

I beg to remain
Most Honored Sir
Your Honor's most
obedient & humble servant.
P. Naraindasseraz Naidu

Madura
13th December 78

the accompanying papers.
that the statement of the
Collector is wholly unfound-
ed; that he had no oppor-
-tunity of personally observ-
-ing petr's conduct, that
he therefore relied upon the
misrepresentation of those
who wanted to ruin petr;
that it is odd that he,
who was a Labour Steris
-tadar & a subordinate
of the Tahsildar, could
have had undue influence
over the Tahsildar, except
by raising a voice against
his irregularities; and
that in the extortion case
the Sessions Judge acquitted
the petitioner on the merits
of the case & not on account
of any legal flaw in the
evidence.

Prays, therefore,
that on a due considera-
tion of his case & of
his long service of
24 years, the Govt may
order his restoration
to the post of Shirista
-dar of Periakolum or
Labour, or to a similar
post, which may next
fall vacant.

Encl. G. 4-3-79: 350

D 2035

unjustly degraded the petitioner from the post of Talook Shirastadar of Periakolum Talook to the post of a Clerk in the Collector's Office on a reduced salary, on the grounds, that he, while Shirastadar of Cubrey Talook, exercised undue influence over the Cubraidars & that injuriously, which necessitated his transfer from that Talook. & 2ndly that though there was no legal proof of guilt, yet there was not the least room to doubt that he misconducted himself in the manner imputed to him in the petition case; but that it will be seen from

Government of Madras.

Rev DEPARTMENT.

Petition No. 1873 of 1878.

From P. Narayanasawmy

Occupation Clerk, Collector's Office,

Village Cudalur

Talook Periakolum

District Madura

Dated 13th September 1878

Received 21st " "

11 Enclosures.

Signed 9/12/10

ABSTRACT.

Brings to notice, that J. H. Arbuthnot Esqr the Officiating Collector, unjustly