

(1) Number of pages 34
(2) Date of repair 12. 2. 1883
(3) Initials of the Referencer J.

MADRAS RECORD OFFICE.

Government of Madras.

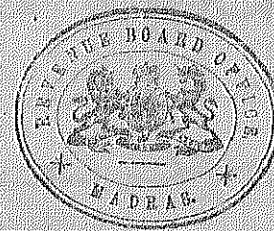
Revenue DEPARTMENT.

G.O. No. 7257

Press
Mis.

Dated 12. 4. 1889.

Not to be folded or roughly handled



Proceedings of the Board of Revenue

(Land Revenue).

Dated 18 August 1887.

No. 2629 Meis.

Mr. W. S. Whiteside.

READ Petition from Mr. M. G. Kirtuasa
-raiy Inyangar, Advocate on
behalf of Kondalroya reddi
late Moriyaga & Musaff
of Ormandur, Tindivanam
Taluk, S. Arcot Dt, dated 30
July 1887.

Resolution

The petitioner's father
while acting as gumastah
for the Moriyaga and Musaff
of Ormandur was dismissed
for having signed a certain
receipt acknowledging the
payment of Rs 300 in excess
of

of the amount actually paid.
The man for whom he was
acting then resumed the
duties of his office and
then resigned and the petitioner
was appointed by the Sub Collector Mr
Bird permanently in his stead.
2. He discharged the duties for
nearly 5 years, viz, from
August 1881 to April 1886, when
he was summarily dis-
missed by Mr. Horsfall
who had succeeded Mr Bird,
on the ground that Mr. Bird
ought not to have appointed
petitioner to the post in question
during his father's lifetime
but he refrained from
passing order against
a Daloyt in his own office
who, as a father in law, had
been dismissed along with
petitioner's father.
3. The Board consider that
having regard to all the ^{circumstances} ~~circumstances~~
of the case, the dismissal
of the petitioner was unnecessary
and

and they direct that he be
now restored to office.
4. Petitioner will be referred
to the Collector who will issue
the necessary orders.

True Extract
(Signed) L. Hamrick
As. Secretary

To.
The Colr of S. A. Ct.
Indt. to Petr. through the Colr
(para 4 only).

True Copy

Hamrick
Secretary

F
Lw.

True copy of
Board's Proceeding
dated 18 August 1887
to 2629. Dr. 10



For C. No. 7954/89

MEMORANDUM.

REQUESTED for reference the undermentioned papers:—

A full copy of B. P. Ch. 18 Aug '87 No 2629.

GOVERNMENT OFFICE,
Revenue Department,

7-10-1887.

To

The

Secretary to the Commissioner of Land Revenue

H A Chait

Under Secretary to Government.

Endorsement of the collector of South Arcot
dy 30th November 1887. Reference on D.C.R. 2620
87,
on letter from the Sub-collector dy 6th September
1887, No 997.

True copy submitted to the Board
of Revenue as requested.

2- The Board Petitioner's father was
only a Monegar gumastah when he was dis-
missed: and he was dismissed for having
falsely reported that he had collected Rs 1508
when he had really collected only Rs 1203. His
explanation was that the ryots had promised
payment of the difference soon and that he
believed in their promises.

3- The person referred to was the Procep-
server who accepted the gumastah Monegar's
false certificate of collection. He too was
dismissed, but apparently without having
an opportunity to explain. He was subse-
quently entertained in the Postal Depart-
ment as a peon for 5 years which appoint-
ment he resigned in 1882. He was then taken
on

Copy of the Petition
is forwarded.
The petition needs
no more to be in-
quired (to be returned)
Secretary
Revenue Board Office
South Arcot
10 Oct. 1889.

on in the Revenue Department by Mr Weld as
one of the Sub-collector's peons which post he still
retains. In these circumstances Mr Horsfall
would not have been justified in dismiss-
ing the peon

(Signed) Henry Sewell
Collector

(True copy)

Secretary.

H. D. Stewart

29 SEP 89

South Arcot.

N^o 997.

From, J. M. Horsfall Esquire,
Sub Collector of South Arcot
To, Henry Sewell Esquire,
Sub Collector of South Arcot

Sir, With your footnote dated 25th
Ultimo, you have forwarded to me
Copy of the Board's (Land Revenue)
decisions dated 18th August 1887, N^o 2629,
Miscellaneous.

2. This decision reinstates to the
office of Monegar of Annandur, Sindi-
manam Salug, a man (Kondalaya
Reddi) whom I had dismissed from
Suboffice on the ground that he was son
of a previous dismissed Monegar
furnastah still alive and living in
the same village.

3. The Board say in the decision
that I had "summarily dismissed" the
man and that I had "refrained
from passing orders against a dalyet
in my own office, who as Katta
Arin had been dismissed along
with

Sub Collector's office
Trilivanur, 6th September
1887

with petitioner's (Kondabraya Reddi's) father. The unavoidable inference from these words is, I most respectfully submit, that I acted hastily and harshly to a village moneyar and with unfair leniency to a daloyet of mine whose case was on all fours with that of the moneyar.

4. I am reluctantly constrained to believe that the Board were misled by their petitioner's Vakil as to the true facts of the case and I am strengthened in my belief by the fact that no report of yours or mine was before the Board when they passed orders and that the full records of the case have never been before them.

5. The facts are these. It came to my notice in 1886 that Kondabraya Reddi was moneyar in a village in which his dismissed father was still living. I called upon him to resign office on the clear and unprejudiced understanding

understanding that he might resume it after the death of his father. He refused to resign, and I then, feeling that it was a peculiar and rather hard case, referred it to Mr. Gordon for his opinion. Mr. Gordon gave his opinion (his letter No. 2086 13-11-86) that if the father had been dismissed for a grave offence, the son should be called upon to resign, and that if he refused to resign, he should be dismissed; further that the son's character (a point about which I specially asked) did not affect the question.

6. I thereupon, acting on this advice, dismissed him.

7. I most respectfully submit that my procedure was in no way summary or hasty.

8. As regards the daloyet, his case is not on all fours with that of petitioner's father. I went into the records and found that he had been dismissed

dismissed by Mr. Thomson without ever having been heard in his defence by any one; that there was nothing to show that the order of dismissal had ever been communicated to him and that there was nothing to rebut, but rather much to confirm his impression which he says he had had all along that his purely temporary appointment as letter carrier had been simply discontinued. I then passed regular proceedings ignoring his previous so called "dismissal." Petitioner's father on the other hand had been heard at great length in his defence and his dismissal was duly communicated to him.

g. I do not of course ask the Board to alter their decision so far as it regards the merits of Kondalaya Reddi's case. But I most respectfully request that the Board may be pleased to reconsider their wording of the decision

decision by omitting from it the words conveying the impression that I acted either hastily or partially with reference to any one in the case.

10. I beg you kindly to forward this letter to the Board as soon as possible. I enclose all the records of the case as noted in the margin.

I have &c.
/Signed/ L. M. Harsfall
Asst. Collector.

- * (1). Sindimanam Tahsildar's nuzi No. $\frac{508}{14-7-76}$
 (2). Sakid No. $\frac{398}{18-7-76}$
 (3). Sindimanam Tahsildar's nuzi No. $\frac{607}{3-8-76}$ with 3 enclosures
 (4). Sakid No. $\frac{496}{16-5-76}$
 (5). Sindimanam Tahsildar's nuzi No. $\frac{162}{30-8-80}$ with 3 enclosures
 (6). Sakid No. $\frac{552}{31-8-80}$
 (7). Sindimanam Tahsildar's nuzi No. $\frac{237}{7-3-86}$ with 10 enclosures
 (8). Sakid No. $\frac{224}{3-4-86}$
 (9). Sindimanam Tahsildar's nuzi No. $\frac{708}{19-7-86}$ with 2 enclosures
 (10). Sakid No. $\frac{601}{12-9-86}$
 (11). Sindimanam Tahsildar's nuzi No. $\frac{964}{2-10-86}$ with 1 enclosure
 (12). Sakid No. $\frac{736}{10-11-86}$
 (13). Letter No. $\frac{1087}{6-11-86}$ to the Collector.
 (14). Collector's letter No. $\frac{2086}{13-11-86}$
 (15). Sakid No. $\frac{803}{26-11-86}$
 (16). Letter to Collector No. $\frac{928}{27-8-87}$
 (17). Collector's docket No. $\frac{1731}{3-9-87}$

/True copy/

For Asst. Collector in charge

No 2086

13th November 1886

To,

The Sub Collector
South Arcot

Sir,

With reference to your letter of the 6th Instant, No 1037, I have the honor to inform you that if the Vannam Gymastah therein referred to was dismissed for fraud or such grave offence as would ordinarily render his son incapable of succeeding during his life-time (had the father been an Isandar), the son should I think be called upon to resign and be informed that he will not be reappointed during his father's life time. If he refuses to resign, he should be dismissed. In the above case, the son's character should not affect the question. Otherwise no action need in my opinion be taken.

I have &c.

Signed, T. V. Narayanaswami
Deputy Collector for Collector

Received -
13th November 1886

True Copy

12/11/86

for attchd file in charge

South Arcob.

No 2255

From,

A. C. Tate Esquire

Sub Collector in charge
of South Arcob.

To,

The Secretary to
Government
Revenue Department
Madras.

Sir,

Reference - Under Secretary's official
Memorandum of the 27th ultimo, No. 131.

I have the honor to submit
copies of the letters to and from the Sub
Collector Nos. 2086 and 997 dated respec-
tively 13th November 1886 and 6th Septem-
ber 1887 and requested in the above
Memorandum.

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

Permitted to be
In Sub Collector
in charge

P.

220
10/10/89

2
Rev. 79 84/89



(1889.)

REVENUE DEPARTMENT.

No. 7954

ABSTRACT.

From

*The collector of
South Arcot*

Dated 10.2.89.

Received 18.2.89

Enclosures 2.

No. 2255
66

SUBJECT.

*Submitting certain papers
called for in connection
with the office of Monegar
of Omandur, Tindivanam
Taluk.*

TO

The Right Honorable,

THE GOVERNOR IN COUNCIL,

MADRAS.

*The humble Petition of KONDALROAYA
REDDI, the late Monigar and Munsiff
of Omandur, Tindivanam Talug, South
Arcot District.*

1. That Ramasawmy Reddyar the senior paternal uncle of the Petitioner was the Monigar and Munsiff of the village of Omandur Tindivanam Talug, South Arcot District.

MOST RESPECTFULLY SHOWETH;

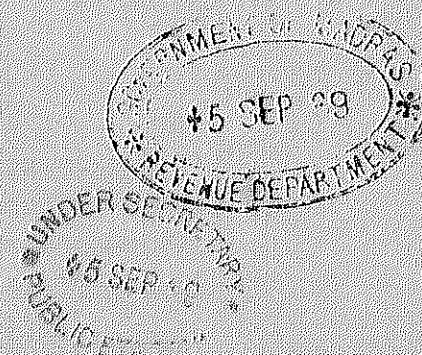
2. That the said Ramasawmy Reddyar being old and unable to discharge the duties himself, appointed Venkata Subba Reddyar, Petitioner's father as his Gumastah.

3. That Petitioner's father was thus acting as Gumastah of the Isumdar for upwards of two years, but was dismissed for the reasons that he granted a receipt for Rs. 1,508-9-0 when it should have been granted for Rs. 1,203 only.

4. That upon the dismissal of Petitioner's father, the Isumdar himself was looking after the business for about two years and a half.

5. That the Petitioner's uncle, the Isumdar petitioned the Revenue authorities to appoint the Petitioner in his place as Isumdar and the then Sub-Collector, Mr. C. A. Bird, by an order No. 552, dated 31st August 1880, appointed the Petitioner as Isumdar.

6. The Petitioner had been holding the office for a period of 6 years, but Mr. Horsfall, who succeeded Mr. Bird dismissed the Petitioner on the 22nd November 1886, on the ground that the Petitioner was the son of Venkata Subba Reddy who, while Gumastah Moneogar, was dismissed in 1876 for certain irregularity in Collection work the nature of which 'was one which would ordinarily render his son incapable of succeeding him during his father's life time.'



C. A. B.
R. J. B.

7. The said Sub-Collector Mr. Horsfall, has passed the Takid No. ²²⁴₃₋₄₋₈₆ on the report of the Tindivanam Tahsildar, to the effect that the Petitioner's father was dismissed from the office of Moneogar Gumastah and still alive, yet his son should continue in the office, as he had already held the office for upwards of 6 years and the petition No. ⁴⁶⁸₆₋₆₋₈₅, brought against him is dismissed.

8. The Petitioner appealed to the Collector against the order of dismissal of Mr. Horsfall, but the Collector declined to interfere on the simple ground that the order appealed against was passed in accordance with the opinion expressed by his predecessor.

9. That the Petitioner appealed to the Board of Revenue against the order of the Collector and the Honourable Board sent for the records and after a kind perusal, directed the restoration of the Petitioner to the Moneum and Munsiff offices (Vide Board's Proceedings,) dated 18th August 1887, No. 2629.

10. But the Sub-Collector (Mr. Horsfall,) on the receipt of the aforesaid Board's order seeing that his order is reversed wrote the letter No. 997, dated 6th September 1887, which was forwarded to the Board by the Collector with a covering letter. The Board on receipt of this letter explaining the circumstances under which the Petitioner was dismissed from his offices, confirmed by echoing back the very words of the Collector and Sub-Collector, that the Petitioner should not discharge the offices during his father's lifetime.

The Petitioner most humbly begs to submit that the Boards Proceedings, dated 15th December 1887. Mis. No. 5231, he appeals against is unjust for the reasons hereunder given.

I. The Board having set aside the order of dismissal passed by the Sub-Collector concurred in by the Collector and having directed the restoration of the Petitioner to his offices on observing the orders groundless, it ought not have varied its order on the receipt of the letter of the Collector, dated 30th November 1887, No. ²⁶²⁰₁₈₈₇, on letter from the Sub-Collector, dated 6th September 1887, No. 997, explaining the circumstances, other than those recited in the Sub-Collector's order of dismissal, under which the Petitioner was dismissed.

II. The Petitioner having held the office continuously for upwards of 6 years or more than 3 Calendar years he should not be liable to be ousted; the order of Mr. Horsfall upsetting that of Mr. C. A. Bird the former's predecessor is without Jurisdiction.

III. The grant of a receipt by the Petitioner's father for a larger amount of Rs. 1,508-9-0 while the actual collection was Rs. 1,203 only was the result of oversight and the amount collected was remitted into the treasury without delay on the 2nd June 1876, as the collection lasted till the 31st May.

The Tindivanam Tahsildar's Arzi No. ⁶⁰⁷¹₃₋₈₋₇₆, and the Thandal &c. Monetary accounts of the Village show clearly that the difference of Rs. 305-9-0 (for which receipt was granted by oversight) was neither collected from the ryots nor embezzled by the Petitioner's father.

To convince your Excellency of the Bona fides of the Petitioner's father the Petitioner begs to state that there was not criminal Prosecution for this; since the authorities found that this was not done with any bad intention but that this was done by oversight.

Further the very order of dismissal No. ⁴⁷⁶₁₆₋₈₋₇₆, removing the Petitioner's father from his post also contained the dismissal of a Batta peon named Gulam Kadir for the same offence, who is not now found disqualified to be a Dalayet in the very Sub-Collector's Office.

The said Gulam Kadir was employed as a Postman in the Postal Department after he was dismissed.

Mr. Horsfall considering that irregularity for which Gulam Kadir also was dismissed was not such a grave

one as to disqualify him from entering into the Government service again, bestowed upon him the Post of a Dalayet in his own office, which is Pensionable.

It is therefore evident that the irregularity for which the Petitioner's father also was dismissed is not such a grave one as to disqualify the Petitioner's father himself to get the Post back again.

And much more therefore the dismissal of the Petitioner's father does not carry with it the disqualification of the son (the Petitioner).

IV. Petitioner's father was simply a Gumastah of the Isumdar, but not an Isumdar himself, and the Petitioner cannot

V. The Petitioner begs to enumerate some instances in which the brother or son of the dismissed are appointed and allowed to remain in their respective offices inspite of several complaints against them.

- (a) In the village of Kattalai in Tindivanam Taluq, the Curnam Arumugam Pellai was dismissed and he is still alive; his minor son has been appointed for the post of his father.
- (b) In the village of Suthiamungalam in the said Taluq, one Arunachella Aiyer, has been appointed in the room of his brother who was dismissed and who is still alive.
- (c) In the village of Olindiaputt in the said Taluq, one Govinda Charry has been appointed to the post of his brother who has been dismissed and who is still alive.

When such persons and the aforesaid Gulamkadir are allowed to remain in service, it is a great hardship to dismiss appellant from his offices which he got with the consent of Isumdar.

VI. Petitioner is seeking to succeed not his father, but his senior paternal uncle who was the Isumdar himself. The statement of the Sub-Collector that the Petitioner cannot succeed his father during his lifetime does not effect the present case at all.

VII. The then Sub-Collector directed in his para 2 of the annexed order No. $\frac{601}{12-9-86}$, to resign the appointment in question. This gentleman was not justified in doing this.

VIII. The Petitioner, therefore prays that the Honourable Government of Madras, may be pleased to reverse the order appealed against and restore Petitioner to his office which he was holding for an unbroken period of 6 years.

ENCLOSURES.

Proceedings of the Board of Revenue, dated 15th December 1887,	
Mis. No. 5231	... 1
Collector's order No. 25 of 1887, on Revenue appeal	... 1
A Takid dated 31st August 1880, No 552	... 1
A Takid dated $\frac{224}{3-4-86}$	... 1
A Takid dated $\frac{601}{12-9-86}$	... 1
A Takid dated $\frac{496}{16-8-76}$	... 1
Proceedings of the Acting Sub-Collector of South Arcot, dated the	
22nd November 1886	... 1

Seven.

And your Excellency's Petitioner as in duty bound, shall ever pray.

MADRAS,
29th August 1889.

6. Ermyl angewandte
Lehr- und Methodenlehre

(188 .)

REVENUE DEPARTMENT.

No.

From

Dated

Received

Enclosures

No.

SUBJECT.

(1889.)

REVENUE DEPARTMENT.

No. 6820.

ABSTRACT.

From

Kondalroya Reddi
Late Munsif and Munsiffy
Omandur
Tindivanam Taluk
South Arcot Dist.

Dated 29 Augt
Received 5 Sept
Enclosures

No.

SUBJECT.

Praying for restoration.

C. A. J. H.
A. 7/11

REVENUE DEPARTMENT.

Current No. 6820 & 7954/89.

From Kondal Roy Reddi. S. and S.

Dated 29 August 1889.

FOR ORDERS.

The petropaternal uncle,
Ramaswamy Reddi was the
Munsif and Munsiffy of
Omandur in the Tindi-
vanam Taluk. As he was
very old, he employed his
younger brother the petitioner's
father as his Qumartah.
The latter was dismissed in
1876, for having falsely
reported that he had collect-
ed Rs 1508, when he had
really collected only Rs 1203.
Ramaswami Reddi then
continued to discharge the
duties of the office himself
till 1880, when he resigned

resigned the post and the petitioner
was appointed to it by an
order of the sub-collector in
1887. About five years after
in 1886, the sub-collector
came to know of the antecedents
of his (petitioner's) father,
and was then of opinion
that the petitioner should
not hold the office during
his father's lifetime. He
therefore made a reference
to the collector and after
obtaining his instructions
removed the petitioner from
his post. The collector,
Mr. Sewell, on appeal,
observed the order appealed
against was passed in
accordance with the ^{expressed} opinion
of his predecessor and
therefore declined to interfere.
The Board of Revenue, when

where the petitioner then addressed,
remarked, that the petitioner
had been holding the office
for 5 years from 81 to 86, that
the sub-collector acting in
dismissal, having found
his post was ~~very~~ ^{unnecessary} ~~being~~
and accordingly reversed
the order of the sub-collector
and restored the petitioner
to office. But on receipt
of a letter from the sub-collector
fully explaining all the
circumstances of the case
the Board cancelled their
previous order and upheld
that of the sub-collector, on
the ground that the nature
of the offence for which the
petitioner's father was
dismissed was such as to
disable the petitioner from
holding the office during
his lifetime of the former.

and accordingly upheld the order of the sub-collector. The petitioner now appeals to Govt against this order of the Board and submits that he has been in office for 6 years and as such could not be removed from his post, that he is seeking to succeed not his father but his senior paternal uncle who was the Samedar, that the nature of the offence for which his father were dismissed is not so serious as to debar him from holding the post during his lifetime and lastly that Gulam Radir who was dismissed for the same offence has been appointed to the pensionable post of Deputy in the sub-collector's office.

He prays that he
may be restored to his post.

It is submitted that the pet^r has been very badly used and that he should be restored to his post. His father was dismissed so long ago as 1846 and as pet^r ~~was~~ apparently

FOR ORDERS.

C# 6820 x 7954/89

Actetia fove

Kondalaya Radde

S. arcot α^t .

Mr. Howells' action was
quite unnecessary in
view of Mr. Lang's in
Office for 5 years & being
done the work well. Mr.
H. is held that though there
might have been some reason
in not appointing yet after
his app? & he held
the Office for 5 years he should
not have been so mentioned

gave complete satisfaction during the six years (1820-26) he was in office. Mr Horsfall need not have removed him. This was the view originally taken by the Board and why ~~they~~ ^{it} subsequently modified it is nowhere satisfactorily explained. Rules are very good things but a slavish adherence to red tape is neither good nor necessary. Submitted that the man be put back again. The Board do not seem to understand that the pet succeeded to the office by hereditary right for in the later Procs it is stated that reference is made to the heir at law as though pet had merely been doing duty for him.

Has

1 Nov

The job Larry from our office
5 years on yet not known been
discussed except for faults of his
own name is alleged. The Cuban
Comm's letter also has been called for
it is put up alleges no special
circumstances

2/11

Expt for some time 11/1/89
known which was
also
to be restored

6/11/89

68200 7954, 89

Petition from

Kondal Kura Reddi

S. and St.

Misc.

The Govt. considers that the
petitioner has been very hardly
treated. Although there might
have been originally some
reason for not appointing
him to the post, yet having
been once appointed and ^{performed the duties of}
~~held~~ the office for over 5
years with complete satis-
faction, he should not
have been dismissed from
it except for some fault
of his own. ~~and none~~ ^{was} ~~was~~
alleged and Mr. Stoddard's action
was, therefore, quite unnecessary.
and Mr. Stoddard in C. directed
that the pet. be restored to the
post at once.

2- The pet. is referred to the Govt.
for orders in his case.

1/5
26/89

Has

11 Nov

JG

11/11

For copy of des (28)

C. S. P. (para 2)
R 7/11