CONFIDENTIAL.

Revenue (1893) Department.

G.O., No. 1816
Confidential No. 586
DATED 16 May 1893

[Despatch Abstract.]

Informing the Board of Revenue that Mr. Date should on his return from Sirlmg be called upon to explain the extraordinary delay on his part in despatching the Charges against Revenue Inspector Cheruvengada Chari

## BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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## FURTHER PAPERS.

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Revenue 1893. Dept.

# Board of Revenue

(Land Revenue),

**MADRAS.**

Current Number 3192.

To

The Secretary to Govern-
-ment, Rev: Dept.

GOVERNMENT OF MADRAS
26 APR 93
RECEIVED

Rec'd 26 Apl

Proceedings, dated 21st April 1893.
No. 2485, ~~Routine~~ Mis. Enclosures. 23

*Subject.*

Passing orders on the appeal of S. M. Thiruvengada Chari, Rev: Inspector, S. Arcot, against the orders of suspension passed on him by the Sub-Collector & confirmed by the Collector; and bringing to the notice of Government the Sub-Collector's lapse of duty in connection with this case.

G O 23-12-92 No 5664
6-3-93 - 219
G O 1435 d 15-3-92
G O 1436 d 15-3-92
G O 2191 d 29-4-92
G O 2540 d 25-5-92
G O 3004 d 28-6-92
G O 5574 d 20-12-92

REVENUE BOARD OFFICE MADRAS

# Proceedings of the Board of Revenue

(Land Revenue),

Dated 21st April 1893,

No. 2485. Bis:

READ the following letter from Mr. Hammick Dy. Collr. Ag: Collector of South Arcot, to the Secretary to the Commissioners of Land Revenue, Madras, dated 5th January 1893, Rep: on Rejected Petn. No. 8854 of 1892.

I have the honor to forward for the Board's orders an appeal from an order of mine, put in by T. Mr. Thiruvenkatachari 2nd Class Revenue Inspector in Tindivanam Taluk, I enclose all the records in the case.

2. The case was a very unsatisfactory one to deal with owing to the great delay which attended Mr. Tate's disposal of the matter. The original petition was dated 1st August 1888; Mr. Tate's final inspection

* as per list enclosed

inspection of the land concerned in the case was on the 16th May 1890. His final order on the case was dated 29th March 1892 just before he left the district. Almost four years had elapsed from the original petition to the date of the final order and the appellant (the Revenue Inspector) had been under suspension for 21 months. It was useless to go back and try and get any fresh evidence in the matter and I was compelled to base my decision on the papers submitted by the Sub Collector.

3. Mr. Lake as will be seen formulated four charges against the Revenue Inspector but only dealt with one of them. I did not think it advisable to deal with more than this one. As regards this one charge the question was whether the Revenue Inspector was not very careless if not fraudulent, in not bringing to notice the irrigation under the Kadaladi Thangal in Kapambadi village, amounting to about 17 Cawnies.

Mr.



Mr. Lake who inspected the land Considered that there were the clearest traces of irrigation and the Deputy Tahsildar and Tahsildar agreed also with him. Mr. Lake saw marks of intentional diversion of the supply water.

4. The Revenue Inspector in his appeal states that no water was diverted at the spot by the ryots, though he admits that the ryots had put up pidges for cultivation. I am of opinion that even supposing the Revenue Inspector's account of the matter to be true, he was bound to report the facts and take orders on the question as to whether water rate was or was not to be charged. This he did not do, and I hold he was distinctly deserving of punishment for his omission.

5. As regards the other points referred to by Mr. Lake, I did not consider that there was anything against the Revenue Inspector but suspicion and I did not punish the Revenue Inspector

for

for his Conduct. I only punished him for gross carelessness in not bringing facts to notice which must have attracted his attention and to which he was bound in my opinion to draw the notice of his superior, whatever his own views might have been. I reduced the punishment — Mr. Sale awarded and on the papers I am only doubtful whether the man should have been allowed to remain an Inspector at all.

3.

Resolution :- The petitioner, T. Mr. Thiruvengada chari, was reduced by Mr. Sale, the late acting Sub Collector of South Arcot, from the post of Revenue Inspector on Rs 25 in the Tindivanam Taluk to a Pymastership on Rs 15, a period of 21 months' suspension which had already been undergone being also made part of the substantive punishment inflicted. On appeal to the Collector, Mr. Hammick directed the restoration of the petitioner to the post of Revenue Inspector, and reduced the term of suspension to one year. This is the order which is now appealed against.

2. In his Proceedings dated 29-3-92 No 569 disposing of the case, Mr. Sale formulated 4 charges against the petitioner, but discussed only the first of them, which alleged that the petitioner failed to report the actual amount of Kassar or water-rate omitted to be brought to account by the Village officers of Lembedu. The other 3 charges appear to have been alluded to by Mr. Sale at para 17 of his Proceedings, where he states :- "A perusal of the papers relating to other charges, which are of minor importance, shows that the Conduct of the Revenue Inspector, Thiruvengadachari, has not been what it ought to have been". As stress has not been laid, either by Mr. Sale or by Mr. Hammick on the Subsidiary Charges, and as the punishment inflicted was

was based on the first charge, the Board will only examine the subject-matter of the latter.

3. The salient points ~~are~~ ~~as~~ the following:- The petitioner made an azmaish of the lands in the village of Lembedu early in September 1888, and submitted a report on the 14th idem. The Sub Collector Mr. Sale found that matters had been so misrepresented in this report as to cause considerable loss of wake-rake to Government. It should be observed that the azmaish was not conducted by the petitioner in the ordinary course, and of his own motion, but that he had been directed to make a careful inspection, with reference to a petition presented to the Collector accusing the Lembedu village officers of fraud. As regards 9 items of land, comprising S. Nos. 338 to 343 in Lembedu, the petitioner stated that as the tank-water, escaping through breaches



breaches in the bund, flowed over the land without any effort on the part of the ryots, wake-rake should not be charged. In some of these cases the imposition of wake-rake, amounting in all to Rs 16-14-0, had been recommended by the Karnam. Mr. Sale's dissatisfaction with the petitioner's report led to his requiring 2 successive deputy-Tahsildars to check it. Finally he made his own inspection in company with the Tahsildar. The 1st deputy Tahsildar omitted to examine the 9 items of land now being discussed. The 2nd deputy Tahsildar, the Tahsildar and the Sub Collector, who did inspect them, agreed that wake-rake should have been charged, for, to use Mr. Sale's words, "the marks of intentional diversion of the supply of water were clear and distinct, and certainly of some years ago". The proper wake-rake leviable in consonance with these views amounted to Rs 67 for fasli 1297, and

and Rs 62 for Fasli 1298. The first Aymaish which revealed the fact that wakes-rake should have been Charged, viz. that of the 2d Deputy Tahsildar, was made on the 16th October 1889, or 13 months after the petitioner's inspection, while Dt Take visited the village on the 16th May 1890, or 1 year and 8 months after the petitioner. The length of the intervening periods is a material circumstance in favor of the petitioner. The Board would not strain against him the admission of the Karnam to the 2d Deputy Tahsildar, that in the Fasli preceding the latter's inspection water flowed over the fields and for a longer period than usual. As to whether the petitioner was to blame for not clearly describing the condition of the ground when he recommended that no charge for irrigation should be made. But there is no evidence of a fraudulent intent in anything that he did, and nothing beyond vague suspicion and surmise has been brought home to him.

4. As to the remaining lands on which Dt Take found that wakes-rake had been improperly omitted to be Charged, it appears that they were not inspected by the 2d Deputy Tahsildar, the 1st Deputy Tahsildar having gone over them at the Close of November 1888, or 2½ months after the petitioner's Aymaish. The 1st Deputy Tahsildar's Examination brought to light the fact-as it seemed to him - that wakes-rake had been under-assessed in Faslis 1296 and 1297, the loss being Rs 46 odd and Rs 35 odd in the respective years. Whether the petitioner made the Aymaish in or for Fasli 1296 is not clear from the record. It is only certain that the Aymaish which he made on the 14th September 1888 had reference to the preceding Fasli, 1297. Taking that Fasli alone

alone, whereas petitioner found the charge leviable to be only Rs 46 odd, the 1st Deputy Tahsildar thought it should be Rs 68 odd. This Deputy Tahsildar, however, urged on behalf of the petitioner that the latter, unlike himself inspected at a time when there was no wet Cultivation, and was not therefore as competent as he to form an opinion - Mr Lake did not inspect these lands, because - obviously - it would have been useless to do so in May 1890, and though the Tahsildar in 1890 expressed his concurrence with the 1st Deputy Tahsildar, his opinion is worthless. Mr Hammick did not consider this part of the case against the petitioner, and it is plain that when the 1st Deputy Tahsildar - in November 1888 (Fasli-1298) - Calculated that light water-rate should have been imposed in the preceding Fasli than either the village officers or the petitioner had proposed, it was mere Conjecture Similarly, the petitioner's estimate in September of the same year was but guess work. Hence this portion of the Case has been properly left out of account by Mr Hammick.

5. For the neglect of duty referred to in para 3 *Supra* a year's suspension is altogether excessive, and Considering the loss the petitioner must have incurred by being kept for 21 months out of his pay, besides the subsequent period after the Collector's order, the Board directs that the punishment be cancelled, and that back pay be given to the petitioner.

6. The Board is constrained to express its dissatisfaction with the manner in which Mr Lake conducted the inquiry in this case. If he acted at all on the vague allegations of the petitioner

petitioner, Mavi Susai, he should have done so promptly, instead of allowing the matter to lie undisposed of for 3½ years. On the verge of departure he found himself confronted ~~compensated~~ with this, one of many arrears. He had kept the petitioner under suspension for 21 months with reference to another charge, which had not been brought home to him. This term of suspension he transferred, and made part of the punishment inflicted in respect of the Lambadi water-rate case. There were, however, still other papers pending with Mr. Fake against the petitioner. These Mr. Fake merely read at the head of his proceedings- vide item 5 of the documents then there) enumerated. The subjects were ripe for disposal in 1889 and 1890, but Mr. Fake at no time passed orders on them. He found a convenient method of getting rid of them to read them at the head of his proceedings of March 1892, in the body of which he does not even allude to them.

7. The Board considers that Mr. Fake's neglect of duty should be brought to the notice of Government, to which a copy of this resolution will accordingly be submitted. At the same time the attention of Government will be drawn to the censure recently passed on Mr. Fake, in para 6 of G.O. 5664/23-12-92, for his delay in dealing with the case against his Head Clerk, and to the same officer's neglect of duty in connection with the Forest Settlement of the Nilgiri District which was represented in para 3 of G.O. 6-3-93 No. 219.

8. The Board must further express its regret that in disposing of the case Mr.

Confidential No 20

1893.

Board of Revenue

(Land Revenue),

MADRAS.

Current Number 3410

To

The Secretary to Govern-
- ment, Rev: Departmt

15 MAY 93

Proceedings, dated 22 May 1893,
No. 2717, Mis. / Routine. Enclosures.

*Subject.*

Accepting Mr. Hammick's explanation for his not having noticed in his report to the Board, Mr. Sale's delay in a certain Case.

Mr. Hammick should have failed to condemn emphatically the Sedulous delay on the part of his Sub-Collector.

True Copy & Extract

Wilson

for Sy: Secretary.

To

The Secretary to Government,

Rev: Department, with records as per list & a petition (to be returned)

Mr. Hammick should have failed to condemn emphatically the Sedulous delay on the part of his Sub-Collector.

True Copy & Extract

Wilson

for Sy: Secretary.

To

The Secretary to Government,

Rev: Department, with records as per list & a petition (to be returned)

Confidential

REVENUE BOARD OFFICE MADRAS

# Proceedings of the Board of Revenue

(Land Revenue),

Dated 2nd May 1893,

No. 2717 Mis.

READ the following letter from Mr. Hammick— Dy. Collr. of South Arcot, to the— Secretary to the Commissioners of Land— Revenue, Madras, dated 28th April 1893. Ref: on Rys. No. 425/B-2. - Confidential.

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With reference to Board's Proceedings C.P. 3192/93 21st April 1893, No. 2485 Mis: para 8,— I venture to reply to the Board's remarks because it may possibly be that similar cases may come before the Board on— appeal in which I may have failed to note emphatically my opinion about the Sub Collr's delay in disposing of original cases. I shall lay myself open to— similar rebukes on the part of the Board if I do not explain myself.

2. I can assure the Board that it is not because that I look upon these scandulous delays which were of Constant occurrence in Mr. Sahe's time with any indulgence that I have omitted to remark on them Specifi-cally in each case which has come before me. I did not Comment on the matter in the Case which came before the Board in the above proceedings — because I thought I had already Sufficiently drawn the attention of the Board and Government to Mr. Sahe's deliquencies. I made a report to the Board on the occation of the strike in Mr. Sahe's office in which I informed the Board of the nature of Mr. Sahe's official delays — that report was submitted to Government. I Commented strongly on Mr. Sahe's Conduct in connection with a suit filed against Government by a Shell quarry Contractor in the Sub-division and I have remarked on Mr. Sahe's delays passim in letters to Government and the Board on Local Fund and other matters from time to time. In consequence of the first report Mr. Sahe was reduced by Government to the post of Assistant Collector but re-instated for reasons of which I am not officially aware. He also has been called upon to pay the loss incurred by Government in the suit above referred to. I am also notice that Mr. Sahe's scandulous delays in the report on Nijiarasshaval Charis — Case the late Jingi Deputy Tahsildar were strongly Commented on by Government in disposing of his case as long ago as 1890. He has left the division and is at home on furlough and I presumed that Government had enough before it to shew that Mr. Sahe's Official Career in this District had not been a Success. I regret that I have not in each and every Case which has come before me noted my opinion of Mr. Sahe's dilatoriness, but as in most Cases

cases the delays were so flagrant - that no body could imagine that - I condoned them and as I thought that the Government and the Board had enough already before them to enable them - to form an opinion of Mr. Sale, I have refrained from Comment in cases when I might have made severe remarks — Mr. Sale went home ill and I imagine the Government found in his illness an excuse for his dilato - riness. I saw no good in Continuing to draw attention to fresh instances of delay when the Government had already expressed its opinion very clearly on the matter.

Resolution:- The Board accepts Mr. Hammick's explanation.

/True Copy & extract

C. Lucas
Ag: Secretary.

Copy to the Secretary to Govt.
Rev: Deptt with ref: to
B-P. 2485 Mis:
21-4-93

Reader No. 3192 & 3410

Order Misc. No 1816
dated 16 May 1893

Recorded.

2. When Mr. Sale returns from furlough the Board should furnish him with a copy of the Progs and then call on him to explain the extraordinary delay in his further disposing of the charges against Revenue Inspector which is the main ground of Chas commented on in paras 6 & 7 of the said Progs. The explanation should eventually be submitted to Govt.

Reel
15-5-93

16 May.

To the Commissioner.
With 23 enclosures.
RB2 17/5/93

C. No 3157
& 3410

For orders.

No orders are required on the current so far as the Revenue Inspector is concerned for his punishment has been cancelled by the Board.

The extraordinary delay of nearly 4 years on Mr. Sale's part in disposing of the charges against the Rev. Inspector the perfunctory manner in which he eventually disposed of the same after keeping the Revenue Inspector under suspension for 21 months seem to require notice. The Board has specially brought Mr. Sale's conduct to the notice of Govt in para 7 of its current Progs, and orders are solicited as to what should be said by way of remark in recording the Board's Progs. The previous papers regarding Mr. Sale's short comings are submitted

Rael
5.5.93

C. No 3410 requires no orders & may swiftly be read in Progs.
Rael

Mr Tate on regard in
50 2 cted 15 March/92 1435
to the writer's article.
but the despatch was
cancelled by 50 2 29.
Cpit no 2691. This is
hardly another instance of
Mr Tate's maladministration
of efficiency. This at
least that can quite him
any more than it can expose
possibly him some other in-
stances of highly unfitness
his post and urge up action
for a better officer
use reporting censure. Is
it intended that Mr
Tate's case expires it will
have to be considered whether
he is fit for the responsible
duties of a Collectorship. If
that time (April 94) he will
probably be entitled by his
standing to an acting Collec-
torate.

9 May.

Chos 3192 &
3410

Saunders

Board Progs cancelling
the punishment inflicted
by W. A. C. Lah, as Sub
Collector of South Arcot, on
a certain Rev. Inspector
& bringing to notice of
Govt the delay on Mr.
Lah's part in disposing
of the case against the said
Rev. Inspector

I think Mr Tate on his return
shd be furnished with a copy of
the Bd's Proc calling for any
explanation he may have to offer
in disposing of the case. It goes
to strengthen the case against him
proving his unfitness for a district
officer much less a Collector.

11/5/93

I agree. I think that his unfitness for
a divisional officer was fully shown
otherwise.

12 May

When Mr. Tate returns - if he ever does -
he will require to be well looked after &
his explanation on this
point called for.

14 May

*First copy sent to Press.*

*Returned for Signature.*

*Despatched.*

READ AGAIN G.O., N. DATED
189 ,

CURRENT No.,

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. ..

LETTER OF GOVERNMENT.

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