

CONFIDENTIAL.

Revenue (1893) Department.

G.O., No. 18/6

Confidential No. 586

DATED 16 May 1893

[Despatch Abstract.]

Informing the Board of Revenue that Mr. Tate
should on his return from London be called upon
to explain the extraordinary delay on his part
in disposing of the charges against Revenue
Inspector Dharmveer & a Chauri

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Revenue 1893. Dept. Board of Revenue (Land Revenue), MADRAS.

Current Number 3192

To

The Secretary to Govern-
ment, Rev. Secy. to Govt.



Recd 26 April

Proceedings, dated 21st April 1893.
No. 2483, Mis. Routine. Enclosures. 23

Subject.

Passing orders on the appeal
of S. M. Shrivengada 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 & S. Arcot's
neglect of duty in connection
with this case.

4023 12 92 N 5664

6-3-93-219

Co 1435 d, 15-3-92

Co 1436 d, 15-3-92

Co 2191 d, 29-4-92

Co 2540 d, 25-5-92

Co 3004 d, 28-6-92

Co 5594 d, 20-12-92



Proceedings of the Board of Revenue

(Land Revenue),

Dated 21st April 1893,

No. 2485. Dis:

READ the following letter from Mr. Hammick Esq.
Ag. Collector of South Arcot, to the Secretary
to the Commissioners of Land Revenue,
Madras, dated 5th January 1893, Ref: on
Register 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 S. Mr. Shrinivkata-
chari 2nd Class Revenue Inspector in
Pindivanam Taluk, I enclose all the re-
cords in the case.

* as per list
enclosed

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

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 Hadaladi Chaugal in Sapambodi 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 ridges 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. Lake awarded and on the papers I am only doubtful whether the man should have been allowed to remain as an Inspector at all.

3. Resolution:- The petitioner, S. M. Shiv-
Sungada Chari, was reduced by Mr. Lake, the late acting Sub Collector of South Arcot, from the post of Revenue Inspector on Rs 25 in the Sindivanam Taluk to a Jmnahtaship on Rs 15, a period of 21 months' suspension which had already been undergone being also made part of the substantive punishment inflicted. An appeal to the Collector, Mr. Hammick directed the restoration of

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. Lake 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 Sembudu. The other 3 charges appear to have been alluded to by Mr. Lake at para 17 of his Proceedings, where he states:- "A perusal of the papers relating to other charges, which are of minor importance, show that the conduct of the Revenue Inspector, Shivungada Chari, has not been what it ought to have been". As stress has not been laid, either by Mr. Lake 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} on the following:-

The petitioner made an arymaish of the lands in the village of Sambedu early in September 1888, and submitted a report on the 14th idem. The Sub Collector Mr. Sake found that matters had been so misrepresented in this report as to cause considerable loss of water-rate to Government. It should be observed that the arymaish 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 Sambedu village officers of fraud. As regards 9 items of land, comprising S. Nos. 338 to 343 in Sambedu, 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, water-rate should not be charged. In some of these cases the imposition of water-rate, amounting in all to Rs 16-14-0, had been recommended by the Karmam. Mr. Sake's dissatisfaction with the petitioner's report led to his requiring 2 successive Deputy-Sahildars to check it. Finally he made his own inspection in company with the Sahildar. The 1st Deputy Sahildar omitted to examine the 9 items of land now being discussed. The 2^d Deputy Sahildar, the Sahildar and the Sub Collector, who did inspect them, agreed that water-rate should have been charged, for to use Mr. Sake's words, "the marks of intentional diversion of the supply of water were clear and distinct, and certainly of some years ago". The proper water-rate leviable in consonance with these views amounted to Rs 67 for Jasti, 1297, and

and Rs 62 for fasli 1298. The first-
Arzmaish which revealed the fact-
that water-rate should have been
charged, viz. that of the 2^d Deputy
Sahildar, was made on the 16th October
1889, or 13 months after the petitioner's
inspection, while Mr. Sake visited
the village on the 16th May 1890, or 1 year
and 8 months after the petition. 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 Karmam
to the 2^d Deputy Sahildar, that in the
fasli preceding the latter's inspection
water flowed over the fields and for a
longer period than usual. To doubt
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
fraudulent intent in anything-
that

that he did, and nothing beyond vague
suspicion and surmise has been
brought home to him.

4. As to the remaining lands on which
Mr. Sake found that water-rate
had been improperly omitted to be-
charged, it appears that they were not
inspected by the 2^d Deputy Sahildar,
the 1st Deputy Sahildar having gone-
over them at the close of November 1888,
or 2½ months after the petitioner's arzmaish.
The 1st Deputy Sahildar's examination
brought to light the fact-as it seemed
to him - that water-rate 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 arzmaish in or
for fasli 1296 is not clear from the
record. It is only certain that the
arzmaish which he made on the
14th September 1888 had reference to the
preceding fasli, 1297. Taking that fasli
alone

alone, whereas petitioners 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 petitioners
that the latter, unlike himself inspec-
ted at a time when there was no-
wet Cultivation, and was not there-
fore as competent as he to form
an opinion. Mr. Sake 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 petitioners, and it
is plain that when the 1st Deputy
Tahsildar - in November 1888 (fasti-
-1298) - Calculated that higher water-
-rate should have been imposed
in the preceding fasti than either
the

the village officers or the petitioners
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 suspen-
-sion is altogether excessive, and Con-
-sidering the loss the petitioners must
-have incurred by being kept for 21-
months out of his pay, besides the
Subsequent period after the Collec-
-tor's order, the Board directs that
the punishment be cancelled, and
that back pay be given to the petitioners.

6. The Board is constrained to ex-
-press its dissatisfaction with the
manner in which Mr. Sake conducted
the inquiry in this Case. If he acted
at all on the vague allegations of the
petitioners

petitioner, Mari Susai, he should have done so promptly, instead of allowing the matter to lie undisposed of for $3\frac{1}{2}$ years. On the verge of departure he found himself ^{confronted} ~~confronted~~ with this, one of many arrears. He had kept the petition under suspension for 21 months with reference to another charge, which had not been brought home to him. This term of suspension he transgressed, and made part of the punishment inflicted in respect of the Lumbodu water-rate case. There were, however, still other papers pending with Mr. Lake against the petitioner. These Mr. Lake merely read at the head of his Proceedings - vide item 5 of the documents ~~there~~ ^{there} enumerated. The subjects were ripe for disposal in 1889 and 1890, but Mr. Lake at no time passed orders on them. He found a con-

venient 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. Lake's reflect 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~~ ^{the} attention of Government will be drawn to the censure recently passed in Mr. Lake, in para 6 of G.O. 5664, for his delay in dealing with 23-12-92 the case against his Head Clerk, and to the same officer's reflect 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.

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

True Copy & Extract

Wm
for Mr. Secretary.

To
The Secretary to Government,

Rev. Department, with record as per list
& a petition (to be returned)

h/b

Confidential No 20

1893.

Board of Revenue

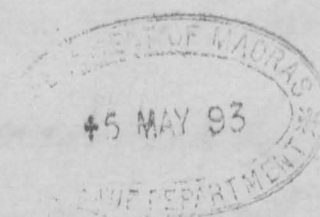
(Land Revenue),

MADRAS.

Current Number 3410.

To

The Secretary to Govern-
- ment, Rev. Department.



Proceedings, dated 2^d 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. Lake's
delay in a certain case.



Proceedings of the Board of Revenue

(Land Revenue),

Dated 2nd May 1893,

No. 2717 *mis*.

READ

the following letter from Mr. Hammick -
Inf. of: Collector of South Arcot, to the -
Secretary to the Commissioners of Land -
Revenue, Madras, dated 28th April 1893.
Ref: on Ref. No. $\frac{425}{13-2}$ - Confidential.

With reference to Board's Proceedings
C.N. 3192/21st 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
Mr. Sate'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 scandalous delays which were of constant occurrence in Mr. Sate's time with any indulgence that I have omitted to remark on them specifically 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. Sate's delinquencies. I made a report to the Board on the occasion of the strike in Mr. Sate's office in which I informed the Board of the nature of Mr. Sate's official delays — that report was submitted to Government. I commented strongly on Mr. Sate'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. Sate's delays passim in letters to Government and

and the Board on Local Fund and other matters from time to time. In consequence of the first report Mr. Sate 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 may also notice that Mr. Sate's scandalous delays in the report on Vijayaraghava Chari's case the late Jirgi 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 show that Mr. Sate'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. Sate'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. Lake, I have
refrained from Comment in cases when
I might have made severe remarks -
Mr. Lake 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.
Hamrick's explanation.
/ True Copy & Extract

Copy to the Secretary to Govt.,
Rev. Secy. with ref. to
B.P. 2483 Misc.
21-4-93

L. Meyer
Ag. Secretary

C. No. 3192

+ 3410

For order

Read C. No. 3192 + 3410

Order Misc. No 1816

dated 16 May 1893

Recorded.

2. When Mr. Lake returns
from furlough the Board
should furnish him
with a copy of ^{the first of} the Props
read above & call on him
to explain the extraordinary
delay in his previous
disposal of the charges
against Revenue Inspector
which is
therein urged & charge commented
on in paras 6 & 7 of the
said Props. The explanation
should eventually be submitted
to Govt.

Decl

15-3-93

16 May.

To the Comr. of Govt.

With 23 Enclosures

20/2 17/5/93

No order as reported in
the current so far as the
Revenue Inspector is concerned
as his punishment has
been cancelled by the Board.

The extraordinary delay of
nearly 4 years in Mr. Lake's
past in disposing of the
charges against the Rev.

Inspector with perfecting 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. Lake's conduct

under notice of Govt. in para
7 of its current Props, and
orders are solicited as to
what should be said by way
of remark in reading the
Board's Props. The previous
papers regarding Mr. Lake's
short-comings are submitted

Decl

5-5-93

C. No 3410 requires no order &
may simply be read in props.
Decl

C. L. Tate was degraded in
 1880 & dated 15 March 1892/1895
 to the position of an ordinary
 but the degradation was
 cancelled by 80 & 29.
 April no 2191. This is
 hardly another instance of
 L. Tate's administration
 & inefficiency. He is
 better than any man in
 any office than it was before
 possibly his case is in
 instances of neglect of duty &
 his part in carrying out
 for a time at 2 months
 and repeating course. It
 is submitted that L. Tate's
 leave expires it will
 have to be considered whether
 he is fit for the responsible
 duties of a Sub-Collector. By
 that time (April 94) he will
 probably be entitled by his
 standing to an Acting (Sub-
 Collector).

W
 9 May

C No 3192 &
 3410

For orders

Board of Directors Cancellation
 the payment of completed
 by W. A. C. Lark, as Sub
 Collector of South Arcot, on
 a certain Res. Inspector
 bringing to the notice of
 least the delay in W.
 Lark's part in disposing
 of the case against the said
 Res. Inspector

I think W. Tate on his return
 should be furnished with a copy of
 the Res. Inspector's report for any
 explanation he may have to offer of
 the delay in disposing of the case. It goes
 to strengthen the case against him as
 proving his ineptness & the advice
 of the Board must be a collection.

11/5/93 J.H.R.

I agree. I think that his ineptness & the
 a divisional officer was fully shown
 otherwise.

Wes
 12 May

When Mr. Tate returns - if he does -
 he will require to be well looked after -
 his explanation on this
 point called for.
 W 14 May

First copy sent to Press.
 Returned for Signature.
 Despatched.

READ AGAIN G.O., N.
 189

DATED

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