Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 1031

DATED 22nd Feb. 97

[Despatch Abstract.]

Stating that the Govt see no reason to interfere on behalf of Zainalabdeen Sahib, late Forest Guard Trichinopoly dt in the matter of his dismissal from public service.

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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 (1897) Department.

CURRENT No. 663.

GOVERNMENT OF MADRAS
22 JAN 97
REVENUE DEPARTMENT

Order

From
The Board of Revenue
Land Revenue
Madras

Lr. No. 60 Inis

Dated 20 January 1897

Received 22nd

Registered 23rd

Enclosures 55

Spare copies

SUBJECT.

Submg. to Government with remarks petitions from Zaina Labdien Sahib late Forest Guard Trichinopoly Dt. appealing against the order of the Board in the matter of his dismissal from public service

ADC 23/1

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

FOREST BRANCH
REVENUE DEPT.

PETITION
No. 1 C
REVENUE DEPT.

Rec'd 2/11/96

To

HIS EXCELLENCY
THE RIGHT HONORABLE
THE GOVERNER-IN-COUNCIL,
FORT ST. GEORGE,
MADRAS.

Through the Collector of Trichinopoly.

The humble Memorial of Syed Zainullabideen, late Forest Guard, Musiri Range, Trichinopoly District,

MOST RESPECTFULLY SHEWETH,

I. That your Memorialist was, on the 27th April 1896, summarily dismissed as per Proceedings of the Collector of Trichinopoly, No. 232, dated 23rd. April 1896, after twelve years of active service as a Forest Guard apparently for having preferred against his Range Officer, A. P. Ramachandra Mudaliar, certain charges of bribery and extortion, which have been declared 'unfounded' and 'false' without being allowed to be substantiated in a public Court of Law, although Mr. Woutersz, the Extra Assistant Conservator of Forests, who enquired into these charges, recommended it, seeing that there had been put before him a mass of evidence to implicate the Range Officer in the bribery case (para 49, record A. submitted herewith). That the Revenue Board, on being subsequently appealed to against the decision of the District Collector and the District Forest Officer, has declined to interfere in your Memorialist's behalf. That, therefore, your helpless Memorialist most humbly and respectfully ventures to approach Your Excellency's Government with this appeal in the sanguine hope that Your Excellency-in-Council will be graciously pleased to go through it and the connected papers and mete out that justice to him which may be found to be his due.

II. Having entered the Forest Department as a Guard in 1884, your Memorialist continued to discharge his duties to the unqualified satisfaction of his superiors until when, in January 1895, he was transferred from Kulittalai to Musiri to work under Mr. A. P. Ramachandra Mudaliar, the Range Officer of that Division. Within a few days after taking charge of his office in the Musiri Range, your Memorialist found in the administration several irregularities; and these proved positive obstacles in his way to the proper discharge of his duties. The village cattle were being grazed in Reserved Forest lands;

and illicit cultivation in Reserved Forest lands was being carried on to the extent of 8·25 acres. At the outset, your Memorialist naturally thought that either these excesses were being committed without the knowledge of the Ranger and his subordinates, or at least the Guard that had preceded your Memorialist should have countenanced it or have failed to bring it to the notice of his superior. Your Memorialist, therefore, several times warned the ryots against making such encroachments any longer. In spite of these express injunctions, the ryots continued as stubborn as ever. This procedure on the part of the Memorialist, having come to the knowledge of the Range Officer, seems to have roused his indignation and animosity in a marked degree, which most truly and effectively accounts for the fact that, within so short a time as two months and a half, your Memorialist was repeatedly fined and severely remarked upon in his diaries, and frequently reported to the District Forest Officer, as is clearly shewn by the Extra Assistant Conservator of Forests in the 14th paragraph of his Proceedings (record A submitted herewith). The nature of the treatment which your Memorialist was receiving at the hands of the Range Officer, for no fault indeed, unless uprightness in the discharge of public duty be regarded a fault, and the conduct of his fellow-subordinates as public servants led your Memorialist to infer that the irregularities in question were being perpetrated with the connivance of the Range Officer and his subordinates—which inference subsequent events served only to strengthen more and more, the Memorialist himself having been desired by the Ranger to obtain bribes for him from certain Neivasal Malayalees who had been permitted to cultivate lands on the plateau of the Pachmalais in the Manmalai Reserved Forest. Lest detection should involve the Memorialist as well in trouble, in spite of his aloofness from the Range Officer's transactions, he considered it his duty to report the matter to higher authorities; and accordingly on the 15th March 1895 sent a petition to the District Forest Officer accusing the Ranger of having: (1) on the 10th January 1895 received a bribe of Rs. 100 from Kuppa Mooppan, a Malayalee of Tannirpallam, (2) in the Tamil month of Masi, i e., towards the end of February or about the commencement of March 1895, extorted grain from certain Malayalee ryots of the Ooduvampatty village, and (3) asked the Guard, your Memorialist, to obtain bribes from certain Malayalees of the Neivasal village in the Salem District for having allowed them illicit cultivation in the Manmalai Reserved Forest. Subsequently on the 14th April 1895, the same Kuppa Mooppan, from whom the bribe of Rs. 100 had been taken, complained in writing about it to the Collector and the District Forest Officer, the latter of whom deputed Mr. Woutersz, the Extra Assistant Conservator of Forests, Trichinopoly, to enquire into these allegations and submit a full report thereof. The enquiry was accordingly held and a detailed report (record A) forwarded to the District Forest Officer, who despatched it with his own remarks and those of the Collector to the Conservator of Forests, Central Circle.

III. Though the Extra Assistant conservator has been careful enough to draw up his report in such a style and language as not to seriously involve the Range Officer, yet that officer has done your Memorialist more justice than the other officers concerned. The District Forest Officer had already been prejudiced to a degree against your Memorialist by the maliciously false reports the Range Officer had been making against him, and has therefore seen the Memorialist evidently through the Range Officer's spectacles. This Range Officer, the Memorialist thinks it advisable to inform Your Excellency-in-Council, is an influential man, being the nephew (sister's son) and son-in-law of Mr. Parthasarathy Mudaliar, Assistant Secretary in the Forest Branch of the Revenue Board Office, and brother of Mr. Singaravelu Mudaliar, a Forest Ranger in the North Arcot District. This latter gentleman, it is worthy of note, had come here all the way from North Arcot just when the enquiry into the charges against his brother was about to be closed, and managed to see the District Forest Officer and the Extra Assistant Conservator of Forests, before the latter had done with his report, which, your Memorialist most deferentially desires to point out, is in itself highly suspicious. Himself misled, the District Forest Officer has misled both the Conservator of Forests, Central Circle, and the District Collector.

IV. A perusal of the District Forest Officer's remarks (record B. submitted herewith) with reference to the Extra Assistant Conservator's Proceedings (record A.) will render it clear that the former has based his decision not on the facts of the case, not even on the facts given in the latter's report, but on his own ill-judged prejudices contracted from the Range Officer's malicious misrepresentations. For example, the District Forest Officer, in his letter (record B.) to the Conservator of Forests, Central Circle, has dealt with the matter in a way that would prejudice any reader. The very first paragraph is begun with the pronouncement of "Not proved" with regard to the first charge of bribery against the Range Officer, the only argument adduced in favour of this verdict being that, if the Ranger had intended to take a bribe, he would hardly have done it "so openly and with the knowledge of persons who were his enemies". True. But it must be borne in mind that all his subordinates with the sole exception of your Memorialist were perfectly at his beck and call, and that he was all the while acting under the impression that he could manage by coercion and hard treatment to bring the Memorialist also to yield to his corrupt desires. Had he had the slightest knowledge of the Memorialist's unswerving disposition, he would certainly not have acted "so openly &c.", or, in the words of the Collector, "in such an idiotic manner as alleged." Again in the same paragraph, in spite of the incontrovertible fact (proved in paragraph 11 of record A. from the diary of the Tanahdar, Subramania Aiyar) of his having under the Ranger's orders gone to Karuppankadu Reserve on the 2nd January 1895, measured Kuppa Mooppan's field and sent the result of his measurement to the Range Officer, the District Forest Officer goes so far as to make the sweeping and untenable assertion, "I do not believe that the Ranger was aware that the excess cultivation had taken place." Surely, the wish is father to the thought.

V. With regard to the first charge of bribery, it should be noted that, while all the four witnesses cited by the complainant agree in stating that they saw the money delivered into the Ranger's hands, Muthuveerama Reddy and Sadasiva Reddy, the only two witnesses for the defence, materially differ in the

accounts they give to establish an *alibi*. And, although, from the mere incident of Kuppa Mooppan having written his petitions to the Collector and the District Forest Officer three months after the bribe was extorted from him and after the Guard, your Memorialist, complained about it to the District Forest Officer, it has been argued that your Memorialist was the instigator of the various complaints preferred by ryots against the Range Officer, that the complaint petition to the Collector was not written by the Malayalies who made the complaint, but was the handiwork of your Memorialist, and that therefore the charges were false; yet, not only none of these allegations has been proved (as the 14th, 15th, 25th and 29th paras of record A. clearly point out), but it has been elicited on the other hand that the new and additional trouble Kuppa Mooppan was put to in March 1895 even after the bribe of Rs. 100 had been extorted from him was the cause of his preferring the complaint in April 1895. Whether or not the charge of bribery is proved against the Range Officer paragraphs 3 to 16 of the Extra Assistant Conservator's Proceedings will clearly speak. And the Extra Assistant Conservator himself thus sums up his opinion on this charge in the 49th para, "……and although there has been put before me a mass of evidence to implicate him (the Ranger) in the bribery case, yet I think the ends of justice will be better met in a charge of this nature by allowing the complainant to proceed against the Range Officer in a Criminal or a Civil Court where there are better opportunities allowed for judging and valuing the evidence tendered before it."

VI. With regard to charges 2 and 3, it may be that they have not been proved against the Range Officer for want of sufficient evidence. But it appears rather an arbitrary procedure to assume on that account, as has undoubtely been done by the District Forest Officer, that the charges themselves are false. Though the second charge of extortion of grain from certain Malayalee ryots of the Ooduvampatty village has been taken as not proved against the Range Officer, it has beyond all doubt been established against Tanahdar Subbramania Aiyar and Watcher Kuppusawamy, both of whom have been left unpunished by the District Forest Officer; and there is strong evidence to prove that the Range Officer went in company with the Tanahdar and the Watcher to Muttupalli Kat, and himself ordered the latter two "to drive the cattle inside the fields of the ryots and graze down and destroy their crop, if they did not agree to give them the produce growing on the fields." And seeing that the complinant was a poor Mussalman subordinate of the influential officer who stood charged, and a perfect stranger to the place and its people, it is no wonder if he faild to produce sufficient evidence to prove the third charge. The complainant's witnesses were actually tampered with, as is evident from the statement of Ramasawmy Oodayar, who corroborated what the complaint had stated in his petition (33rd para of record A).

VII. Assuming charge 3 to be false, the District Forest Officer proceeds in the 7th para of his letter (record B.) to the Conservator of Forests, Central Circle, to unjustly and mercilessly recommend the dismissal of the complainant (viz., Your Memorialist), which the Collector in his remarks on the same paragraph quietly repudiates by saying, "It seems to be rather that he failed to

prove it than it was provod to be false." Here again, the District Forest Officer brings in his pejudiced opinions and one-sided views, imbibed from the Range Officer's false reports, to serve as an excuse for your Memorialist's dissmissal. Your Memorialist, further, begs permission to advance paragraphs 36, 40, 44, 45, and 46 of the Extra Assistant Conservator's Proceedings (record A.) in his defence against the imputations of disobedience and laziness gratuitously cast upon him by the District Forest Officer in his desire to account some how for your Memorialist's dismissal.

VIII. Furthermore, the Collector in the 3rd paragraph of his Proceedings (record C.) says, "The Conservator acquitted the Range Officer of all the 3 charges, and though he did not in his Proceedings of acquittal explicitly state that he believed them false, it may be inferred he thought so, as he spoke of the Forest Guard being punished by the Collector and the District Forest Officer." This reasoning is too fallacious to need comment. It seems to have been either completly forgotten or wilfully winked at that the District Forest Officer had already recommended the Memorialist's dismissal, which the Collector himself in his remarks on the same portion of the District Forest Officer's letter quietly cast aside by observing, "It seems to be rather that he (your Memorialist) failed to prove it (the third charge) than it was proved to be false" It ought therefore to have been inferred that the Conservator spoke of "the Forest Guard being punished by the Collector and the District Forest Officer" not because he believed the charges to be false, but because the Guard's departmental superior, the District Forest Officer, had suggested and recommended it. It is astonishing to see the Collector, who first discarded the District Forest Officer's recommendation for the Memorialist's dismissal with the remark "It seems to be rather that he failed to prove it (charge 3) than it was proved to be false," now (*i. e.*, after perusing the Proceedings of the Conservator of Forests, Central Circle) coming forward to assert "As to charge 3, the Collector believes it to be false." It seems quite clear from the above that the District Forest Officer has successfully imparted the impulse of prejudice given him by the Range Officer to the Conservator, and through him to the Collector also. Acting under this impulse, the Collector has dismissed your Memorialist. Whereas, in consideration of the facts that the first charge had been recommended by the Extra Assistant Conservator to be taken to a Criminal Court, that the second charge had been proved without any manner of doubt against Tanadar Subramania Aiyar and Watcher Kuppusawmy, and that none of the twelve counter-charges brought against your Memorialist by the Range Officer had been proved, the ends of justice would have been best met, had the complainant in the first charge been permitted to proceed against the Ranger in a public Court of justice, and the Tanahdar and the Watcher punished with dismissal, which they have been declared so richly to merit by the Extra Assistant Conservator in the 48th paragragh of his Proceedings (record A.)

IX. Such being the case, your Memorialist is at a loss to understand how it could be that, while those meriting punishment have been allowed to escape, an innocent and helpless Mussalman has been undeservingly seized upon as the victim, instead of having been rewarded for the firmness and fidelity with

which he resisted all temptations and brought to light what would in the long run have proved a source of loss to Government, viz, the fact that illicit cultivation had been allowed over an area of 8·25 acres of Reserved Forest lands. If this be the reward of honesty and uprightness, the efficiency of administration and the interests of Government must considerably suffer, and no public servant will ever dare to raise his voice against the misdoings and malpractices of his Official Superior. Your Memorialist has good reason to believe that the disappointing reply to his appeal to the Board of Revenue was mainly due to the high office which Mr. Parthasarathy Mudaliar, the Range Officer's uncle (mother's brother) and father-in-law, fills in the Revenue Board. In conclusion, your Memorialist hopes that Your Excellency in Council will out of kindness and mercy restore to him his lost hope, and thus protect him.

And your Memorialist will as in duty bound ever pray.

Trichinopoly, 1st October 1896

Your Excellency's Loyal & Faithful Servant,

Late Forest Guard,
Shamspeeran Street,
Fort, Trichinopoly.

199
REVENUE DEPARTMENT.

500
23-3-96.

REVENUE BOARD OFFICE
MADRAS.

Proceedings of the Board of Revenue

(Land Revenue).

Dated 20 January 1897.

Forest No. 60 Miscellaneous.

Read Letter from the Acting Collector of Trichinopoly,
dated 8 January 1897 Ref in Rcts No 82/97.

Resolution

Submitted to Government.

2. The Board has no remarks to offer in regard to the merits of the case, on which the Board's views have already been expressed in the order now under appeal. But with reference to the allegation contained in the concluding paragraph of the petition, the Board resolve to inform the Government that, in accordance with the usual practice now adopted in this office, the petitioner's appeal was submitted for the orders of the Forest Member without any office note, and the order under appeal was

was drafted by the Forest Ranger himself.

(True Extract)

Secretary

To The Secretary to Government, R.D.
with Collr's letter in original Encls:
returned.

D
4 1,000—11-6-96.

REVENUE DEPARTMENT.

No. 663

From The Board of Revenue

Dated 20 January 1897.

FOR ORDERS.

The Honble Mr. J. Byrne C.I.E.

The petitioner was a Forest Guard in the Trichinopoly dt and towards the end of December 1895 he was transferred from Kulitalai to Kunjiri Range for being negligent in his work and insubordinate, with instructions to the latter Range officer to keep him "to the work" [mark?]. The Range officer therefore watched him and as he found him shirking work, fined him twice and severely reprimanded him in his diaries.

The petitioner in his turn sent a petition on the 14th March/95 to the Dt Forest officer, accusing his Ranger of having

1) received on the 10th Jany/95 a bribe of Rs 100 from one Ruthna Muthan,

2) extorted grains from certain Madagalees and

c.16/2/97.

3) asked the petitioner to obtain a bribe from certain Malayalees for having allowed illicit cultivation in the Reserved Forests.

Subsequently on the marginally noted ~~dates~~ dates petitions were received from the parties alluded to in the petition of the Forest Guard, corroborating the charges preferred against the Ranger by the petitioner.

23-3-95
14-4-95
15-4-95
27-4-95

An enquiry was held into the charges by ~~the~~ Extra Assistant Conservator Wm Wanless and the 1st Forest officer, the Collr and the Conservator of Forests, Central Circle, held that the charges were either 'not proved' or 'false' and acquitted the Ranger accordingly.

W Wanless last more D
Re petr's side
D

The petitioner who had thus failed to substantiate the charges against his superior, the Ranger, was discharged by the Collr (vide collectors P 2208 dated 23rd Septr 95)

Flag A

The Board offered to obtain ~~obtain~~ an appeal was made, declined to interfere on the petitioners behalf (B.P. 1110 Nilgiris 10-8-95)

Flag B

The current is the appeal against the Board's decision

The petitioner states that he relied

Clearly
D
11/12/95

several irregularities in the Ranger's administration and began to set them right and the Ranger having been annoyed at this procedure, finally him repeatedly severely remarked ~~him~~ upon his diaries and frequently reported him to the D.F.O within the short time he was under him. The apparent harsh treatment complained of was the result of the special instructions of the D.F.O to keep off the guard up to the mark and, as the result of the enquiry proved, it was probably the petitioner that preferred false charges against the Ranger and instigated others to send up petitions against him.

With reference to charge No I the petr draws attention to that portion of Mr Wanless proceedings which runs thus— "although there has been put before me a mass of evidence to implicate (the Ranger) in the bribery case, yet I think the ends of justice will be better met in a charge of this nature by allowing the complainant to proceed against the Ranger officer in a Criminal or Civil Court where there are better opportunities allowed for judging and valuing the evidence

tendered before it."

It will be observed that the Coll'r did take the above suggestion into his consideration but he doubted if a conviction could be obtained on the evidence produced as it was not reliable.

With reference to charge no II the pet'r submits that it has been proved to all doubt established against Lamachar Sabzawari and Watcher Rupa pasawan but it must be observed that his charge was against the Ranger and he failed to prove anything against that officer.

With reference to the III charge of the petitioner adduced no proof whatever to substantiate it.

In the disciplinal order referred to already, the Coll'r states that the D F O recorded that the pet'r was "chronically lazy and worthless as a guard, that he was reduced by him from Rs 12 to Rs 10 but was subsequently reinstated to his former pay in the hope that he might reform but he was again negligent in his work & insubordinate."

Petitioner is responsible for making false accusations has left him yet, as he concludes his petition by stating that he has good reason to believe that the disappointing reply to his appeal to the Board of Rev was mainly due to the high office which our Parthasarathy Mudaliar, the Range officer's maternal uncle and father-in-law fills in the Board's office but the Board states in answer to this ~~charge~~ that in accordance with the usual practice now adopted in the Forest Branch of its office the pet'r's appeal was submitted for the orders of the Forest Member without any office note and the order under appeal was drafted by the Forest Member himself.

Pet'r also makes insinuations against the members of the District Forest Officer & lays stress on the fact that Mr Andrew the Collector originally wrote regarding charge no 3: "It seems to be matter that he failed to prove it tho." that it was proved to be false" the answer is that when Mr Andrew came to deal finally with

R.P. boxes
20-1-97
Flag C

Coll 4/2/97

the case himself, instead of merely hearing remarks on it, he satisfied himself by a more careful reading of the evidence that the charge was false. The probabilities are all against the idea that the Ranger treated that a subordinate, with whom he was on such bad terms as he left, acted as a go-between while taken for him.

Satisfied that there is no reason for God. D to withhold the findings of the D.T.O., & the Gl's, & the Board in such a case as this

G.O. No. 1037 Dated 22nd Feb. '97

G.O. The Gl. sees no reason to interfere on the petitioner's

D. 1-2-97

Submitted.

Pet. ~~on the enclosures~~ accompanying } for
Board (with all enclosures)

19/2/97

Rec. 24.2.97

When given for copying ____
When copied ____
When examined ____
When signed ____
} 189.

READ AGAIN G.O., No 189 , DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDERS OF GOVERNMENT	A	A	A	A	A	A	A
LETTER OF GOVERNMENT							
STATEMENT WITH DITTO							
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

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