Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 1552

DATED 16th Aug. 97

[Despatch Abstract.]

S. Hari Row, late Dy ~~Forest~~ Ranger, Nellore &c.- Petition from — appealing against the order of dismissal from the public service, recorded, pending receipt of the originals submitted through the proper channel.

BACK PAPERS.

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

FURTHER PAPERS.

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Revenue (1897) Department.

CURRENT No. 6914

List.

1678

From S. Hari Row.
Late Dy. Forest Ranger.
Nellore Dt

Order R. No 1552 dt 16 Aug 1897

Recorded pending
receipt of the original petition
thro' the proper channel.

No.

Dated 5th August 1897

Received

Registered

Enclosures

Spare copies.

Ally
16.8.97

SUBJECT.

Appealing against
his dismissal from the
public service

a/k
14/8.

K 9 13/9

BACK PAPERS.

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FURTHER PAPERS.

G.O.	No.	Department.	Date.

"Duplicate"

PETITION
5660
REVENUE DEPT

To

HIS EXCELLENCY, THE RIGHT HONORABLE
The Governor-in-Council,
Fort St. George,
MADRAS.

CHIEF SECRETARY
9. AUG. 1897
GOVERNMENT OF MADRAS

The humble Memorial of S. HARI ROW, *late a Deputy Forest Ranger, Kanigiri Range, in Nellore District.*

MOST RESPECTFULLY SHOWETH,

That memorialist has been unjustly dismissed from the public service by the Conservator of Forests in his Proceedings No. 456 dated 20th September 1896 herewith submitted.

2. That he appealed to the Board of Revenue against the Conservator's orders, who, without going through all the papers, declined to interfere in a short Proceedings Forest No. 1613 Mis dated 12th December 1896 herewith submitted. Memorialist now begs to appeal to Your Excellency for justice against these orders.

3. The alleged charges against him are (1) Mis-appropriation of public money, (2) Furnishing false information to the District Forest Officer and (3) Submission of a fabricated document.

4. A brief history of the case is submitted below :—

In 1894, one Chillara Chenchuramiah applied for trees in a pond. They were valued and the grant of the trees was sanctioned by the District Forest Officer during memorialist's absence on leave. A permit was issued on 1-11-94 with 31-12-94 as the date of expiry of the Permit. After Petitioner re-joined, a report was received from Village Officers and the Permit holder, that owing to heavy rains in November, the permit-holder was not able to remove the wood within the permit time and requesting grant of extension of time. Petitioner in the usual course of business asked the permit holder in a post-card dated 1-2-95 to remit $\frac{1}{4}$ of the original value which is generally collected in cases of default by neglect.

He remitted Rs. 9—6—0 in February 1895. But in March 1895 and subsequently in April 1895, Memorialist recommended to the District Forest Officer to grant extension of time without collecting the $\frac{1}{4}$ seigneorage. The District Forest Officer wished to know in order dated 15th December 1895, Ref. Nos. 1625, 2100 FOR., whether the permit holder was willing to pay $\frac{1}{4}$ seigneorage. Memorialist then recommended grant of extension of time after collecting the $\frac{1}{4}$ seigneorage, saying that the permit holder having been asked in some previous correspondence to remit the $\frac{1}{4}$ seigneorage, agreed to do so. The District Forest Officer wished to have the correspondence referred to. Memorialist furnished a copy made from memory of the post-card dated 1-2-95 above referred to calling it a 'true copy'. The District Forest Officer then asked whether as per requisition the permit holder remitted the money. Memorialist replied that the money was received and was with him.

5. On these facts the District Forest Officer framed the charges first above quoted, The mis-appropriation is presumed from the fact of the memorialist having recommended the grant of extension free of ¼ seigneorage, though the amount was already received. The charge of giving false information is presumed probably from the fact of memorialist not having mentioned the receipt of the money and of recommending extension free. The 3rd charge of fabricating a false document is presumed from the fact of memorialist sending a copy made from memory of the communication sent to the permit holder (Post-card) 1st February 1895 calling it a "true copy" and dating 1st July 1895.

6. These charges have been fully refuted in the Memorialist's explanation to the District Forest Officer and in the appeal petition submitted to the Board, but to the misfortune of the petitioner the District Forest Officer came to a foregone conclusion, and was further animated by a strong ill-feeling against the memorialist which he had been cherishing for the past three years for reasons best known to himself. The Conservator and the Board did not give weight to the probabilities of the case, and were apparently swayed by the one-sided representation of the District Forest Officer.

7. Memorialist now takes the liberty of requesting your Excellency to give full consideration to the probabilities of his case, after perusing the following explanation and that previously submitted and to restore him to his appointment.

8. As regards the first charge of mis-appropriation memorialist begs to submit that when he wrote the Post-card dated 1/2/95 to remit the ¼ seigneorage, he had no opportunity to refer to previous correspondance, the memorialist having been on tour and the records not having been available; nor did he make note of the issue of the Post-card on the report of the permit holder and the village officers through oversight. This mistake has led petitioner to all this trouble and has given a colour of dishonesty to his subsequent proceedings. If one realizes that however careful he may be, his memory may one day become treacherous, and that he will be unwittingly led to commit mistakes, Memorialist's case is very easy of explanation. The question will then be, whether there are any other circumstances apart from the alleged failure of memory to raise a presumption of dishonesty. In the Memorialist's case, should it be granted that the failure to note the issue of a post-card dated 1-2-95 in the terms already stated was one due to an oversight, Memorialist's subsequent recommendation to the District Forest Officer to grant extension without collecting the ¼ seignoriage, is nothing strange. The report of the permit holder and the Village-officers was to all intents pending disposal, as no note was made of the issue of the post-card dated 1st February 1895. On reaching head quarters, he referred to previous correspondence and not remembering the issue of the post-card dated 1st February 1895, recommended to the District Forest Officer extension of the permit time free of charge, because on referring to the previous correspondance, he was convinced that between the date of issue of permit and the expiry date there was much rainfall which prevented the cutting of wood. At the time memorialist made the above recommendation he was not aware that the permit holder in pursuance of the post-card dated 1st February 1895 remitted the money. Memorialist received by money order Rs. 9—6—0 in February 1895, but when he made the above recommendation, he was not aware of the identity of the money, with the case under question.

In the Range of which Memorialist was in charge, remitting money by money-order is the rule and Memorialist used to receive scores of money orders. These were generally accompanied by arjees or petitions stating the purpose for which each was remitted and by whom. Thus practically there was no difficulty in identifying the money received. In the present case, unfortunately the remittence was not accompanied by any separate letter, nor was the coupon itself filled up to give any informatiou. Memorialist did not note the name of the remitter in the present case, because it was not usual to do so and because he was certain that a separate letter would follow as in other cases. He was thus not aware of the name of the remitter nor of the purpose.

Thus not knowing the identity of the money with the case under question, he made the recommendation to grant extension without collecting the extra seigneorage. In fact Memorialist was not aware of the identity of the money until the District Forest Officer asked him in December 1895 whether the permit holder was willing to pay the ¼ seigneoriage. Memorialist then sent a man to permit-holder to ascertain from him whether he was willing to pay, and he then brought word that the money was already remitted as per post-card dated 1st February 1895. Then for the first time memorialist became aware that a grave mistake was unwittingly committed through forgetfulness. From the above, Your Excellency will be pleased to find that there was not the slightest intention to mis-appropriate the money, that the original recommendation to grant extension without collecting the extra seigneorage was made not knowing the identity of the money, and when the identity of the money was known, memorialist recommended grant after collecting the extra seigneorage. One other fact in favor of the memorialist's contention that he proceeded honestly throughout is that if wished to mis-appropriate the money, he could have done so without opening any correspondance with the District Forest Officer. He could have after receipt of the money given permission to the permit holder to cut and take away the wood. There were absolutely no checks against this. The District Forest Officer even if he happened to come to the Range, of which there was then no likelihood, would not have gone to the particular village. The chances of detection were almost nil. If fraud was intended this was the easiest course to consummate it. Instead of doing this petitioner proceeded honestly, but became a prey to a treacherous memory.

9. As regards the 2nd charge, petitioner begs the favor of your Excellency's perusal of para 4 of the petition submitted to the Board. There was no submission of false information. The contrary recommendations and the omission to state receipt of the money were, as already explained under the 1st head of charge, due to petitioner not having been aware of the identity of the money.

10. The 3rd charge is fully replied to in para 5 of the petition submitted to the Board. Copies are not kept of small Takids or orders sent on post-cards to villagers. In the present case no copy was kept of the post-card dated 1st February 1895, and when the District Forest Officer asked for the office copy of this Takid, memorialist made one from memory and called it true copy and in dating it 1st July 1895 was wrongly put down, instead of 1st February 1895. It was at best a hand-slip. It is therefore unfair to make this a serious charge against the memorialist.

11. A short account of the Memorialist's services is given in para 15 of the Board's petition of which a perusal is solicited. Memorialist had done hard work during the past 11 years. He has been dealt with unduly severely for no fault of his own or for a fault which no public servant is free, a treacherous memory. The amount involved is but Rs. 9—6—0 and surely petitioner could not have stooped to defraud the Government of this small sum in the way he did, when there were other easier courses open to him, if he really wished to practice a fraud.

12. In the above circumstances, memorialist prays that Your Excellency in Council may be pleased to restore memorialist to his appointment. Memorialist has been most unfairly treated. Every sort of presumption was made against him and due weight was not given to the probabilities of the caae. Memorialist trusts that he will have his due at Your Excellency's hands.

Memorialist begs to remain
Your Excellency's most obedient and humble Servant.

S Narisaw
5-8-97

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