Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 1574

DATED 21 aug.

[Despatch Abstract.]

Recording, pending receipt of the petition submitted through the proper channel, petition from C. Rama Row, late punchak, Dy Tahsildar's office, Avanashi, Coimbatore Dt. praying for restoration to his post.

BACK PAPERS.

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

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Revenue (1897) Department.

CURRENT No.

List. 418

From H. A. Sim Esq dcs. by Private Secretary to H.E. the Governor.

Order R. No. 1574 d/21 Aug. 97

Recording pending receipt of the petition submitted thro' the proper Channel.

No.

Dated 14th August. 1897.

Received

Registered

Enclosures

Spare copies

Mr. 1098.

SUBJECT.

Transfers a petition dy 11th August 1897 from C. G. Rama Row, late Gumasta, Deputy Tahsildar's office, Avanashy, Coimbatore Dt, praying that he may be restored to his post.

(By order)

for Secy

To Hy Private Secretary.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

R S

PETITION

6679

REVENUE DEPT.

To

His Excellency

THE GOVERNOR-IN-COUNCIL,

FORT ST. GEORGE,

OOTACAMUND.

May it please Your Excellency,

The humble Memorial of C. G. Rama Row, *late Gumasta, Deputy Tahsildar's Office, Avanashy, Coimbatore District.*

Most Respectfully Sheweth:—

That the humble services of Your Excellency's Memorialist were dispensed with on the 15th April 1895, by the Head Assistant Collector, Coimbatore, in his Dis. No. $\frac{245}{\text{Rev.}}$ of 1895, on the ground of his having overstayed his leave.

2. That the only grounds for his removal from service as set forth by the Head Assistant Collector in the above order, being the Memorialist's *having overstayed his leave and his having failed to appear as directed*, the first and foremost points to be decided in this case are:—

i. Whether there was any overstay at all.

ii. (*a*) Granting that the poor Memorialist did overstay, how far he was liable to the charge,

(*b*) Whether the singular circumstances of the case did not deserve a better and more merciful treatment by the benign superiors, and

G. O. 1401, dated 15- 9-1879.
2290, dated 3-12-1883.
1373, dated 23- 9-1887.
18, dated 7- 1-1888.
720, dated 18- 7-1888.
154, dated 9- 3-1892.
369, dated 25- 4-1894.
and $\frac{663}{\text{Rev.}}$, dated 29- 6-1892.
} Public.

iii. Whether the procedure adopted by the Head Assistant Collector, in dispensing with his services, was in accordance with the provisions laid down in the marginally noted G. O.s.

3. The petitioner got, on account of private affairs, 3 months' leave on forfeiture of pay from 9th April 1894. His domestic concerns—which backed up by purely accidental and unforeseen mishaps, gradually and stealthily assumed, in the course of 6 or 7 months, such a serious and critical turn that he was compelled to wander away from home for 3 years nearly—obliged him, on account of his limited means which prevented him from absenting himself from duty, to apply now and then for short extensions of leave. His inability to foresee the coming mishaps also partly accounted for the repeated extensions. Thus on the 30th January, by which time he had had 4 or 5 extensions, finding himself entangled, ever the more, in

domestic afflictions, he humbly *for the first time* reported his precarious circumstances and prayed for an extension of leave till the end of the year, 1895.

4. With reference to this leave application, dated 30-1-95, he got in the month of March, at Madras, an order directing his personal appearance. Most unfortunately, it was just then that his affairs came to a crisis. On receipt of this order, he humbly and respectfully reported his inability to leave Madras at once and about the 4th April or so represented *in an explanatory report his wretched case direct to the Head Assistant Collector.* Without passing any order on this report, the Head Assistant Collector removed him from service on 15-4-95. The poor petitioner at Madras who knew not what was taking place in the far west started home on the 20th and appeared before the Deputy Tahsildar, his immediate superior, on the morning of the 21st April, but alas! only to hear his eternal doom.

5. With this short resume, Your Excellency's humble Memorialist most respectfully craves Your Excellency's kind indulgence to submit that inasmuch as his last report, dated 4-4-95, was not disposed of and that *no notice was given to the petitioner before dispensing with his services as required by the G. O.'s referred to* in para 2, iii. *supra*, his absence, which apart from his own unavoidable circumstances was also due to the non-receipt of some order with reference to his last petition, dated 4-4-95, cannot under any circumstances amount to '*Overstay.*'

6. He was only on leave on loss of pay and as such under the extraordinary circumstances of the case his presence should not have been insisted. His extension report was also received by the Deputy Tahsildar, his immediate superior, in time. The total period of his leave was even less than 10 months. Under the Civil Service Regulations leave on forfeiture of pay for 2 years at least may be given without any question.

7. In case of his absence of about a month from the date of the receipt of the order (beginning of March 1895) directing his personal appearance up to 21st April, the date on which he appeared before the Deputy Tahsildar—is to be construed as overstay, *a kind perusal of the records, especially the petitions, dated* 30-1-95 *and* 4-4-95, will not fail to convince Your Excellency's Government, that the poor Memorialist was not then master of himself and that his singularly unfortunate circumstances were too powerful to be overcome.

8. Lastly, the order passed by the Head Assistant Collector without heeding the unforeseen and unavoidable difficulties of the petitioner, whose awfully wretched case deserved a far better and more merciful treatment, not to speak of its extreme severity and injustice, is not in accordance with the rules laid down in the G. O.'s regarding the removal of Public servants referred to in para 2. iii.

9. The said G. O.'s clearly say that before removing any one, it is incumbent upon the Officer passing orders, that the charge or charges against the person should be committed to writing; that the defaulting person should be given an opportunity for explanation; and that a notice clearly setting forth the charges should be given him. In the present case not one of these provisions was complied with.

10. The Collector's remarks in his Proceedings of July 1895 *in re* the petitioner's appeal, to the effect that "the petitioner was informed on the 17th Janu-"ary 1895, that no further extension would be granted him and that notwithstand-"ing this, he overstayed without knowing the result of his leave application" are well explained in the latter part of his (Petitioner's) appeal petition—Supplemental—to the Hon'ble the Board of Revenue.

11. The wordings of the Collector's endorsement on the above petition,⊗ especially the last portion where the Collector says that "the Head Assistant Collector "dispensed with his services on 15-4-95 and *that he then turned up quickly enough*" are much prejudicial to the ends of justice.

⊗ to the Hon'ble Board of Revenue.

12. All the points raised by the Collector except the very last, *i.e.*, that petitioner's having turned up after his services were dispensed with have been explained in the latter portion of the Supplemental Appeal Petition to the Board. As regards the very last, it is most respectfully submitted that it was not until he reached Avanashy on the 21st April that the humble Memorialist come to know of his sad doom. It *was before* and *not after* the receipt of the order that he appeared before the Deputy Tahsildar. As no explanation was called for on this point, the poor Memorialist had no chance of explaining this.

13. Under these circumstances, with Your Excellency's kind indulgence, Your Excellency's humble Memorialist most respectfully begs to submit that by taking into Your Excellency's benign consideration the facts—

i. The sufferings of a wretched family driven to starvation by having been deprived, especially in these days of scarcity, of the only means of its livelihood,

ii. The long period, 3 years nearly, during which its only unfortunate earning member has been put out of office and has been, as a natural consequence, compelled to lead a most miserable life,

iii. The extremely wretched state the humble Memorialist has been reduced to as a matter of necessity by poverty consequent on his loss of appointment and property, (shunned and despised by relatives and insulted and betrayed by friends, he is left a prey to hunger and want,),

iv. The difficulty in getting himself re-employed, because he is over 25 years and has not passed the Hand-Writing Test extended but recently even to undergraduates (F. A.),

v. The extreme rigour of the order, and

vi. The irregular and unjust procedure adopted by the Head Assistant Collector,

Your Excellency will be graciously pleased to afford food and shelter to half a dozen famishing souls by ordering the restoration of the wretched Memorialist who, as will be seen from the records, having had rather too much scruples to honesty took leave when harassed by a series of singular misfortunes with the sole object of relieving himself from all anxieties so that he may not be disturbed now and then.

14. In this connection, Your Excellency's humble Memorialist most respectfully begs to submit that since nothing but sheer indigence stands in his way of getting fresh copies of the papers concerned with the case—the copies already submitted to the Board and received back with B. P. No. $\frac{25}{\text{L. R.}}$, dated 6th January 1896, having been, during his long unhappy ramble mislaid,—Your Excellency will be highly pleased to order for kind perusal the undermentioned papers in original.

The humble Memorialist
Most respectfully begs to remain,
Ever, Your Excellency's most obedient and
humble servant,

Palladam — 3
August 11. 1897.

Dist. No. $\frac{245}{\text{Rev.}}$, dated 15th April 1895, of the Head Assistant Collector of Coimbatore with its enclosures especially reports for extension of leave, dated 30-1-95, two reports to the Deputy Tahsildar, dated March 1895 and his last report, dated 4-4-95 to the H. A. C.

Proceedings of the Collector of Coimbatore, dated July 1895 *in re* the petitioner's Appeal.

B. P. No. $\frac{25}{\text{L. R.}}$, dated 6th January 1896 with its enclosures appeal petition, dated August and September with the Collector's endorsement thereon.

N. B.

Most Respectfully & humbly begs to submit that another Copy has been this day submitted thro' the Collector of Coimbatore Dist.

When given for copying _____
When copied _____
When examined _____ } 189
When signed _____

READ AGAIN G.O., No. 189 , DATED

ENCLOSURE No.

ENCLOSURES TO C. No.

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

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only