

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 1587

DATED 24 Aug 97

[Despatch Abstract.]

Informing Rana Aiyar, Tanjore St. that
the Government declines to interfere.

BACK PAPERS.

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

FURTHER PAPERS.

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

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18 4,000-19-7-97.

Revenue (189) Department.

CURRENT No. 7071

From

Rama Sagar,
Bangalore St.

Order (Aru)

No.

Dated 6th August 1897

Received

Registered

Enclosures

Spare copies.

SUBJECT.

Praying that the
order of the Collr. of Bangalore
suspending him from the
post of Surnam may be
Cancelled.

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17.8

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PETITION

9071

To

REVENUE DEPT

His Excellency Sir Arthur

Glibank Habelock G. C. M. G. C. I. E.

GOVERNOR IN COUNCIL

MADRAS.

The humble petition respectfully submitted
by Rama Aiyar Kurnam of Peru-
mangalam Vattam, Nannilam
Talug, Tanjore District.

May it please Your Excellency:—

Your Excellency's humble petitioner is the Kurnam of Perumangalam Vattam, Nannilam Talug, in the District of Tanjore, and stands suspended for one year from 9-1-97, under an order (Exhibit A) of the Collector of Tanjore No. 932. Rev. dated the 23rd February last, in Revenue appeal No. 9 of 1897.

2. The petitioner appealed to the Board of Revenue against the said order and the Board of Revenue, in its Proceedings No. 2118 Misc. dated 10th June 97, Land Revenue, (Exhibit B) declined to interfere on his behalf.

3. The petitioner begs leave to submit that the punishment of suspension for one year, he has been undergoing, is too hard a sentence; for a man of his status, who had run over 12 years of approved service, without any stain upon his character, in proportion to the offence he has committed, if it may be so understood. He therefore implores Your Excellency's Royal prerogative to make such compassionate allowances on his behalf, as to Your Excellency may seem fit and proper.

4. For an humble servant like Petitioner's status to approach Your Excellency to submit his grievances, there are so heavy barriers in his way. The 1st is the legal obstacle,

Whether an appeal lies in the present case, to Your Excellency's Government?

Section 23 of Act 111 of 1895, Madras Hereditary village offices. Act is explicit enough and states clearly that the order of the Board of Revenue, in these cases, shall be final. But the petitioner does not approach Your Excellency with an appeal. He only implores the Royal prerogative and discretion which Her Majesty, the Mother of India, has vested with Your Excellency for commutation of punishments, to make such considerations as may alleviate the petitioner's present beggary, on account of such a long term of suspension for one year. The Petitioner begs to submit that, unless that Royal grace is extended in cases similar to the present, Justice will not be very often done to Her Majesty's subjects and humblest servants by the Sub-ordinate Bureaucracy, to illustrate which, the recent case of Manghesa Row is one of the several instances, of which Your Excellency might be well aware of. For reasons stated, the Petitioner implores that his petition may be accepted and considered by Your Excellency.

5. The facts of the case against the Petitioner which finally ended in his suspension are based on an anonymous petition and are as follows:—

A petition purporting to have been written by Tiruvengedatha Pillai, ryot of Perumangalam Vattam, Nannilam Taluq, was received by post by the Head Assistant Collector in August 96, in which was stated that the Petitioner failed to bring to account 4 acres of land cultivated with gingelly crops and demanded Rs. 5 per acre from the cultivation. The Petition was referred by the Head Assistant Collector to the Tahsildar of Nannilam, and by him to the Deputy Tahsildar of Kodavasal. This latter officer made a personal inspection of the land and reported that there had been actual cultivation of gingelly crops on an extent of 1 acre, 78 cents and a harvest of the same, and that the cultivation was not brought to account. The Head Assistant Collector, without any enquiry and framing any charge, against the Petitioner, found him to be unfit for his post and accordingly dismissed him. An appeal was thereupon preferred by the Petitioner to the District Collector, who, not being satisfied with the case, called for a fresh report from the Head Assistant Collector, and mitigated the punishment to a suspension for one year, probably with a view purely to preserve discipline in the staff of low officials, and out of setting an example, that the Public may show some regard to the responsible position of his immediate Sub-ordinate. The Petitioner then preferred a second appeal to the Board of Revenue and the Board declined to interfere, without going into the facts of the case, as will be seen from the Board's Proceedings No. 2118 Misc. referred to in para 2. The Petitioner now approaches to claim Your Excellency's Royal mercy.

6.

~~The Head Assistant Collector, who, not being satisfied with the case, called for a fresh report from the Head Assistant Collector, and mitigated the punishment to a suspension for one year, probably with a view purely to preserve discipline in the staff of low officials, and out of setting an example, that the Public may show some regard to the responsible position of his immediate Sub-ordinate. The Petitioner then preferred a second appeal to the Board of Revenue and the Board declined to interfere, without going into the facts of the case, as will be seen from the Board's Proceedings No. 2118 Misc. referred to in para 2. The Petitioner now approaches to claim Your Excellency's Royal mercy.~~

The anonymous petition was signed by one Tiruvengadatha Pillai. There is only one man by that name, in the Perumangalam Vattam. The right course for the Head Assistant Collector ought to have been to send for the said Tiruvengadatha Pillai and examine him as to the authorship and the truth of the contents, of the petition. If it is admitted by him that he is the author and the contents thereof are correct, then the Head Assistant Collector ought, on such further enquiry as may be necessary, to frame formal charge against the Petitioner and proceed accordingly. If the authorship is denied, then the rules do not advise to give validity and force for the petition. The Petitioner begs to submit that the authorship of the Petitioner is denied in *in toto* by the said Tiruvengadatha Pillai. When the foundation itself fails, how can the superstructure stand, the petitioner implores Your gracious Excellency to consider. The Head Assistant Collector bases his order of Dismissal purely on the report of the Deputy Tahsildar, which, the District Collector found, was not very clear as to the details of his cultivation not being brought to account. (Para 4 of Exhibit A). The Head Assistant Collector's only ground for the Petitioner's dismissal is stated by him thus:—

"The Karnam's explanation that he did not bring cultivation to account as it was manawari shows he is unfit to be a Karnam. He is dismissed."

The Karnam meant by his statement that the crop was unintentionally omitted to be entered in the account, as it faded away at the time, the cultivation account was taken, and that being manawari not liable to tax, there was no loss to the Government. The Head Assistant Collector put a literally restricted mean-

ing on the Petitioner's statement and dismissed him for this. Is not the order more whimsical rather than one based on a discrete judgment, the Petitioner begs Your Excellency to consider. Even the punishment of the District Collector is too hard on a low servant like the Petitioner.

7. To sum up the case for Your Excellency's consideration, the Petitioner submits:

- (1) That the Procedure taken by the Head Assistant is based on anonymous letter.
- (2) That the anonymous letter was not proved.
- (3) That the Head Assistant solely based his order on the report of the Deputy Tahsildar which was not very clear as to the details of the cultivation not brought to account.
- (4) That there was no loss to Government.
- (5) That the Karnam's omission was unintentional.

8. The Petitioner therefore prays that Your Gracious Excellency will be pleased to quash the order of suspension in toto or to remit the remaining portion of the sentence, whichever may seem fit, proper and just to Your Excellency.

The Petitioner submits that he can no longer endure this severe punishment. Praying for mercy,

The Petitioner most respectfully begs
to remain

Your Excellency's most obedient and humble servant,

6th August 1897.

C no 7071 of 97

C. O. (Hon) N^o 1587 d/24 aug 97

The Government declines to inter-
fere.

12/11/97.

Int
to The Petitioner ^{with} ~~the~~ enclosures.

Note. Please see ~~para 4 of the petition~~

Village offices in
Tanjore are not hereditary
and act III of 1895 does
not apply. But please see
notes under G.O. N^o 561 d/18-2-96

(P.)
20 aug 97

x for copy for C no 5876 of 97
now in file

16.8.27-8.97

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

189

Read AGAIN G.O., No. _____
 189 _____

DATED

CURRENT No.

ENCLOSURES TO O. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH ITTO.

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 IN ORIGINAL.

N.E.—
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