

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 193

DATED 14. Jan'y 1897.

[Despatch Abstract.]

*Declining to interfere on behalf of late
Forester B. Razi who appeals against the
order of Conservator S. C. dismissing him.*

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

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

CURRENT No. 8943

The Board of - Revenue
Land Revenue,
Madras.

Leaf No. 1673 m.

Dated 3rd December 1896.

Received 7.

Registered

Enclosures 46

Spare copies

SUBJECT.

Submg. to Govt. with remarks late
Forster & Rags's Memorial to Govt.
appealing against the order of the
Board rejecting his appeal
against the order of the Comr S.C
dismissing him from Govt. Service

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



To,

His Excellency the Governor

PETITION

In Council

6053

REVENUE DEPT

Fort Saint George,

MADRAS.

THRO'

THE COLLECTOR OF TINNEVELLY,

THE CONSERVATOR OF FORESTS S. C. AND

THE BOARD OF REVENUE,

Madras.

*The humble petition of D' Raze,
late Forester, Northern Range,
Tinnevelly District.*

MOST RESPECTFULLY SHEWETH:—

1. That the humble petitioner begs to appeal against the Proceedings of the Board of Revenue, Madras. dated 3rd August 1896 Forest No. 1074 Mis., rejecting the appeal of the petitioner against the Proceedings of the Ag, Conservator of Forests, Southern Circle, dated 28th March 1896, removing the petitioner from public service on charges of drunkenness, disobedience of orders, and recording false information reported by the District Forest Officer by whom he was placed under suspension from the 25th January 1896.

2. That, in his appeal to the Board, the humble petitioner submitted that his appeal was time-barred and prayed that the delay in preferring the appeal be graciously passed over, in view of the following considerations:—

(a) That the petitioner's pay of Rs 23 was barely enough for maintaining himself as an Eurasian, so that the period of his suspension from 25th January to 15th April nearly 3 months was a hard time for him.

(b) That the unanticipated dismissal order reached him when his circumstances were very strained so that he was not in a position to undertake the least expensive measure.

(c) That he had none in this foreign place to help him in time of need.

(d) That he was on account of his hard circumstances unable to obtain legal advice and institute an appeal until he was relieved from his difficulties by securing an employment as a Mechanic in the coral Mills at Tuticorin.

3. That the humble petitioner begs that the gracious Government will be pleased to give kind consideration to the petitioner's grounds given in para 2 Supra along with the fact that an unavoidable delay as this in preferring the appeal in such departmental proceedings does not materially affect the interest of justice.

4. That the humble petitioner begs permission to bring to the notice of the gracious Government the points wherein due consideration has not been given, in the Conservator's Proceedings above referred to, to facts and probabilities, in the following lines:—
Drunkenness.

The petitioner is alleged to have been drunk on the 13th January at about 6 A. M. and on the 14th Idem at about 8 A. M. and that, in consequence of his intoxication, he abused the Tannahdar of Papanasam in vile language on the 13th and failed to be present at the Tannah at 7 A. M. on the 14th as directed by the Range Officer and was incapable of being talked to when the Range Officer met him later that day.

The only evidence to support these allegations, as far as the petitioner is aware, seems to be the statement of the Tannahdar and the report of the Range Officer.

On the 13th January, the petitioner reported to the Range Officer, the impudent behaviour of the Tannahdar that morning in refusing to obey his order to hand over certain articles of minor produce to the contractor. It was on this report that the Range Officer wrote back to the petitioner that he would enquire into the matter on the 14th at 7 A. M. The Tannahdar evidently to screen himself from blame seems to have misrepresented to the Range Officer that he was abused by the petitioner in vile language. The petitioner's failure to be at the Tannah punctually at 7 A. M. on the 14th, which has been taken to constitute the charge of *disobedience of orders*, and which will be explained in its proper place below, seems to have gone far to prepossess the Range Officer in favor of the Tannahdar and, of course, against the unfortunate petitioner. The allegation that the poor petitioner was drunk at about 6 A. M. on the 13th January and about 8 A. M. on the 14th Idem is, on the face of it highly improbable, inasmuch as the first meal of a man is not liquor and more so when the petitioner knew full well that he was to meet the Range officer at 7 A. M. on the 14th. It is also improbable that the Range Officer could have smelt liquor from the petitioner to enable him to assert that the petitioner was drunk on the 14th, in view of the fact that the former was running on his bicycle when he met the petitioner and as such, the petitioner had no occasion to approach him. Thus the evidence for the allegation of drunkenness against the petitioner is quite insufficient to sustain a charge. The petitioner does not admit this charge in his explanation as the conservator

would have it, but only submits for the sake of argument that even if he was drunk on the 13th, it would not affect him in his official capacity, as the day was a public holiday.

Disobedience of orders—This charge is said to consist in the petitioner's having failed to meet the Range officer at the Papanasam Tannah at 7 A. M. on the 14th January as ordered. The Range officer admits that he met the petitioner that day at 8 A. M. This was on his way from the Papanasam Tannah back to Ambasamudram when the petitioner had gone a distance of about 3 furlongs from Vickramasingapuram towards the Tannah, having been engaged in seeking medicine for a ratbite, the distance between Vickramasingapuram and the Papanasam Tannah being only about half a mile. The statement in para 6 of the conservator's proceedings under reference that the humble petitioner met the Range officer at Ambasamudram, is not correct. According to the Range officer's own admission, the petitioner's delay in meeting him was one hour. The petitioner also humbly admits delay on his part to some extent but submits that it was due only to a pure accident of a ratbite in the night and only craves that the delay be not considered thro' mercy and kindness which are awarded even in court of law under such circumstances.

Recording false information—This charge is said to consist in the petitioner's having affirmed that he spent the 17th and 18th December 1895 at Rajapaliam and started for Ambasamudram on the 19th on transfer, while the cartman is alleged to have said that the petitioner started on the 17th Idem and reached Ambasamudram on the 22nd, which the Range Officer Mr. Malaya Pillai now under suspension seems to have fully endorsed. The petitioner begs leave to state in full the various circumstances that led to this mishap. The order transferring petitioner to the Southern Range from the Northern Range was received by the petitioner on the 5th December 1895, bearing an endorsement of the Range Officer to hand over charge to him and to report on the encroachments and to square up all the timber accounts, before doing so. The petitioner met the Range Officer at Athithondu on 8th December and was advised by him to apply for 10 days more for the transfer order to take effect so as to enable the petitioner to square up timber accounts. Accordingly the petitioner wrote and gave a report which the Range Officer forwarded with a recommendation and the orders on that report were awaited while speedy arrangements were being made to bring all the timber lying in various parts of the forest to the Mudangiar depot. On the 16th December Forester Wilson (also now under suspension) brought with him an order from the Range Officer directing the petitioner to hand over charge at once to Forester Wilson who disbursed the petitioner's pay and an advance of Rs 9—8—0 and told him that the Range Officer was very anxious to see that the petitioner was off to Ambasamudram without any delay. The petitioner told him he would go as soon as possible and after settling his private matters on the 17th and 18th Idem, started on his journey on the noon of the 19th Idem. Just before he started, he heard that the Range Officer had come to Mudangiar. The humble petitioner also begs to submit to your Excellency that simply to secure the detention of Forester Wilson who

was transferred to the Southern Range by the District Forest Officer instead of the petitioner as a sequence to the Range Officer's request to allow detention of the petitioner for a few more days to square the timber accounts, the petitioner was abruptly ordered to hand over charges. It is for the gracious government to note here why the Range Officer should have issued such an abrupt order to the petitioner to hand over charge before receiving order on the petitioner's report praying for an extension above alluded to, while he had kept the transfer order in abeyance for more than a week awaiting orders. A perusal of the following record will clearly show to your Excellency that the poor petitioner had been only made the victim of the evil wishes of the Range Officer to detain Forester Wilson in preference to the petitioner. The records to be perused are the following.

- (1) District Forest Officer's original order transferring petitioner to the Southern Range bearing Range Officers Endorsement dated 3rd December 1895.
- (2) Petitioner's report dated 8th December 1895 forwarded to the District Forest Officer, with the Range Officer's endorsement.
- (3) Range Officer's order to the petitioner directing to hand over charge.
- (4) Range Officer's order to Forester Wilson directing to take over charge from petitioner.
- (5) District Forest Officer's order on the petitioner's report dated 8th December 1895 transferring Forester Wilson to the Southern Range.
- (6) Range Officer's report to the District Forest Officer that the petitioner had been relieved before receipt of No. 5.
- (7) District Forest Officer's order on the above.
- (8) District Forest Officer's Proceeding directing the Northern Range Officer to explain why his order transferring ~~Forester Wilson~~ ^{the petitioner} to the Southern Range was not implicitly obeyed.
- (9) Range Officer's explanation to the above.

A perusal of records (3) and (5) will clearly show to your Excellency that No. 5 was received by the Range officer on the 16th December 1895 and was not receipted by him till the 17th Idem and that only after the receipt of No. 5, Nos. 3 and 4 were issued and antedated with current Nos. apparently, for the purpose of detaining Forester Wilson. It will also be evident on a perusal of records Nos. (8) and (9) that a statement of an alleged cartman was obtained and submitted with the Range officer's explanation apparently to satisfy the District Forest officer that no foul means had been resorted to in detaining Forester Wilson. The statement from the alleged cartman has been taken behind the back of the petitioner and it is very unsafe to rely on his evidence considering that it was not a difficult task for the Range Officer to frame false records during the petitioner's absence when his reputation was at stake. The unfortunate petitioner would further humbly beg to draw

the attention of the gracious Government to the fact that there was no motive for the petitioner to record false information as he is charged with, inasmuch as he gained nothing by affirming that he was at Rajapaliam on the 17th and 18th December and started for Ambasamudram on the 19th Idem, or lost nothing by saying that he started for Ambasamudram on the 17th Idem if he had really done so, in view of the fact that he was entitled to 6 days' joining time from the date of relief, i. e. 16th December and a day in addition for journey of every 15 miles according to the Civil Service Regulations, and that even if he had remained four days more at Rajapaliam it would have constituted no fault in itself. What was actually done by him the humble petitioner recorded and it was only his misfortune that his words were made incredible in the sight of the District Forest officer. The petitioner's innocence has been sacrificed for the guilt of the Range officer.

5. That the humble petitioner was taken as a Boundary Supervisor on Rs. 30 in 1881 and his services were dispensed with when the abovesaid post was abolished. He again entered the Forest Department in 1885 and has since then been continually in service until 25th January 1896 over 10 years when his present life of misery commenced. Known for his hard work on the hills, he was specially selected for the same by the former District Forest officers Messrs. W. C. Hayne, J. G. F. Marshall, C. Eberhardie, C. E. Brasier and C. D. P. Thornton. He admits his English is poor which fact led the conservator to misconstrue his explanation.

6. That the extreme penalty awarded by the conservator is too severe; and in spite of the fact that the record discloses glaring injustice having been done to the poor petitioner, the Board has declined to treat the petitioner's hard case exceptionally.

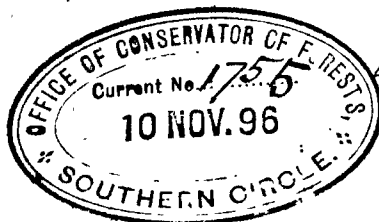
7. Prays that your Excellency will most graciously be pleased to give kind consideration to the poor petitioner's hard case and restore him to his appointment.

For which act of charity and kindness, the humble petitioner shall, as in duty bound, ever pray.

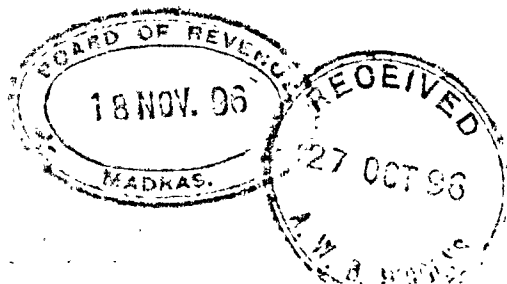
Address

J. D. Page
Late Forester
Mechanic, Coral Hills
Lutetia

J. D. Page
Late Forester
23-10-96



File no 227
1697



270
27 OCT 96
18 NOV 96
18 NOV 96

Returned to the Collector with
all the records of the case.
Petitioner has got no work
from his desert. He is
incompetent, idle, untrustworthy
and a drunkard.

Mundakur H B Buxant
28.10.96 C.F.O.

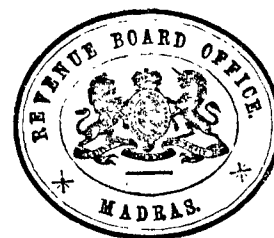
28/10/96
2 file

Luderno 64
dis no 210

Forwarded to the
Conservator (with
records for favor
of return when done
with)

Conservator
12.11.96

Forwarded with
records. O. M. S. S. S.
12.11.96



Proceedings of the Board of Revenue

(Land Revenue),

Dated 3rd December 1896.

Forest No. 1573

Miscellaneous.

READ Endorsement of the Conservator of Forests, S. C.
dated 16th November 1896, No 1455 forwarding
petition from Late Forester D'Raze appealing
to Government against his dismissal from
service

Resolution

Submitted to Government

2. The petitioner was employed as a Forester
in the Srivilliputhur Range, Tinnevely District.
Early in December 1895, the District Forest Officer
directed his transfer to the Ambasamudram
Range. The petitioner however did not im-
mediately comply with the order, but having
had to adjust certain timber accounts delayed
joining his new Range until the 24th Dec. The

Petitioner

Petitioner falsely noted in his tour returns that he spent the 17th & the 18th December at Rajapalayam, (his head quarters in the Srivilliputhur Range) and left for his new Range on the 19th; whereas it has been proved on enquiry that he started for Ambasamudram on the 17th idem.

3. It was also brought to notice that the petitioner after his arrival in the new Range abused the Tannadar of Papanasam on the 13th January under the influence of drink; that he neglected to appear before the Range Officer at 7 A.M. on the following day as directed; and that when the latter met him at 8 A.M. on that day, the petitioner was in a state of intoxication and was quite incapable. The petitioner was accordingly charged by the District Forest Officer with disobedience of orders, recording false information and drunkenness. The Conservator who held an enquiry into the Petitioner's conduct satisfied himself that the accusations were true and dismissed petitioner from the service. This extreme measure was resorted to, because the petitioner had once before been fined and suspended for almost similar misconduct.

4. Against the Conservator's orders, the petitioner appealed to the Board after the prescribed limit of 40 days allowed for such appeals. The Board while rejecting the appeal as time-barred, satisfied itself that the records connected with his case disclosed no ground for according exceptional treatment to the appellant and accordingly passed the following order:—

"The appeal is rejected. It is time-barred and the record discloses no ground for treating it exceptionally."

5. Against this last mentioned order, the petitioner memorialized the Government. The Board has no recommendation to make on petitioner's behalf.

(True Extract)

Ree
Secretary

The Secretary to Government. R. D. ✓
with records.

7/11/11

No. 8943

From The Board of Revenue (Land Revenue)

Dated 3rd December 1896.

The Hon'ble Mr. J. G. Rose C. I. & L.

FOR ORDERS.

Please see note at the end of this
unrecorded office note.
D.

Flag A

The petitioner was
on P. 26 for.
a Forester in the Ambasamudram
Range, Tinnevely St. and was removed
from the post by the Conservator
of Forests, Southern Circle, on the
following charges:-

- (1) Drunkenness
 - (2) Disobedience &
 - (3) Recording false information
- (Vide Conservator's P. 28 of 28th March 1896)
Charges nos 1 and 2 are inseparably
connected with each other as the
circumstances detailed below will
show.

The Forest Ranger of Amba-
samudram Range gave verbal
orders on the morning of the 12th
Jan'y/96 to the Papparasam Sannabada
and to the pet. not to allow any
forest produce to be taken away
by the Contractor as he failed to

C. 1/1/97

FOR ORDERS.

registers his muchelaka. In the evening of the same day two head loads of forest produce arrived at the tannah and the tannadar accordingly refused to pass the loads and made a report of the detention of the articles to the Ranges. The Contractor also went to the Ranges and complained of the detention of the articles ^{and} ~~that the~~ ^{not} Ranger on hearing him decided ~~to let~~ ^{stop} the loads ~~off~~ and accordingly sent a note to the peti who in his turn sent instructions to the Tannadar to let the loads pass; but the Tannadar ^{refused} ~~refused~~ to obey the instructions ^{and on the ground that he had himself} ~~for~~ ^{himself} made a report to the Ranges upon which no orders had been passed and ~~proceeded as of old~~ ^{and proceeded as of old}. The Contractor and his men threatened him with injury on the night of the 12th of Aug and on the morning of the 13th idem (6th Aug) the Tannadar went to the peti to complain of the behaviour of the Contractor's men but the peti ^{as} the Tannadar alleged, used "vile language" towards him and tried to kick him ^{him at the time} ~~under the influence of~~ liquor. The peti avers that the Tannadar's disobedience to his instructions annoyed him very much but that he never made use of any vile language, that he did not attempt to kick him, I met him "angry"

and was not ~~not~~ ^{was} under the influence of liquor at ~~at~~ that early hour. ~~and the~~ ^{therefore} ~~that he reported him to the~~ ^{the Tannadar} Ranges for his impudent conduct. The Tannadar in his turn sent a report to the Ranges complaining of the ^{manner in which} ~~disrespectful~~ ^{he had} ~~been treated by~~ ^{the hands of} the petitioners. The Ranges on receipt of these two reports sent a note to the peti stating that he would hold an enquiry into the matter and directing him to be present at Papanasam Tannah at 7 A.M. on the 14th idem. This ^{he} the petitioners failed to do, and ~~is~~ ^{was charged} with disobedience to orders. When called upon to explain his failure, the peti said he was bitten by a rat the previous night and was in search of medicine when he met the Ranges on the way. The Ranges says that he met the peti in the village of Vickramasingaparam ^{from Papanasam Tannah} at 9 A.M. on his way back to Ambasamudrum, the distance between these two latter places being only $\frac{1}{2}$ mile. The peti submits that through pure accident he failed to be at the Tannah at 7 A.M. but the Ranges says that ^{he} ~~the~~ found him

in the village in a drunken state and unfit to be spoken to. The peti answers this by saying that it was not possible for the Ranger to have smelt any liquor from him as that officer was fast riding his bicycle and did not pass sufficiently near him to smelt anything and even then, ~~if~~ ^{as} Am was too early an hour to touch any liquor.

It is to be observed here that the peti, ^{practically} admitted that he was drunk on the 13th idem as the day was a public holiday (Pongul) but ~~he~~ ^{contended} that he was not drunk while on duty. The charge of drunkenness ^{seems to have} been fully made out as there is no reason to discredit the testimony of the Ranger.

The third and more serious charge is that the peti recorded false information. The history of this part of the case is as follows:

~~The third and the more serious charge was that the peti recorded false information. The history of this part of the case is as follows.~~

The S^t Forest officer ordered

The peti says 8 a.m., the Ranger 9 a.m.
DS

"I might have been fully the Flag 13th whole of Monday to 13th mch. as it was a Shrada festival - in my private capacity but not on my duty"

LD.

after three days
Flag D

Flag C

Flag B

the transfer of the peti from the Northern to the Southern Range on the 28th Nov 1896. The order seems to have reached the petitioner through his Ranger on the 5th of the following month and the peti put in an application on the 18th idem begging to be allowed 10 days time in order to enable him to bring up his timber so accounts up to date. On receipt of this the S^t O cancelled the peti's transfer and posted Forests Officer Wilson to Amba - Samudrum. This order was dated the 12th December and was never commd to the peti by the Ranger. The peti was relieved of his duties in the Northern Range on the 16th idem and on the 18th idem the Ranger reported to the S^t O that the peti had ~~been~~ ^{been} relieved and ^{had already} started for Amba Samudrum, ~~on the following morning~~ and that the order of the 12th idem could not be given effect to. The S^t O suspecting some "trickery" ~~sent Flag C for his order of the 12th idem not reaching the peti before he left for Amba Samudrum~~ called up the Ranger for an explanation, ~~from the Ranger~~ ^{where there is a copy of the original} The Ranger reported ~~versions of the matter~~ that the peti

in the part of that off

Can recoup this additional expense:
to the Courtman whose story on the
face of it seems to be improbable. The
evidence of the landlord of the house
in which Mrs. Ragg lived in Raga-
-palein would have been of better
value.

The pet^{er} put in 10 years service
in the department and rose from
the position of Forest Guard to that
of a Forester. The 570 says that the pet^{er}
"has been warned repeatedly on
former occasions, ^{that} he has been
fined and also suspended for
similar irregularities and insub-
-ordination, ^{that} he is a useless and
most untrustworthy man and even
just now ^{he} is charged with measuring
up timber in excess to benefit a
contractor. ^{W. Bryant concludes by saying that pet^{er}} The ^{mis}trous originally
a forest guard and ^{at the} quite unfit
even for that duty, and characterizes
him as a disgrace to the department
~~and that he would never change~~
his ways.

The Board of here, to which the
pet^{er} did not submit his appeal in
time, rejected it as time barred
with the remark that the record
disclosed no ground for treating

Flag 7

English!

Flag 9

it exceptionally. The Board has no
recommendation to make on
petitioner's behalf.

of the three charges brought against
the pet^{er} there is no reason to doubt that
two are proved viz! that he was
drunk on the 12th, & drunk & riotous
on the 13th January. W. Jackson appears
to be a reliable witness & if his word
is believed, pet^{er} was certainly drunk
at the 12th & ^{over} two hours late in attending
an enquiry of which he had received
due notice. As to pet^{er}'s drunkenness on
the 12th & his abusive conduct to the
Tennander, we have the Tennander's
evidence confirmed by W. Jackson's
local enquiry conducted on the spot.
As to the third charge, there is nothing
to substantiate the pet^{er}'s story that
the Ranger & Forester Wilson were
conspiring against him. The record
contains a letter from Wilson of 18th
and ^{that} pet^{er} reporting ^{that} he had
left Raga-palein ^{for} support of the pet^{er}
for days time ^{for} to up his accounts
does not go to show that ^{the}
was any anxiety to get rid of
on the part of that off.

Cartman's statement may or may not
 been true; there is nothing but the
 fact of his word to ^{disprove} ~~prove~~ it, & against this
 may be set Wilson's report, & the
 probability that the pet: wld. not
 linger indefinitely at Rapaanapalagan
 when the order of transfer which
 reached him on the 5th Dec: were not
 cancelled.

The D.F.O. gives the pet: a very
 bad character, & report from the
 charges formally brought against
 he was not justified in delay to
 give effect to the order of transfer, though
 for this delay the Rooper's action is
 "part responsible. If he had not
 opposed the pet: he wld. have
 gone alone.

The pet: did not appeal to the Board
 within the time allowed & the excuse
 he gives for this delay is not satisfactory.
 In these circumstances it is
 submitted that the pet: should be
 told that Min. No. 193. D/14. Jan'y 1897.
 The Govt declines to interfere
 on the pet:'s behalf

Pet: with objections
 withheld
 disclosed

28
 10/1/97
 14/1/97

then given for copying
 then copied
 then examined
 then signed

189

AGASS G.O., No.
 189

DATE

SENT

FORWARD TO C. No.

OF GOVERNMENT

GOVERNMENT

WITH DUTY

ARE NOT FILED UP, BEING MEANT FOR DISPOSITION
 IN ORIGINAL

A A A A A A A

A = Copy in full.
 B = Not to be copied.
 P = Copy abstract only.
 J = Copy heading only