

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 1969

DATED 10th April 97.

[Despatch Abstract.]

*Stating that after a full consideration
of the case Govt. sees no reason to interfere
on behalf of Mr. Brookes.*

Pap

BACK PAPERS.

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

For

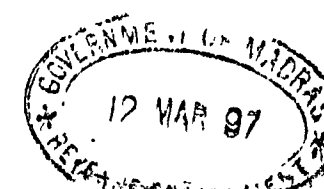
No.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
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Revenue (1897) Department.

CURRENT No. 2268



From

The Secretary to the Commissioner of
Salt Alkali and Separate Revenue
Madras.

Order.

His No. 800

Dated 26th February 1897

Received 12-3-97

Registered 13-3-97

Enclosures- one.

Spare copies

SUBJECT.

Submitting to Government with
remarks from Mr. Board
appealing against the Board's order
reducing him to the bottom of
the 2nd grade of Assistant Engineer.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To

HIS EXCELLENCY THE RIGHT HON'BLE

Sir Arthur Elibank Havelock, G.C.M.G., G.C.I.E.,

GOVERNOR IN COUNCIL,

Fort Saint George.

THE Appeal of Mr. E. H. BROOKES,
Assistant Inspector, 2nd Grade, Salt,
Abkari and Customs Department,
Vattanam Circle, Madura District.

SHOWETH,

That appellant who was an Inspector in the Salt and Abkari Department, in the probationary grade, was, on the 17th July 1895, while in charge of the Kuttanguli Circle, reduced to an Assistant Inspectorship of the 2nd Grade and placed at the bottom of that grade under orders of the Board of Revenue, Separate Revenue, as contained in their Proceedings, No. 3001, Mis., dated 17th July 1895, (vide EXHIBIT A.)

2. That, as will be observed, the foregoing order was passed on two reports made by the Deputy Commissioner of the Southern Division (Mr. W. A. Fowler), dated 4th May 1895, No. C. 34, and 19th June 1895, No. 2587, wherein that officer brought, as set out in para. 1 of Exhibit A, the following six charges against appellant, viz. :—

- (1) Bad work whilst in charge of the South Trichinopoly Circle.
- (2) Bad work whilst in charge of the North Trichinopoly Circle.
- (3) Impertinence and insubordination towards his superior officer.
- (4) Assaulting a certain Sub-Inspector and peons in connection with a demand for money.
- (5) Assault on his second clerk.
- (6) Drawing certain sums of money for tentage and carriage of records in excess of what was due.

3. That, as regards the first charge, it will further be observed that the Board state, on the second page of their Proceedings quoted above, that "on his inspection of the South Trichinopoly Circle of which Mr. Brookes (appellant) was in charge, the Assistant Commissioner, Erode

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"Sub-division (Mr. Krishnasawmy Iyengar) noticed several irregularities of which the following are the principal:—

- (a) Gross and unaccountable delay in the disposal of matters affecting the conduct of subordinates.
- (b) Bad itineration by Mr. Brookes and his long stoppages at certain selected centres.
- (c) Lax supervision over the work of his subordinates.
- (d) Disposal of the great majority of cases at head-quarters, thus causing unnecessary trouble to the accused and witnesses and bringing the preventive establishment repeatedly out of their ranges to the consequent neglect of their work.
- (e) Omission to write up the P. 21 (Crime Register) daily for long periods and to record notes of enquiry in several cases released departmentally and in one case which was prosecuted before a Magistrate.
- (f) Failure to test soils in the neighbourhood of A. Factories as previously ordered, unsatisfactory disposal of applications for A. Licenses, non-compliance with the distinct orders given to change the work of the Amins at refineries at short intervals, and failure to keep correct accounts of applications received for saltpetre licenses.
- (g) Lax supervision over the doings of toddy shop-keepers in the Kulitalai taluk.
- (h) Unsatisfactory result of the introduction of the tree tax system into the Illappur Mahanum coupled with the fact that the Inspector had never visited that part of his Circle.
- (i) Omission to see that the old marks were scored out on trees in the manner laid down in the Circular Order even in topes within a few miles of his head-quarters.

4. That, as regards the irregularities specified above, it will be noticed that the Board remark in reference to (a) that the Assistant Commissioner has quoted seven instances in support of the charge which, in their opinion,

"show beyond doubt the utmost indifference on the part of Mr. Brookes to the conduct of his subordinates, which indifference, as rightly remarked by the Deputy Commissioner, goes far to account for the bad state of discipline and morale of the Circle."

Appellant begs, firstly, in connection with the foregoing remarks to observe that the Deputy Commissioner (Mr. W. A. Fowler), who expressed the above opinion is not the same officer who reviewed the Inspection Remarks of the Assistant Commissioner, dated 21st September 1893, (EXHIBIT B), but his (Mr. D. D. Murdoch's) successor in office, who, after the lapse of over one year and six months subsequent to the date of the Assistant Commissioner's report and over one year and five months after the orders passed by the then Deputy Commissioner, addressed the Board in his letters quoted at the head of these Proceedings. Those letters, it is unnecessary for appellant to state, must have been written on facts, as personally represented by the Assistant Commissioner (Mr. Krishnasawmy Iyengar). The Board appear also not to have been informed, that particulars of the seven instances quoted by the Assistant Commissioner were never officially communicated to appellant as should have been done, and his explanation called for and reduced to writing in reference to them. In the circumstances appellant respectfully requests that Your Excellency's Government will consider irregularity (a) as not established against appellant, as the standing orders of Government have not been observed in regard to it. The particulars of sub-head (a) were never officially furnished to appellant and his explanation or defence called for.

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5. That, in regard to the next irregularity, viz., (b) "bad itineration by Mr. Brookes and his long stoppages at certain selected centres," it will be noted the Board make reference to a "very careful analysis" made by the Assistant Commissioner of appellant's itineration which, they say "show that Mr. Brookes did no inspection worthy of the name," &c.

In regard to the foregoing charge appellant begs to remark that the Inspection Remarks of the Assistant Commissioner (EXHIBIT B), are dated 21st September 1893 and the review or marginal remarks of the Deputy Commissioner, (to be found in the same Exhibit,) 13th October 1893, or more than one year and five months prior to the Deputy Commissioner's report to the Board. The delay in bringing this matter to the notice of the Board appellant respectfully submits almost nullifies the utility of the report and is far from just to the appellant. Further, extracts of paragraphs 10 and 17 (f) of the Assistant Commissioner's remarks (EXHIBIT B), dated 21st September 1893, (the former of which has reference to complaint (b)) were not forwarded to appellant by that officer, for his explanation, till the 3rd March 1894 (or nearly five months after the Deputy Commissioner's review). EXHIBIT B-I. The procedure adopted of sending extracts instead of the full text of remarks being opposed to the practice usually observed in such cases, (as the review of the Deputy Commissioner is always written on the margin of the Assistant Commissioner's inspection remarks and is not a separate paper), appellant applied to the Assistant Commissioner on the 31st March 1894 for the full text of both the Inspection Remarks and of the Review (EXHIBIT C). In making the foregoing application to the Assistant Commissioner appellant took occasion to observe, as will be noticed from a reference to the document (EXHIBIT C), that

"if you (Assistant Commissioner) think I should not be favoured with this (that is, the full text of the Deputy Commissioner's review) I request you will refer the matter to the Deputy Commissioner, for I do not think it will be just to myself to furnish any explanation unless I am furnished with what I require."

One object which appellant had in view was to satisfy himself that Mr. Krishnasawmy Iyengar, the Assistant Commissioner, had not exaggerated matters to gratify vindictive feelings, for the Board itself has, in its Proceedings under appeal, come to the same conclusion as appellant, viz., that the Assistant Commissioner entertained a "dislike" to him. In reply, appellant was informed by the Assistant Commissioner that he was of opinion that appellant was

"entitled to get copy of only such portions of the Deputy Commissioner's Review as concern you" (him) and that he did not therefore "see the necessity for referring the matter for the Deputy Commissioner's orders." (Vide EXHIBIT D).

Accordingly, appellant, on the 6th June 1894, submitted his explanation (EXHIBIT E.) on the two solitary paragraphs furnished to him, to which he begs respectfully to invite attention. In that explanation appellant endeavoured, as far as was possible, to meet the statements made by the Assistant Commissioner in paras. 10 and 17(f) of his Inspection Remarks referred to above, and begs in

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reference to them to observe that it occurs to appellant as noteworthy (1) that the call for his explanation to the sub-charges (b) and (c) should have been made six months after the date the complaint was made, five months after the Deputy Commissioner had passed his orders regarding them, and not till two months after appellant had been transferred from the South Trichinopoly Circle, when appellant could have no access to the full text of the Deputy Commissioner's Review. The specific charge itself, i.e. (b), appellant begs to observe affects the period appellant was employed in South Trichinopoly Circle, viz., from 4th July 1892 to the end of July 1893 (vide para. 10 of Exhibit B.) or about three years prior to the date on which the Board were pleased to order appellant's reduction.

Appellant respectfully begs Your Excellency's Government will be pleased to consider this extraordinary fact when dealing with this appeal, as it seems only reasonable to expect that charges should not be brought against public servants after prolonged periods, unless some satisfactory cause for the delay can be shown, and where such cause cannot be shown, appellant respectfully submits that the charge should be totally eliminated from consideration. As a matter of fact, appellant, in his defence, established, in reference to sub-charge (b), that between him and his Assistant they were out on tour for 319 days out of the 393 days which comprise the period relating to the charge, viz., from 4th July 1892 to the end of July 1893. In regard to the remaining days appellant submitted, as he thought, a satisfactory account, particulars of which will be found narrated in paragraph 3 of his explanation, dated 6th June 1894 (Exhibit E.) In regard to the question of itineration, appellant begs to submit that the Standing Orders of the department appear to have been lost sight of in the matter and sufficient credit not allowed appellant for the tours performed by his Assistant. Circular Order No. 1 of 1891, para. 79, reads as follows:—

"To ensure the proper working of preventive parties they must be constantly inspected by superior officers. As a general rule it may be taken that either the Inspector or an Assistant should be constantly on tour, this being the view with which Assistant Inspectors were sanctioned for the head-quarters of Factory Circles."

Further, Circular Order No. 1 of 1891 reads thus:—

"Every Sub-Inspector or Party should be visited in his or its range not less than once a quarter either by the Inspector or by one of his Assistants, but the duty of inspecting the range of any one Sub-Inspector or Party should not, as a rule, be delegated to an Assistant Inspector during two quarters in succession."

In addition, appellant is aware that the then Deputy Commissioner had passed orders himself that he was desirous of seeing Assistant Inspectors take their fair share of touring. Appellant submits that it is clear from the foregoing orders that the Assistant Inspector was to take his fair share of touring and therefore the touring actually done by his (appellant's) Assistant should be calculated with the itineration performed by appellant and an opinion arrived at on the whole, or on the total number of days spent by them in camp. If the matter of itineration is considered with due regard to the foregoing principle and orders,

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appellant respectfully submits that his itineration for the period embraced in the charge has not been "bad."

6. That next, as regards sub-charge (c), the Board remark that

"the Assistant Commissioner has furnished figures which show that Mr. Brookes must have been, as the Deputy Commissioner remarks, incredibly indifferent about the movements of his men."

Appellant begs, with all deference, to observe that the above is a very summary manner of disposing of the complaint in question. If Your Excellency's Government will be pleased to turn to paragraph 10 of the Assistant Commissioner's Inspection Remarks it will be observed that he nowhere states that appellant was indifferent to the movements of his subordinates, or that he failed to review their weekly diaries, or to inspect the village registers; and, as a matter of fact, appellant begs to state that the foregoing diaries and village registers were always carefully reviewed and inspected by him. The Inspection Remarks of the Assistant Commissioner refer in particular to the South Trichinopoly Circle which is to a very great extent an Abkari Circle, as is borne out by para. 32 of the foregoing paper. It is noteworthy that the Assistant Commissioner has nowhere given figures to show, (1) how quickly marking was done to the convenience of those from whom revenue is derived, and (2) how abkari detection improved not only in quantity but also in quality, beyond the tardy admission made by him that "abkari detection shows an improvement as compared with last year." In these matters appellant begs to submit that he was credibly watchful, not "incredibly indifferent" of the movements of his subordinates and directed them so as to produce satisfactory financial results. Appellant regrets the necessity of troubling Your Excellency's Government with a few further remarks under this head as the Assistant Commissioner's representation of facts is not strictly correct. The Assistant Commissioner says that the increase under illicit transport indicated undue attention to "petty offences." If the figures given by the Assistant Commissioner are scrutinized it will be observed that "undue attention" was bestowed on important, and not on "petty offences," such as "smuggling" and "using false measures" and "illicit tapping," and it still remains to be explained how "illicit transport" has been regarded by the Assistant Commissioner as a "petty offence." Appellant begs also to invite particular attention to the fact that no explanation was called for from him in regard to the complaint comprised in sub-head (c), and that, therefore, it should be entirely excluded from consideration as in the case of (a). Paragraphs 10 and 17 (f) of the Assistant Commissioner's Inspection Remarks (which alone were furnished for explanation) relate to sub-heads (b) and (c) only, and not to the other sub-heads.

7. That, as regards the next sub-head (d), viz., disposal of a great majority of cases at head-quarters, the Board consider it sufficient, they say, to quote a circular issued by appellant directing the Sub-Inspectors of certain

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ranges to bail the accused in all cases of arrest to appear at Trichinopoly, the head-quarters of appellant.

Appellant begs respectfully to explain that his action in respect to this matter seems to have been misunderstood. If Your Excellency's Government will be pleased to turn to the last sentence of para. 16 of the Assistant Commissioner's Inspection Remarks (EXHIBIT B) it will be found there stated that "all the four ranges in that (Trichinopoly) taluk are so conveniently situated, and so very close to the circle head-quarters." In the circumstances, "no unnecessary trouble" could have been caused by the appellant to the accused and witnesses. The primary object of the circular was to keep down the pendency of cases by a rapid disposal of them and thus to carry out the wishes both of the Government and the Board that charges should not be kept hanging over the heads of accused persons for any lengthened period. Besides, the circular in question was issued on the 17th April 1893 and ceased to be in force after the Assistant Commissioner took exception to it, four months later. Appellant begs again to submit in reference to (d) that no explanation was called for from him.

8. That, as regards sub-charges (e) to (i) the Board, it will be observed, express the opinion that they "have been established by the Assistant Commissioner," adding that "Mr. Brookes was called upon to reply to the several charges noted above and his explanations were received after considerable delay on the 17th June 1894." It is further remarked that appellant "has offered no explanation on several points and for the other points his explanation is not satisfactory." In the Board's opinion, the first charge is "fully substantiated" and that Mr. Brookes has "culpably neglected his work in the circle."

Appellant begs, with all deference, to observe with reference to the foregoing remarks, that there has been some misconception of facts as they occurred, for, in the first instance, appellant was not "called upon to reply to the several charges noted above." It has already been stated in para. 5 of this appeal that appellant was furnished by the Assistant Commissioner with paras. 10 and 17 (f) only (EXHIBIT B-I) of his Inspection Remarks (EXHIBIT B) and not of the whole document, and that though appellant applied for the full text, he was informed in reply that he was only entitled to such portions as concerned him (*vide* para. 5 *supra*). In the circumstances, appellant again begs to contend that he was not asked to explain any other irregularities than (b) and the latter portion of (e), and it is for this reason that appellant has, in preceding paragraphs, requested that the other charges should be entirely excluded from consideration as the standing orders of Government were not followed in regard to them. Next, as to the delay alleged to have been made by appellant in making his explanation, he begs to submit that if reference is made to EXHIBITS B and C, it will be observed that EXHIBIT B is dated 21st September 1893, and that it was not forwarded to appellant for explanation till the 3rd March 1894, or

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nearly six months afterwards, and that after hearing from the Assistant Commissioner in reply (EXHIBIT D) that he was not entitled to the paper applied for, appellant submitted his explanation on the 6th June following. (EXHIBIT E.) In the circumstances, appellant submits that there was no avoidable delay in furnishing his explanation. On the other hand, the Assistant Commissioner, it is respectfully submitted, appears to have been guilty of culpable delay in allowing a period of six months from October 1893 to March 1894 to elapse before he made his call for appellant's explanation as to sub-charges (b) and (e).

As to the particular irregularity (e) the Assistant Commissioner writes:—

"From the 2nd March to 11th April, and from 15th June to 26th July 1893 in the case of Salt, P. 21, and from 1st March to April 14th, and from June 17th to July 31st in the case of Abkari, P. 21, the entries are in the Assistant Inspector's handwriting. The P. 1s, received during the above period were handed over to the Assistant Inspector in two batches." (Para. 17 (a) of EXHIBIT B).

Regarding this matter the appellant begs to state that there was nothing unusual for the Assistant Inspector in the South Trichinopoly Circle to write up the P. 21, and no objection was taken to the practice. From the figures in EXHIBIT F which is a comparative statement of the entries made in the P. 21, of South Trichinopoly Circle by the Assistant Inspector, both in appellant's, and in his predecessor's time, it will be observed that the total entries made by the Assistant Inspector during the former period was 459 only, while in the latter they numbered 629, and no objection was taken to appellant's predecessor's procedure. *It is not the Assistant Inspector's duty to draw the inference that the P. 1s were handed over to the Assistant Inspector in two batches.* Again, the Assistant Commissioner writes:—

"C. R. Nos. 188 to 191 received by the Inspector on the 25th August had not been entered on the date of my inspection, i.e., 31st idem." (Para. 17 (a)).

There was a very good reason for this omission as the P. 21 Register was not in appellant's possession at the time, it being with the Assistant Commissioner who was inspecting the preventive records and who finally initialled the book on the 31st idem. *Appellant begs to submit that as full explanation has been made with regard to the omission to record notes of inquiry, &c., as to which point alone explanation was called for, the Assistant Commissioner in his Inspection Remarks writes:—*

"In C. R. Nos. 207, 213, 214, 220, 221 and 222 of 1892-93, record of enquiry and disposal of cases was not noted up to the 9th January 1893; although the cases themselves had been disposed of and included in the P. 22, for week ending 15th December 1892. In C. R. No. 251 of 1892-93 a similar irregularity is noticeable. It is to be noted that the case was charged before the Magistrate and convicted. When questioned about it Mr. Brookes stated in January 1893 that he would make a search for his notes of enquiry which he said might have been on a separate sheet of paper and report again. But this he never did and had any such notes been made they would and should have been filed with the records. Probably no regular inquiry was made. I enclose the C. R. Nos. for perusal."

It is remarkable that the Assistant Commissioner should only in September 1893 take notice of a matter which it is alleged occurred in January 1893, nor does he say how the matter came to his notice as he was not inspecting the Circle then. The general explanation to be

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made to this matter is that in cases released departmentally under Head II no inquiry is required; an order of disposal in the P. 1 being all that is necessary. No arrests were made in the cases referred to which were purely of a technical nature and the persons informed against were not required to attend but were released under Head II; (*vide* page 9 of explanation made on the 9th June 1894 and marked as EXHIBIT E). Head II is thus defined in para. 37 of Chapter IV of Circular Order No. I of 1891:—

"Persons charged with petty breaches of the provisions of Section 56 of the Abkari Act for the first time."

The persons in these cases were shopkeepers, and subsequently the Board desirous of still further emphasising the unimportance of such cases issued its Circular Order $\frac{1}{25}$ of 1891 which reads thus:—

"If the Inspector considers any Abkari case in which no arrest has been made to be purely technical, no consecutive number should be assigned to it in the P. 21 Register, but a remark should be made against the entry to the effect that no action is considered necessary. These cases should not be shown in the P. 22 returns. A note should, however, be made in the remarks column of P. 22, showing the number of cases, which, but for these orders would have been released departmentally under Heads II and III."

C. R. Nos. 207, 213, 214, 220, 221 and 222 of 1892-93 were "Abkari cases in which no arrest had been made and were purely technical." In these circumstances appellant begs to invite attention to the following remarks made in his explanation, (*vide* EXHIBIT D):—

"If you read each P. 1 carefully you will observe that each report deals with an offence of a technical nature and therefore you will, I trust, accede to the fact that no inquiry is necessary in cases of offences falling under Section 56, and if any other disposal of mine is scrutinized it will be seen that I never put to inconvenience those from whom we derive the revenue."

Regarding the alleged omission to record notes of inquiry on the P. 1 of C. R. No. 251 of 1892-93, appellant said in his explanation—

"When accused persons came after office hours it was my practice to take notes on a separate piece of paper and record them with the P. 1s. Not only I, but also my Assistant Inspector in several instances, adopted this procedure."

The next day the notes would be handed over to the clerk and he would prepare from them the charge sheets and finally file them with the P. 1s. If the notes were not forthcoming the clerk had evidently destroyed them as they were on a separate sheet of paper. Besides, the instance quoted is a solitary one, and from it no inference would be justified that the practice was general. It will further be observed from appellant's explanation that he attributed the absence of the notes in this solitary case to the perfidy of his 2nd Clerk Strinivasa Iyengar.

9. That, next, in regard to the second charge, viz., "bad work done whilst in charge of the North Trichinopoly Circle" the Board observe that "Mr. St. John, the then Acting Assistant Commissioner, had to find fault with Mr. Brookes for much the same faults and omissions brought to notice in the South Trichinopoly Circle, the principal being

- (a) Not writing up the P. 21 immediately on receipt of P/S, and suspected manipulation of the dates of receipt of the P/S, to cover the fault.

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- (b) Undue delay in the disposal of cases and in the despatch of returns.
(c) Absolute neglect of personal detection.
(d) Effecting no improvement in itineration so strongly remarked on in the South Trichinopoly Circle in September 1893.
(e) Halting at certain favorite and central places and neglecting inspection at a distance from that place.

besides other delinquencies, particulars of which are set out in paragraph 3 of their Proceedings (EXHIBIT A). The Board find that this charge also is "fully substantiated," assigning, as their reasons for so finding, that "as in regard to the first charge, Mr. Brookes does not furnish explanations on some of the points and the explanations that he does furnish are unsatisfactory" and that appellant has endeavoured to justify himself by "vain and shifty arguments."

In regard to the sub-heads (a) to (e) of the charge under explanation, appellant begs, firstly, to invite attention to the fact that they are more or less similar in nature to the sub-heads of the first charge as set out in paragraph 3 of the appeal, but relate to the North Trichinopoly Circle. It is said by the Board that the irregularities referred to were brought to notice by Mr. St. John in his "Inspection Report." Appellant begs to state that he applied to the Deputy Commissioner for a copy of this document and of his reply, for the purposes of this appeal, in the month of September 1895, and it will hardly be credited by the Government that he was not furnished with the former paper (EXHIBIT A-I) till the middle of March 1896 and with the latter (EXHIBIT A-II) till the end of September following, and then only after much correspondence which will be found set out below. The delay, therefore, in submitting this appeal to the Government is mainly due to the difficulty experienced by appellant in obtaining the foregoing papers. Appellant's defence to the second charge rests mainly on them, and without them it would have been practically useless for appellant to have attempted to make any defence at all. In reply to the application made on the 7th September 1895, appellant was called upon by the Deputy Commissioner (Mr. Fowler) in his Proceedings, dated 26th December 1895, No. 6079, received 16th January 1896, (*vide* EXHIBIT A-III) to give a "more clear description" of the paper required, though appellant described it in his application as "my reply to Mr. St. John's Inspection Remarks and my ink remarks in the margin of Mr. St. John's Inspection Remarks recorded in the Inspection Book of the Trichinopoly Circle." With such a clear description appellant is unable to understand how the papers required could have been mistaken for a "progress report." In reply to the foregoing call, appellant wrote as follows:—

"With reference to para. 3 requiring a clearer description of the papers I require, I beg to state that in Board's Proceedings, No. 3001, Mis., dated 17th July 1895, in connection with the Inspection Remarks of Mr. St. John, it is stated that I have stated an explanation. I do not think an explanation was either called for or submitted on the points touched upon by the Board. If such an explanation is to hand I beg I may be favored with it; if on the other hand it has neither been asked for nor given, I beg I may be informed accordingly. It will be found that I have made notes on the margin of the Inspection Remarks of Mr. St. John in case I should be required to furnish an explanation. It is a copy of these notes that I ask for."

No answer being forthcoming up to the 24th February following, appellant sent a reminder and was informed

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by the Deputy Commissioner in his Proceedings, dated 10th March 1896, No. 1051, that

"some of the copies of records applied for by Mr. Brookes have been despatched and that others will be sent to him in due course."

The first document which came to hand was copy of the Inspection Remarks of Mr. St. John (EXHIBIT A-I), when he acted for Mr. Krishnasawmy Iyengar. This is the document to which the Board make reference in paragraph 3 of their Proceedings, and on which they base the second charge against appellant. This document has been carefully perused and re-perused by appellant and he can find nothing in it to justify the charges set out by the Board in paragraph 3, *except* as to the "failure to test soils when inspecting crude saltpetre factories," as regards which a very satisfactory explanation was furnished by appellant. This is a very important fact in connection with appellant's defence to the second charge, and he respectfully begs that Your Excellency's Government will be pleased to bear in mind that appellant was *never* called upon to make any explanation as regards the irregularities set out by the Board in para. 3, *except* as to the testing of soils (in regard to which hereafter), and that therefore the Board's remark that "Mr. Brookes does not furnish explanation on some of the points and the explanations that he does furnish are not satisfactory" is inconsistent with facts. Explanation was called for in reference to *one* matter only and the Board's allusion to "explanations" seems therefore somewhat vague and ambiguous. In order to make matters clear to the Government hereafter and to obtain a copy of the reply made to Mr. St. John's remarks regarding soil testing with which appellant had not been furnished till so late as the 14th April 1896, he wrote another letter to the Deputy Commissioner in the following terms:—

I have the honor to inform you that I have not yet been favored with a copy of my reply to Mr. St. John's Inspection Remarks nor of the other explanations referred to in para. 3 of Board's Proceedings, dated 17th July 1895, No. 3001, Mis., the explanations, that the Board referring to, characterize as "unsatisfactory" and as "vain and shifty arguments." You will kindly observe that it is more than eight months now since I asked for my explanation on Mr. St. John's Inspection Remarks."

"Regarding the other explanations it was impossible for me to say with regard to what matters they had reference till I had seen Mr. St. John's Inspection Remarks furnished me on 13th March last, and in my letter, dated 23rd March last I asked that a reference be made to the Board so that either the explanations or information regarding them be afforded me as early as possible. I beg to invite your attention once more to the delay."

Shortly after, appellant received from the Deputy Commissioner copy of a very important communication from the Assistant Commissioner, Mr. Krishnasawmy Iyengar (*vide* EXHIBIT A-IV) wherein that officer writes:—

"I DID NOT CALL UPON MR. BROOKES TO EXPLAIN THE DELAYS IN THE DISBURSEMENT OF PAY TO SUBORDINATES, IRREGULARITIES IN KEEPING UP THE CASH BOOK, NEGLECT TO INSPECT CERTAIN ARRACK DEPÔTS AND SHOPS, AND THE OTHER MATTERS REFERRED TO IN THE UPPER HALF OF THE 5TH PAGE OF BOARD'S PROCEEDINGS NO. 3001, MIS., DATED 17TH JULY 1895, AND I NOWHERE STATED THAT I HAD CALLED UPON HIM FOR EXPLANATION."

The foregoing statement appellant submits practically disposes of the irregularities to which the Board refer in their paragraph beginning with the words, "Besides these

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delinquencies," &c., *except* as to the soil testing. Turning next to Mr. St. John's Inspection Remarks (EXHIBIT A-I) it will be observed that even in that document no information or facts are there furnished on which the irregularities specified in (a) to (e) could be based. In the circumstances and with a view to obtain some particulars of any other information of which the Board may have been in possession, appellant addressed them on the 11th June 1896 as follows:—

"I have the honor to forward herewith a copy of Deputy Commissioner's, No. 2174, dated 14th May 1896, forwarding to me letter of the Assistant Commissioner, Trichinopoly Sub-Division, No. 1513, dated 26th April 1896. You will observe that the Assistant Commissioner states that he did not call upon me to explain in regard to the matters referred to in the upper half of the 5th page of Board's Proceedings, No. 3001, dated 17th July 1895, and that he nowhere stated that he did. I beg to say that I have had correspondence with the Deputy Commissioner about this matter from so far back as 25th January 1896, and as I am desirous of obtaining copies of the explanations referred to by the Board, or information in regard thereto, I request you will be so good as to inform me what explanations the Board refer to in the 5th page of its Proceedings, No. 3001, Mis., dated 17th July 1895. I allude to the explanations which the Board characterize as "unsatisfactory" and refer to 'as remarked by the Deputy Commissioner he endeavours to justify himself by vain and shifty arguments'." * * *

Before the foregoing letter could reach the Deputy Commissioner, appellant received that officer's Proceedings, dated 9th June 1896 (EXHIBIT A-V) wherein he observes:—

"paragraph 3 of the Board's Proceedings is somewhat vaguely expressed. It seems probable that what the Board meant was not that the Assistant Commissioner called for an explanation but that he found matters in an unsatisfactory condition upon which he made remarks, *no explanations being necessary or possible.* (Italics are appellant's)."

Also that "copy of Mr. Brookes' letter, No. 672, dated 12th September 1894, submitting his explanation for the *only* point on which explanation was expressly called for by the late Deputy Commissioner Mr. Levy will be furnished to him on the production of two copy stamped papers."

This is practically appellant's defence, viz.; that there was only *one* point on which he was called upon for an explanation, and that was in regard to the failure to test certain soils. In reply to the foregoing Proceedings of the Deputy Commissioner, appellant wrote on the 21st June as follows:—

"With reference to your Proceedings, No. 2709, dated 9th June 1896, I beg to note that you have been pleased to observe "that para. 3 of the Board's Proceedings is somewhat vaguely expressed." If this be so, I feel all the more impelled by the desire to obtain from the Board direct its own views. "In my appeal petition to Government there must be, I submit, embodied facts with no uncertain ring, such facts I beg to seek from the Board. You have been further pleased to observe that it seems probable that the Board meant that "no explanations were necessary or possible." Regarding the necessity of obtaining explanations from a Government servant, I rely on G. O. No. 1373, dated 23rd September 1887, and as to the possibility of affording them such a contingency, I think, is to be met by me alone. However, be this as it may, the Board has reviewed in the concluding portion of paragraph 3 of its Proceedings, No. 3001, Mis., dated 17th July 1895, certain explanations, alluding to them in the final sentence in no unmistakable terms. "I beg, therefore, you will be pleased to forward, with as little delay as possible, copy of my letter to you, dated 23rd March 1896 forwarded for transmission to the Board by the Vattanam Inspector." * * *

Appellant further informed the Deputy Commissioner that the Assistant Commissioner had sufficient stamped paper in hand to furnish the required documents and that his appeal to the Government was being "long delayed owing solely to not being furnished" with the necessary papers. The next document with which appellant was favored was the Board's Proceedings of the 18th July 1896, No. 3024 (EXHIBIT A-VI) wherein they "decline

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to examine the records again to * * answer his question," adding that appellant "should have applied for information before the lapse of nearly a year."

The Board were not aware apparently of the fact that though their Proceedings reducing appellant may have been dated July 1895, the appellant, as shown in the immediately preceding paragraph, was unable even up to July 1896 to obtain all the copies and papers necessary to frame his appeal. Appellant regrets that he has been unable to obtain from the Board any more satisfactory reply than that quoted, but it will be clear to Your Excellency's Government from a consideration of the foregoing EXHIBITS that, as remarked by the Deputy Commissioner, paragraph 3 of the Board's Proceedings is "somewhat vaguely expressed" and that "no explanation" was "necessary or possible" to the Assistant Commissioner's remarks, and that the *only* point on which explanation was expressly called for was furnished by appellant in his letter No. 672, dated 12th September 1894 (EXHIBIT A-II). The foregoing facts coupled with the admission of the Assistant Commissioner (Mr. Krishnasawmy Iyengar) in EXHIBIT A-IV, leaves the matter entirely free from doubt that the irregularities, as set out in connection with the second charge, were never furnished to appellant for explanation, *except as regards the testing of soils*, and the Board could not possibly, therefore, have had the explanations before them which they characterize as "unsatisfactory" and as "vain and shiftty arguments." The only explanation which appellant ever made to the Assistant Commissioner is that contained in EXHIBIT A-II, copy of which was not received from the Deputy Commissioner for the purposes of this appeal, till the 27th September 1896. It is herewith submitted. It is practically appellant's defence to the complaint about the failure to test certain soils. The explanation was a very simple one, viz., that as the saltpetre factories to which reference is made by the Assistant Commissioner were already licensed by his predecessors, the appellant was not required to test the soils on the renewal of licenses by him. In support of this contention he referred the Assistant Commissioner to the Board's Circular Order No. XXII of 1882, wherein they directed that "in future years *fresh inspections and test will not be necessary before the grant of fresh annual licenses to old factories.*"—(Italics are appellant's.) This order appellant submits is very clear and applied to the circumstances, as the factories in question were 'old factories' and appellant merely *renewed* the licenses.

10. That, next, in paragraph 4 of the Board's Proceedings, it will be observed that appellant is accused of having removed, without permission, a number of papers from the North Trichinopoly Circle. Before proceeding to answer the charge, appellant begs to invite attention to the fact that the Board connect this matter with charge 2 as if it related to the North Trichinopoly Circle, whereas, in point of fact, the papers in question were connected with the South Trichinopoly Circle. This point is not of much importance but it still has a significance of its own. It will

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further be observed that the Board make no mention of the nature of the papers. It would have been better if they had, for the Government would, from a perusal of their remarks, have at once seen that the papers were of no consequence and related only to punishment and promotion rolls of subordinates forwarded to the Assistant Commissioner (Mr. Krishnasawmy Iyengar) by, and while, appellant was Inspector of the South Trichinopoly Circle. The papers which form the subject of these remarks were obtained by appellant immediately before his transfer from the North Trichinopoly to the Kuttanguli Circle, and if the Government will be pleased to refer to the copies submitted with this appeal (EXHIBITS BI, II & III) it will be at once clear to them that the appellant could not possibly have had any sinister object in detaining them, for they were of no personal or private interest to him and had no reference to any charge or irregularity pending or decided against appellant. In short, the following are the circumstances under which they were detained as reported (EXHIBIT B-IV.) to the Deputy Commissioner:—

"When I was in charge of North Trichinopoly Circle, I addressed the Assistant Commissioner in my letter, No. 652, dated 8th September 1894, with a view to obtain certain records recommending punishments and motions in order to bring to notice Mr. Krishnasawmy Iyengar's methods in matter of discipline. He endorsed that letter in his foot-note, No. 2731, dated 1st October 1894, on to the Inspector, South Trichinopoly Circle, who took 4 months to forward the papers to me, for I received them only on the 31st January last, or just when I was under orders of transfer to Kuttanguli. While handing over charge of the North Trichinopoly Circle to Mr. D'Vaz, I complained to him of the delay and at the same time informed him that I was taking away the papers as they required my personal disposal. He made no demur. Shortly after my arrival here, I scrutinized the papers and found the record incomplete. Thereupon I addressed Mr. D'Vaz in this office, letter No. 75, dated 21st February 1895, (original enclosed). His reply reached me on the 12th instant."

When Mr. Wood took charge of the North Trichinopoly Circle from Mr. D'Vaz, he wrote and asked appellant what *had become* of the papers referred to above, and appellant made the reply quoted by the Board at the foot of page 4 of their Proceedings. Appellant begs to state that the Board have apparently not been correctly informed as to the contents of Mr. Wood's letter. He asked not for the return of the papers but as to what *had become* of them. (See also page 2 of Exhibit B-V wherein the Deputy Commissioner makes use of the identical words "what had become,") and appellant submits that having regard to the particular enquiry made, there is nothing out of order in appellant's reply. Appellant admitted that he had the papers with him and promised he would return them "when the necessity for their retention has passed away." Neither was their removal clandestine, as they were retained with the full knowledge and consent of Mr. D'Vaz, appellant's immediate successor in the North Trichinopoly Circle. In the circumstances, and keeping in mind the worthless character of the papers, it seems therefore unnecessary to have made a "mountain of a mole-hill," and for the Assistant Commissioner to have brought the matter to the notice of the Deputy Commissioner and for the latter officer to have carried it as far as the Board, considering also, that when called upon by the Deputy Commissioner in his No. 1984 of 12th May 1895 to return the papers, appellant did so at once and further asked that they should be returned to him

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as the necessity for their retention had not passed away. Appellant begs also to state that he would have returned the papers to Mr. Wood had he asked that they should be returned. The purpose for which the papers were detained was purely *official*, and not personal, in nature, as appellant was contemplating the submission of a report complaining against the Assistant Commissioner's methods in matters of discipline, and his apparent unwillingness to support the authority of the Inspector over his subordinates. The Assistant Commissioner was aware that appellant had applied for certain records in view to carrying out the foregoing object, and as soon as this object was discovered, it appears to have become distasteful to appellant's immediate superiors. Hence the haste with which the papers in the possession of appellant were withdrawn. Appellant trusts that in view of the foregoing explanation and remarks, Your Excellency's Government will be pleased to take a more lenient view of this matter than the Board has done and acquit him of "insubordination," and of any intention to place at defiance "the rules and orders of the department," which, be it noted, are not quoted by the Board.

11. That, next, in regard to charge (3,) appellant would respectfully submit that the matter is practically *res judicata*, and that it does not seem fair to appellant that it should for a second time be brought up against him, as it cannot be alleged that he has been guilty of any further act of insubordination since being warned by the late Deputy Commissioner, Mr. Levy. Appellant trusts Your Excellency's Government will be pleased to regard this matter in the light now submitted, and exclude the same from your consideration when dealing with this appeal.

12. That, next, in regard to charge (4,) assaults alleged to have been committed on a Sub-Inspector, a petty officer and a peon, all belonging to the same range, the petty officer and peon being directly subordinate to the Sub-Inspector, appellant begs, in the first instance, to observe that the Acting Assistant Commissioner Mr. St. John, to whom the complaint was sent for inquiry, did not frame any charges against appellant. If his report (EXHIBIT C-I) is kindly perused by the Government, it will be observed that he has been particularly careful in his language, for, he merely says that "the complaints resolved themselves into, and were enquired into as (1) an *alleged* assault on *** , (2) a *similar* assault" * * (Italics are appellant's). The result of this officer's finding, as set out in the last paragraph of the foregoing Exhibit, is as follows:—that,

"In fine, as I have found one and all (charges) unproved, it will rest with the Deputy Commissioner, if he concurs in my finding, to consider how and to what extent the Sub-Inspector, Petty Officer No. 650, and peon No. 625, should be punished. Further, it is very necessary they should be for the bringing of unfounded charges against their superior officer, otherwise such may never be expected to cease. If subordinates undertake such tasks, they must accept the situation with its risks for in justice to the superior it is imperative that such should be proved beyond the shadow of a doubt."

The foregoing finding is that of appellant's immediate superior, an officer who approached and inquired into the complaints with an unprejudiced mind, and appellant

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respectfully submits that the opinion arrived at, after a full and personal inquiry, is entitled to the respect of the Board and of Your Excellency's Government. The Assistant Commissioner was the officer selected by the Deputy Commissioner to enquire into the complaint set out in this charge, and appellant ought in accordance with the principles of equity and justice, either stand or fall by that officer's finding, and that finding having, as it happens, to be in appellant's favor, appellant respectfully trusts Your Excellency's Government will give him the full benefit of it. In the circumstances, appellant will make no allusion to the conclusion of the Board and to the Deputy Commissioner's remarks quoted therein, except to challenge the statement that appellant "was evidently in the habit of drinking freely." Against this much-to-be-regretted statement appellant has much pleasure in inviting the attention of the Government to para. 15 of Mr. St. John's report (EXHIBIT C-I), in it he observes:—

"Turning now to the bills themselves and accepting them as produced, attention is undoubtedly attracted to the supply of 40 drams of arrack said to have been consumed within 3 days. The amount is astonishing but astonishment is turned to amazement when we consider that this was consumed by Mr. Brookes while suffering from and under treatment for fever. From evidence tendered in the first case which in lieu of the failure of either the Sub-Inspector or petty officer to call so important a witness as the Medical officer in charge of the hospital, it must be admitted that he was so ailing. He has also filed a prescription in case No. 1 for medicines taken on this account. His defence in this respect is acceptable and coincides with the state of his health recorded in his diaries about this period."

The sum total then of Mr. St. John's conclusions was that the complaints, under all heads, were *false*, and therefore he considered it his duty to ask the Deputy Commissioner to consider to what extent the complainants should be punished. For the foregoing reasons appellant respectfully trusts that the Government will find charge 4 not to have been established against appellant.

13. That, next, as regards charge (5,) viz., assault on his 2nd clerk, appellant may content himself with merely inviting attention to the fact that the Board themselves are apparently not satisfied as to the truth of the complaint, for they observe that "it is *probable* (not certain be it noted) * * * Mr. Brookes insulted, and abused the clerk," but appellant will notwithstanding take the liberty of referring to a few facts in regard to this complaint. The 2nd clerk was *sub pro tem* and his work being unsatisfactory, he was discharged by the Deputy Commissioner. He appealed to the Board and they confirmed the Deputy Commissioner's order. Finding that his work was getting worse and worse and no other clerk had been sent to relieve him, appellant wrote (EXHIBIT D-I) on the 14th January 1895, four days before the clerk made the foregoing complaint, against appellant. He was, at the time, still working under appellant, as his relief had not been sent by the Deputy Commissioner. In the circumstances it cannot be a difficult matter to form an opinion as to the *bond fides* of the complaint, for the clerk practically had nothing to lose having been dismissed and it was, of course, to his interest to see if he could not get appellant into some trouble before he bade good-bye to the service. His complaint is, in fact, a

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fulfilment of Mr. St. John's prophesy—*vide* last paragraph of EXHIBIT C-I.

With reference to the remark made by the Board that "the clerk cites as witnesses the Sub-Inspector, Musiri Range, and two peons who corroborate him," it may be supposed by the Government that a formal inquiry was held into the matter. Appellant begs to state that there was *no* official inquiry and that the corroboration of the complaint consisted in the clerk forwarding written statements *given to him* (not to any superior official of appellant's) by the Sub-Inspector (who is also an Iyengar Brahmin) and his orderlies. In the circumstances, it seems inexplicable how any value can be attached to such statements, made, as they were, behind the back of appellant and not subjected even to the most elementary tests of accuracy. Appellant therefore trusts that Your Excellency's Government will consider this charge also not to have been established against him.

14. Lastly, appellant begs to refer to charge (6), *viz.*, drawing certain sums for tentage and carriage of records in excess. Considering the length that this appeal has already assumed and as appellant has still to trouble Your Excellency's Government with a few concluding remarks as to the severity with which he has been dealt with by the Board, appellant will not refer to the details of this charge and will merely invite attention to the conclusion of the Board thereon, that they "will give him (appellant) the benefit of the doubt and acquit him of fraudulent intent." This charge may therefore, it is submitted, be regarded as not proved.

15. In conclusion appellant begs very respectfully once more to solicit the attention of Your Excellency's Government to the following very material points of his appeal, *viz.*:

- (1) The extraordinary lapse of time which has occurred between the date of the irregularities alleged against appellant (1892-93) and the date of the punishment passed on him by the Board (1895), and
- (2) that the standing orders of Government as contained in G. O's., dated 15th September 1879, No. 1401; 3rd December 1883, No. 2290; and 23rd September 1887, No. 1373, were not complied with in many respects, in that appellant was not furnished in writing with the complaint or charge against him, neither was his explanation or defence called for in several instances. In consequence of such informality and departure from the standing rules, appellant respectfully submits that the charges to which these remarks apply should be dismissed from the consideration of Your Excellency's Government. The remaining charges, it will be observed, refer to rather unimportant matters and in regard to them it is respectfully trusted that appellant's explanations will be regarded full and sufficient.

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Assistant Inspector
Salt, Lakshmi and Customs Dept.
Ment.

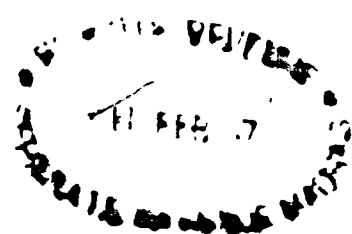
16. Appellant begs also to add that there was considerable delay in his being furnished with the papers required for the purposes of this appeal. This delay was probably unavoidable owing to the documents which refer to the charges being many and numerous. After receipt of the papers appellant felt himself so unequal to the task of drawing up a long appeal owing to the mental strain induced by his degradation that he was compelled to apply for three months' privilege leave, supported by a medical certificate, which leave has just expired.

17. Finally, appellant begs respectfully to inform Your Excellency's Government that he has been continuously discharging the duties of an Inspector from 9th March 1885 to 17th July 1895, and to submit that the punishment passed by the Board is very severe and out of all proportion to the irregularities which, if any, may be considered as proved or established against him. The Board's order entails a *double* reduction and appellant prays that Your Excellency's Government will be pleased, on a patient consideration of the facts and arguments set out in this Memorial, to cancel the order of degradation passed and to restore appellant, with arrears of pay, to the Probationary Grade of Inspector from which he has been reduced.

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Assistant Inspector
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Proceedings of the Board of Revenue

(Separate Revenue),

Dated 26th February 1897.

No. 800.

Read petition from Mr E. H. Brookes, Assistant Inspector, 2nd grade, Salt, Abkari & Customs Department, Vattanam circle, Madras District dated 7th February 1897.

Resolution.

Submitted to government

2. The Board does not think it necessary to deal with the contents of the petition in detail. It begs, however, to call attention to the very great delay in the submission of the appeal which has not been satisfactorily accounted for. The appellant puts the blame on the Deputy Commissioner's office, but the

Board

has very little doubt but that the delay in that office was due to his applying for numerous irrelevant papers.

3. It also begs to add that appellant's previous character has been far from satisfactory.

In September 1889 when he was Inspector, Cuddalore circle, he was directed to proceed to Nellikuppam and suspend the then Distillery officer M.R. Ry - P. T. Ramaswami ayya for certain irregularities in sealing casks which had been brought to the Board's notice but instead of carrying out the order in the usual manner he sent an untrue telegram to that officer stating that he (P. T. Ramaswami ayya) had been transferred to an important charge and asking him to meet him (Mr Brookes) at the Nellikuppam station. The Board in passing orders observed "the sending of

of a false telegram on Government service to the Assistant Inspector was perfectly indefensible and grossly improper. A note will be made against Mr Brookes' name in the confidential register. As he has recently ^{been} punished in connection with another matter, the Board does not deem it necessary to deal with the present complaint against him in the same manner as it would have otherwise felt called upon to do."

In February 1890 he was reduced from the 4th grade Inspector to Probationary Inspector for having had money transactions with the firm of Subbiah Pandaram & Co. which had practically the monopoly of the salt trade in the Nagapattinam District.

In February 1892 he was ordered to be prosecuted on a charge of having suborned

and drawn money on a false daily labour bill for alleged payments to coolies for the destruction of spontaneous salt but was acquitted by the Head Assistant Magistrate, Madurai and remitted with arrears of pay. The Proceedings under appeal a copy of which has already been submitted to Government will further go to show how the appellant has been generally discharging his duties. In conclusion the Board begs to state that if the present Commissioner, when passing orders in his Proceedings under appeal had only known the opinion entertained of the appellant by his predecessors he would have dismissed him instead of promoting him.

(True Extract)

Encl. 1
 Assistant Secretary
 To the Secretary to Government
 Revenue Department
 (With petition & Enclosure)

See in a separate packet

Appeal Petition of a reduced Probationary Inspector.

Revenue Dept. of R.

Read C.N. 2269 of 97

For orders

With the current read above the Board of Revenue submit to an appeal from E.H. Brookes, Assistant Inspector 2nd Grade, Salt, alkali and Customs Department, against his reduction from the post of Probationary Inspector.

The circumstances that led to the present reduction of the petitioner are detailed fully in the B.P. No 3001 dated 14 July 1895, recorded in G.O. No 3500 dated 28th Aug 1895.

The various instances of misconduct brought against him were

- i Bad work while in charge of the South of the Trichinopoly circle
- ii Bad work while in charge of the North Trichinopoly circle
- iii Impertinence and insubordination towards his superior officers.
- iv Assaulting a certain sub-Inspector and person in connection

See Hon'ble Mr. H.W. Bliss C.S.E.

I don't see any reason to interfere in the Petitioner's behalf.

W.S.
 8/4/97

8/4/97

with a demand for money

V Assault on his second clerk

VI Drawing certain sums of money for hutage and carriage of records in excess of what was due to him

In support of Charge No. I. Some specific instances were given by the Assistant Commissioner. These with the Board's finding on each charge and the petitioner's explanation, will be noted below.

(A) Gross and unaccountable delay in the disposal of matters affecting the conduct of subordinates. Paras 3^{1/2} of the Assistant Commr's letter. Slugged B

With regard to this charge, the Board of Rws remarks that the instances quoted show beyond doubt the utmost indifference on the part of Mr. Brooks to the conduct of his subordinates - which indifference goes far to account for the bad state of discipline and morale in the Circle. The petitioner has evidently no explanation to offer but contented himself with merely stating that the particulars of sub-head (a) were never officially furnished to him and that his explanation was not called for. It will be observed from para 4 of the

Assistant Commr's letter that the pet^r has given his explanations in some instances and there is no reason why he should not have supplemented them now in his petition

(b) Bad itineration by Mr. Brooks and his long halts at certain selected centres. Para 10 of Assistant Commr's letter. With respect to this the Board of Rws observes that the pet^r did no inspection worthy of the name but the petitioner explains that between himself and his assistant they were out on tour for 319 days out of 393 days. The real point referred to by the Asst Commr was that they left many villages or localities unvisited which they should have inspected

+ The portions of the Kullilalai & Tichis Talukhs where the Tichis system introduced in 1871 had not been visited at all. The delays in this were chiefly on the higher hills. 11/15/51

(C) Lax supervision over the work of his subordinates. Paras 11 and 12 of the Asst Commr's letter. The Board remarks on this head that the figures furnished by the Assistant Commr show that Mr. Brooks must have been incredibly indifferent about the movements of his men. The petitioner's explanation is not to the point. He submits that no explanation was called for from

Slugged D

him and that this charge should be left out of consideration. Appellant points to para 14 of the Asst Commr's inspection report where it is stated that the Asst Commr had improved (a) disposing of great majority of cases at head quarters by dragging the accused and witnesses there and taking the preventive parties repeatedly out of their ranges and the consequent neglect of this work - Para 16 of the Asst Commr's letter. Flagged E

In support of its finding the Board quotes the circular issued by the Asst Commr which runs as follows: - "Sub Inspectors are directed to bail the accused in all cases of arrest to appear at Trichinopoly the head quarters of the Inspector on the following day or on such other day allowing 15 miles march for 'day'". The petitioner has virtually no explanation to offer but ~~feels~~ tries to justify himself by saying that the head quarters are conveniently situated and that no unnecessary trouble could have been caused to persons concerned.

With regard to sub charges (e) to (g) the Board of Review is of opinion that they have been established but the facts conclude that he was not called upon to explain them but it is observed that his present explanations amount to admissions of most of these items.

- (e) omission to write up P.S. (Crime Reports) daily for long periods and to record notes of enquiry in several cases released departmentally and in one case which was prosecuted for a matter of factories as previously ordered; unsatisfactory disposal of applications for A. licenses; non-compliance with the district orders given to change the work of the ammins at Refineries at short intervals and failure to keep correct accounts of application for saltpetre licenses.
- (f) lax supervision over the doings of toddy shop keepers in the Sub-taluk taluqa.
- (h) unsatisfactory result of the introduction of the tree tax system into the Illafus mahals coupled with the fact that the Inspector had never visited that part of his circle.
- (i) omission to see that the old marks were scored out on trees in the manner laid down in the circular order even in places within a few miles of his head quarters.

Even leaving these charges out of consideration, charge no II may be taken as sufficiently established.

With regard to charge no II, the Board states that Mr. St. John, the then acting assistant Commr, had to find fault with Mr. Brooks while in charge of the North Trichinopoly circle for much the same faults and omissions brought to notice in the S. Trichinopoly circle, the principal being -

Slugged &

(a) Not writing P.S. immediately on receipt of P.S. and suspected manipulation of the dates of receipt of P.S. to cover the fault.

(b) undue delay in the disposal of cases and in the despatch of returns.

(c) absolute neglect of personal detection.

(d) Effecting no improvement in itineration so strongly remarked upon in the South Trichinopoly circle in Sept 1893.

(e) Halting at certain favourite and central places and neglecting inspection of tracts distant therefrom.

The Board holds that charge no II is fully substantiated. In order to meet this charge the petitioner dwells at some length upon the same.

slips he took in obtaining copies of the necessary papers but has not explained any of the ommissions above specified. Even with the Boards Proo and all other necessary papers before him, he has failed to explain them in the petition under disposal. There seems to have been delay in granting appellants pro but that was due chiefly to his own fault in not presenting the necessary documents in this connection the Board of

Reve mentions that Mr. Brookes on his transfer, removed without permission a number of papers from the North Irish Cricle office and when asked to return them, he wrote as follows:-

"I have the papers with me to be used when time comes. I shall return them to you when the necessity for their retention has passed away" and upon this the Board remarks that Mr. Brookes showed a most reprehensible defiance of the rules and orders of the Deptt and has given further proof of insubordination. He has up to now been a perfect gentleman and a most efficient official but his conduct in this matter is a disgraceful example to all who are entrusted with the management of the appeal.

With regard to Charge No. VI the Board remarks that Mr. Brookes' conduct is inexcusable but the pet's, though he has no explanation to give in justification of his conduct, now submits that the matter is practically res judicata and it is unfair to him that it should for a second time be brought against

Flagged 9

him for he had been warned by the late Deputy Commissioner Mr. Devy. The Board however are receiving appellants' past career as a warning. As regards Charge No. IV, the Board of Reue is inclined to accept the Dy Commr's conclusion that Mr. Brookes was guilty inasmuch as he was evidently in the habit of drinking freely. But the pet's submits that the only assat commr Mr. St. John, who enquired into the matter under instructions from the Dy Commr and who had opportunities of noting the demeanour of witnesses, found that the charge was not proved and that the pet was suffering from fever at the time when he was said to have been drinking. The Board would it is submitted, appear to be entitled to the benefit of Mr. St. John's opinion.

Charge No. V. The Board agrees with the Dy Commr in considering that it is probable that while in a state of intoxication Mr. Brookes insulted and abused the clerk.

The pet's submits that no regular enquiry was held into the case and that no value should be attached to the uncorroborated statements of the complainant's fellow sub-ordinates.

Statement taken by the complaining clerk

Charge No. VII. The Board considers that the circumstances connected with

His charge are very suspicious and the explanations of Mr Brooks unsatisfactory but gives him the benefit of the doubt and acquits him of fraudulent intent.

Taking into consideration all the above circumstances, the Board of Revenue found that Mr Brooks had shown himself to be unfit for the position he held and reduced him to the bottom of the second grade of Assistant Inspr.

The Petitioner submits that the punishment meted out to him by the Board is very severe and out of all proportion to the alleged irregularities and prays for restoration with arrears of pay.

He points out that matter of his mismanagement of the office which occurred in 1892-93 was long before him in 1895 and the Board's proceedings are based on a final review of his past conduct.

The Board of Revenue in submitting the petitioner's appeal, comments upon the great delay in its submission and draws attention to the fact that the Petitioner's previous character has been far from satisfactory.

In 1889 when he was Inspector in charge of Andalore Circle Mr Brooks sent an untrue telegram on Govt. expense to the Asst. Insp. P. T. Ramaswamy aija, the officer in charge of Mellikuppam Distillery. The Petitioner in passing orders observed that the sending of a false telegram on

The Board's order reducing Petitioner's rank is dated 17th Feb 1895 & his appeal Petitioner's appeal is dated 7th Feb 1897

son got service to the Assistant Inspector. was perfectly indefensible and grossly improper. A note will be made against Mr Brooks name in the Confidential Register

In February 1890, he was reduced from the 4th grade Inspector to the Probationary Inspector for having had some transactions with the firm of Messrs Subbaiah Pandaram and Co of Kozhapatnam. In this connection attention is solicited to the remarks of the Hon'ble Sir Henry Stokes on page 15 of the note in G.O. no 992 of 10th Feb 1890; it will be observed that the Hon'ble member was for his dismissal.

In Feb 1892, he was presented on a charge of having submitted and drawn money on a false daily labour bill for alleged payments to coolies for the destruction of opium - neous salt but was ^{discharged} ~~dismissed~~ by the Head Assistant Magistrate, Madurai.

Flagged A.G.O. no 3240 of 13 July 1892.

In conclusion the Board states that if the present Commissioner, when passing orders contained in the Petitioner's appeal against, had only known the opinion entertained of the

petitioner, by his predecessors, he would have dismissed him instead of reducing him.

Attention is invited to Mr. Gibson's opinion "E. A. Brooker is a most disreputable fellow" recorded in 23/8/95. Flagged A. Appellant appears to have been strangely fortunate in escaping dismissal.

Has he escaped it? ^{file} 5/4/97 Yes - he was only warned
11/4/97.

D 1,000-3-2-96

REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read C. No 2268 of '97

G.O. No. 1969 misd 10th April '97

After a full consideration of the case Govt sees no reason to interfere on petitioners behalf

Scap
10-11-97.
Secy
from orders.

To file thro Board of Rev
with Encl

16-4-97

file
9.4.97

M. V. S.