

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 2108

DATED 16 November

[Despatch Abstract.]

Petition from Krishna Sastri,
late Nagadi Gumastah, N. S. C. & St.
praying that the charge of his in-
competency may be removed and that
he may be given his former post,
disposed of under para. E of C. petition
rules.

BACK PAPERS.

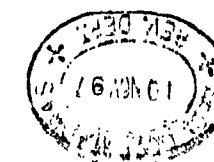
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C/10 354/88							

Revenue (1897) Department.

CURRENT No. 9695.



From H. A. Sim Esq. Jcs.
Ag. Private Secretary to
H. E. M. Governor.

Order R N: 21089 16 November 97

Para X of C
Rules.

No.

Dated 8 November 97

Received 10/11

Registered 11/11

Enclosures 6

Spare copies

To the Jctr with Encls.
Dated 18-11-97

Mc
13/11

SUBJECT.

Transfers a petition of
28th October 97 from
Krishna Sastri, late named
Gumastah, Asst. Sd. Mag. Court,
praying that the charges
his incompetency may be re-
moved, & he be given his
former post etc.

(By order)

H. A. Sim

12/11

Ag. Private Secretary

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PETITION

373
REVENUE

To

His Excellency the Governor in Council,
Fort Saint George,
OOTACAMUND.

*The humble appeal petition of Krishna
Sastri (late Nagadi Gumastah Arcot
Taluk) now attender North Arcot.*

MAY IT PLEASE YOUR EXCELLENCY IN COUNCIL,

I the petitioner am of 17 years' standing in Government service of which I served 13 years as Nagadi Gumastah on Rs. 20. I was dismissed the service for certain alleged faults and on appeal the Collector was pleased to acquit me of the three out of four charges and to cancel the order of dismissal and modify it into one of degradation from Rs. 20 to Rs. 7 a month and from the Superior service to the Inferior.

2. I feel I am partly to blame for this partial redress given by the Collector. For out of the four charges, one was of general incompetency and the other three were more serious such as forgery, misappropriation and so forth.

The time allowed for appeal to the Collector was too short to enable me to obtain copies of all papers required to explain away the rather vague charge of general incompetency—which was, in its very nature one made up of a large number of particular instances extending over a few years therefore I contented myself by explaining away in full the three other charges of serious nature in my appeal petition to the Collector and stated, with reference to the vague charge of incompetency, that the time was too short and I could not yet get copies of the papers, adding at the same time as much explanation of this charge of incompetency too as the materials then at my disposal enabled me to do.

Vide the last paras of my appeal to the Collector dated 22-12-95.

3. If I had explained away that charge too in a style in which I am now able to do, the Collector would certainly have acquitted me of that charge too and would have restored me to my post of Rs. 20 with back pay.

Here I earnestly beg to allude (though with greatest deference and reluctance,) to a sad truth, viz., the difficulty I felt in getting copies of papers required. In cases, like mine, in which a poor servant of Government is brought to ruin on account of any extra official ill-will of local subordinates in power or a poor subordinate is made a victim of mere clamour, or combination or office clique, such local subordinates who are in reality the *Defacto* opponents of the poor victim, are naturally unwilling to put into the possession of the poor victim, any records which would expose the combination or clique or which would tend to the good of their poor victim whom they deliberately ruined.

In my case, even when I put in my printed appeal petition to the Board (enclosure *app* H) I had not had copies of many important papers bearing on the charge of incompetency. I had therefore to put in a supplement and after the Board's disposal, I had to put in a Review with reference to the papers since obtained.

4 In short it was on account of the difficulties and the delay in getting copies of papers that I was not able to file a full and satisfactory explanation of the charge of incompetency either before the Collector or before the Board of Revenue in time. Under these

circumstances, I earnestly pray that your Excellency in Council will be gracious enough to peruse all the records and do me justice.

5. Importance and Significance of Dates—In this case the dates are most important and significant.

M. R. Ry Venkatasubrayalu Reddiar Avergal had soon to leave the Taluk and he seems to have left to his successor, (my old enemy in Gudiyattam Taluk, M. R. Ry. C. Madwa Row now Tahsildar of Arcot) the work of finishing my ruin by bearing a sort of corroborative testimony in support of his predecessor's opinion of me that I was incompetent. The dates of arzis stand as follows.—

- | | |
|--|---|
| I. About Incompetency | 1. Venkatasubrayalu Reddiar's urgi No. 687. dated 12-9-93. |
| II. About Forging the Head Accountant's Signature. | 2. Madwa Rows No. 4507 dated 19-8-95. |
| III. About Forging the Tandal. | 3. M. R. Ry. Venkatasubrayalu Reddiar No. 920 dated 14-11-93. |
| IV. About the Misappropriation of Rs. 12-12-0. | 4. Venkatasubbarayalu Reddiar No. 43 dated 30-9-94 from Walaja. |
| | 5. Madawa Row No. 3989 dated 24-7-95. |

These reports show that M. R. Ry. Venkatasubrayalu Reddiar Avergal wrote against me about incompetency first in arji No. 687 and two months afterwards added one of Forgery and again about a year afterwards added another of Forgery and one year after that again his successor M. R. Ry. C. Madwa Rao (my old enemy in Gudiyattam) sent up two reports one about Incompetency and another about Misappropriation.

I most respectfully beg to leave it to your Excellency in council to see and decide whether these dates do not bear out the theory of the Tahsildar's determination to ruin me on some pretext or other.

6. The charge of General Incompetency means a generalisation of a number of instances in which I was found incompetent.

Singular instances of delay, errors or blunders, or neglect of duty, though bad in themselves, may not amount to Incompetency or general Incompetency. Such singular faults may be due to temporary special reasons other than Incompetency. For example, it may be that when a clerk is overworked or when he is ill (or has any great of mind,) he may on such special occasions fall into delay, error or neglect of duty. The overwork, illness or distress of mind ceasing, his work may be all right. Hence individual instances *sed longo intervalo* cannot be taken to be instances of general Incompetency.

7. Evidence of Incompetency.—The Collector says "*Continuous bad record even during the last few months before the order of dismissal, the appellant having been fined no less than 15 times between February 1895 and the beginning of August 1895.*"

Period I.—In reply I submitted in my printed appeal petition to the Board (Enclo) that dividing my whole Service into three Periods, I stated that during the first 7 years of my service from 1879 to 1886, there was no bad record against me. In refutation the Collector has pointed out that during that period of 7 years I was fined thrice.—Viz.

- (cc) (1) One rupee in March 1883.
(2) 4 Annas in June 1884.
(3) 8 Annas in October 1885.

Footnote (a).—The Collector says the reasons for the two fines of one Rupee and of eight annas are not known; while the other viz, that of 4 Annas was for neglect of duty. The reasons are so vague that at this distance of time, I cannot very well explain them away.

In this first period of 7 years, there was no fine at all for 4 years. Between the 1st fine and the 2nd, the interval was 15 months and the interval between the 2nd and 3rd fines was about 28 months.

Even granting for argument's sake only that these three fines were inflicted for good reasons on due and mature consideration and conviction and were not merely the result of whims or hasty or short tempers of Tahsildars granting also that the faults on those three occasions were not the results of any special overwork, indisposition bodily or mental for the time being—granting these for arguments sake only, I leave it to your Excellency in council to consider and decide whether these three fines during 7 years and after long intervals—and that too in a Nagadi gumastah of a heavy Taluk without a Deputy Shroff—necessarily mean General Incompetency.

An impartial officer that has actually seen the daily work of a Nagadi gumastah in that Taluk in particular will not fail to declare that it should be counted towards my credit that I was not fined oftener than 3 times during the 7 years.

8. Moreover I beg to submit that these off hand fines inflicted by the head of an office on his ministerial subordinates cannot be treated as *bad records* in the sense of making use of them against the subordinate on future occasions.—Or in other words they are not of the sort which the rules require to be recorded in the Service Books. It is in this sense that I submitted that there was no bad record against me in the 1st period. As explained in para 15 of my printed petition (enclosure,) my idea of a bad record is that they should be "Recorded decisions on facts and evidence and explanation in defence about specific faults (acts or omissions) formulated and brought home to him."

The admitted fact that the reasons for the two fines of one rupee and of 8 annas are not known, shows that no records were duly framed at all. They were, perhaps, off-hand fines imposed in a haphazard way on a ministerial by the Tahsildar in any special short tempered or angry mood.

Such ministerial subordinates, and especially overworked Taluk Gumastahs always find it prudent not to oppose such small fines however undeserved they may be, lest they provoke the Tahsildar the more.

9. Period II.—The second period of my service was of 7 years from 1886 to 1893 and only two instances have been stated against me. They have been fully explained in para 13 of the printed petition (Enclo). Neither of them were acts or omissions duly brought home to me. In fact one of them was not in reference to any acts or omission at all. When a general circular was received, the then Tahsildar wrote on it warning me to take a note of the instructions. No special act or omission of mine was alluded to in it. The second was indeed an omission. A specific omission. But my contention is that the Head accountant is to blame for the omission. There was a circular that particulars of Cash Balance should be given in the Cash Balance Report. Particulars were given: but it did not strike the Head accountant nor me that particulars of undisbursed pay and travelling allowances had to be distinguished from the rest. This was an ignorance in which the Head accountant and I shared: and I confess I am to blame to some degree for this ignorance. I have already repented for it. But what I contend is that this singular instance of an ignorance of a particular circular cannot amount to a general incompetency in a petty clerk while the Head accountant and the Tahsildar whose duty it is to instruct and guide the petty clerk are exonerated from all responsibility.

Summary of Periods I and II.—It will thus be seen that during the first 14 years of my service of which 10 years were spent as Nagadi Gumastah, only five instances could

possibly be set forth against me. Of these five, the reasons for two fines are not known. Of the remaining three instances, one was a fine of 4 annas for neglect of duty whatever it may mean and one was a mere prudential warning note for future carefulness and not a record of a past or present event and the other was an instance of an ignorance of the requirement of a circular order.

I leave it to your Excellency in council whether these five instances during 14 years of service—five instances of long intervals—may be index of general incompetency and whether one who could manage the work of Nagadi Gumastah for such long period without more faults can be said to be incompetent (b).

11. Having thus shown (above in brief and in extenso in the first 20 paras of the printed petition. Enclosure II) that during the 1st and 2nd periods of my service extending over 14 years there was at most only one instance of fault against me viz., ignorance of the fact that the undischarged pay and Travelling allowances had separately to be distinguished in the Cash Balance Report. I beg to state that my troubles began in the 3rd Period i.e., in 1893.

Fons et origo of my troubles.—The records in the Government and Boards offices will show that there were serious charges against M. R. Ry. Venkata Subrayalu Reddiar Avergal. He and another Tahsildar M. R. Ry. Rajagopala Mudaliar Avergal were in bitter enmity with each other. The former wished that I and some other clerks should join parties and take active parts in their fight. He wished that I should bear false testimony in favour of himself and against his opponent. Both prudence and morality deterred me from siding either party. M. R. Ry. Venkata Subrayalu Reddiar Avergal was sadly disappointed in his hopes from me and hence determined to avenge himself for this supposed wrong.

Period III.—From the middle of 1893 to the date of my dismissal in 1895—having shown that there was only one Record against me (worth the name of record) during the first 14 years of my service, I now beg to state that my troubles began in the middle of 1893 in connection with the misunderstanding between Tahsildars, already explained in my appeal to the Collector and Appendix I.

In this sense therefore any record subsequent to this date cannot be considered to be record of past conduct noted down in the course of business. All records subsequent to this date are materials purposely and deliberately picked up and used against me eventually. Matters trivial in themselves not ordinarily taken notice of in others (almost all overworked Taluk Gumastahs and Accountants are more or less apt to fall into petty errors and faults), are magnified and noted down in any particular clerk when he unfortunately happens to be the object of the superior's dislike.

No way of avoiding intentional record of censure.—It may perhaps be asked why if a Gumastah knows he is purposely watched by the superior bent upon finding fault with him, for eventual ruin—why a Gumastah, conscious of this most sad and pitiful plight, should not work harder and avoid giving room to any spiteful remarks and records. But a moment's reflection will show that it is impossible for a weaker person to escape being caught by the more powerful, when the latter is bent upon the other's ruin. A Taluk Gumastah's work is almost undefined. The Tahsildars may go on adding work after work to a steady Gumastah till he necessarily bends down and yields to the heavy pressure.

12. **Value of records subsequent to 1893.**—The records framed since the (c) middle of 1893 have not under the circumstances explained above, the value of events in the

Footnote (b) In the Treasury Department, Objection memos, alteration statements and such audit slips are very common and that none such could be stated against me is to my credit.

Footnote (c).—M. R. Ry. Venkata Subrayalu Reddiar Avergal rejoined the Arcot Taluk (after his troubles in March 93,

course of business or of records framed *ante litum motum*. They are deliberately got up records to be ultimately used against me, as they have actually been. They do not possess any value as evidence of my incompetency.

13. **Instances of incompetency enumerated in Arji No. 687 dated 12-9-93.**—I beg to invite the most gracious attention to Appendix I and II in which each and every specific instance has been fully explained away. It will be seen that I am not guilty of any of them and that they were all set up against me by the Tahsildar partly in spite towards me and partly to screen others really at fault.

In the printed petition which I enclose as Appendix II, I have given other instances proving collaterally how far from being incompetent myself, I was really preventing the Head Accountant from falling into serious blunders in matters connected with the Treasury.

14. **(d) Fifteen times fines between February 1895 to August 1895.**—The Collector lays special stress on the circumstances that I was fined 15 times between February and August 1895 i. e., within the course of 5 or 6 months.

It is not at all surprising that a shrewd Tahsildar determined upon the ruin of a petty Nagadi Clerk should be able to find out pretexts or reasons to fine him so many times or even more.

15. **Grounds for 15 times fines.**—With a view to showing to the satisfaction of the Collector, or at least of the most Honourable Members of the Board of Revenue; that there were in reality, no grounds at all for those 15 fines within the course of 5 or 6 months and that they were not *bona fide* fines inflicted in the ordinary course of office work but were deliberate creation of items of evidence, intended for use in support of M. R. Ry. Venkata Subrayalu Reddiar's Arji of 1893 about my incompetency—with a view to showing this, I applied for copy of the fine statement or papers showing the reasons and dates of these fines—I have not been granted this most important paper on which the Collector has laid the greatest stress to hold me incompetent.

The Board of Revenue held that I have not shown that my "*superior officers were wrong in considering me incompetent.*" *I beg to submit*

16. **My superiors opinion that I am incompetent is wrong.**—

(a) I have shown that for 14 years of my service I was never held to be incompetent. If I were not incompetent for 14 years, and if I had been doing my work for 14 years (10 years as Nagadi work) with little or no remarks as already shown, it cannot be said that I became incompetent for the same work 14 years afterwards.

(b) Rather every day's, every month's and every year's experience must have added to my competency and given greater facility to my work. It is a well-known principle that constant practice becomes second nature. Hence it follows that 14 year's service must have given me a good mastery over my work and in fact I was quite at home in my Nagadi work.

(c) I have also shown that in many cases I have corrected the blunders of the Head Accountant. *Vide para 1 of the printed appeal petition to the Board.*

(d) I have shown that the items of my failure which the Tahsildar has enumerated in his Arji No. 687 on which the Collector has laid stress were not my failures at all. *Vide Appendix II.*

I beg most respectfully to solicit the most gracious favour of Your Excellency in Council to see and decide how it is at all possible for me to prove that my superiors opinion that I was incompetent was wrong, otherwise than by proving.

Footnote (d).—I have reasons to believe that this number is exaggerated.

- 1st. That I was not reported to be incompetent for 14 years of my service (of which 10 years I was Nagadi Gumastah.)
- 2nd. That I was not reported to be incompetent even by this same Tahsildar, before M. R. Ry. Venkata Subrayulu Raddiar Avergal returned from his troubles in March 1893.
- 3rd. That none of the items of failure stated by me even by this biased Tahsildar in arzi No. 687 relates to me.
- 4th. That the bias and the determination of the Tahsildars to ruin me is proved by the inherent probative evidence that serious cases of forgery and misappropriation set forth by them have been found to be false (e).
- 5th. That the fact while before the return of M. R. Ry. Venkata Subrayulu Reddiyar Avergal from his trouble there was not even a whisper about my incompetence and while before that event there were only 3 fines and 2 other remarks during 14 years, there were so many items reported in quick succession after that event and there were 15 times fines in 5 or 6 months, showed a marked contrast in the attitude of the Tahsildars against me and hence prove conclusively that all the materials collected against me since and after that event were deliberate creation of evidence against me and cannot be used against me, even granting for argument's sake only that I am unable to explain away those materials conclusively.
- 6th. That I have however explained away each and every item specifically stated against me as in arzi No. 687.
- 7th. That as regards the items comprising the 15 times fine, I have been asking over and over again for the details and offering full explanation.
- 8th. That I have not been granted papers to explain away these 15 fines in individualwar details.
- 9th. That I have therefore no alternative main of submitting the general explanation that these 15 times fines within 5 or 6 months after the return of M. R. Ry. Venkata Subrayulu Reddiar Avergal from his troubles and at a time when there were other arzis of serious charges pending against me, show a deliberate creation of evidence of my incompetency.
- 10th. That the Tahsildar M. R. Ry. C. Madwa Rao Avergal who inflicted these 15 times fines within 5 or 6 months, was the same Tahsildar as set up the case of misappropriation against me, which the Collector held as altogether unproved and that this circumstance proves the tendency of this Tahsildar too against me.

17. Facilities for creation of such evidence — If a Tahsildar determines to create evidence of incompetency against a ministerial (petty clerk) on Rs. 20, he has ample occasions to do so.

- (1) He may go on fining even without actually convicting him of any fault.
- or (2) He may overload him with work too heavy for him to get through and thus lead him into delay.
- or (3) He may, by overworking and too great hastening, lead him into imperfection or blunders for want of sufficient time. "*Haste is waste.*"

Footnote (e).—The Collector says that the cases of forgery have no sufficient proof at all while the case of misappropriation set up by M. R. Ry. C. Madwa Rao Avergal is not at all proved vide para. of his Proceedings dated.

21.4.96

- or (4) He may accuse him falsely such as by holding him responsible for papers which were never put into his hands or for papers which he had already returned.

I have shown in Appendixes II and III that M. R. Ry. C. Madwa Rao Avergal in particular overloaded me with work—most of which did not belong to me.

It is therefore no wonder that he must have been able to fine me 15 times in 5 or 6 months. This is the general explanation for 15 times fines and I am yet unable to see the particulars of these fines and I hope I shall be able to explain away each and every item of these 15 times fines, when details are given me.

The Collector lays stress on the fact that M. R. Ry. C. Madwa Rao Avergal had no reason to hate me Extra Officially just like the biased Tahsildar M. R. Ry. Venkata Subrayalu Raddiar Avergal.

I have shown in Appendixes I, II and III that M. R. Ry. C. Madwa Rao Avergal too was my old enemy in Gudiyatam who by procuring my absence during the Examination of stamps, caught me in a deficiency of a pack of envelopes which were however, found cut the next day. *Vide paras of the printed petition.*

The Tahsildar now says he does not remember the details of this event while in his Arji No. 297 dated 21.7.85 he alluded to it.

This contradiction combined with the fact that neither he nor his friend M. R. Ry. Venkata Subrayalu Raddiar Avergal had laid sufficient stress on this event in reporting against me (although I was fined Rs. 5 then for it) shows that they had the guilty heart about it and foresaw that this event would be a sure index of M. R. Ry. C. Madwa Rao's attitude towards me and they were afraid that this index would mar all the value of the materials of evidence collected against me by him.

18. Incompetency. If I had been competent and did work from 1879 to 1893, is it conceivable that I became incompetent afterwards.

If any physical or mental change has taken place abnormally since, it must be plainly stated so and I should have been sent to a medical officer to say whether I have become since incapacitated. The ground would be of incapacity for further Service and not incompetency.

In fact there is neither incompetency nor incapacity for office work and my unwillingness or incompetency to help one Tahsildar against another by bearing false testimony was the real cause of my ruin.

Is it fair that a petty Clerk on Rs. 20 of 17 years' service should be made a victim of Tahsildar's private revenging spirit? Is it fair that after 13 years Service on Rs. 20, he should be degraded to attendership which means.

- (1) a monthly reduction of 13 Rs. all the remaining days of his service.
- (2) a degradation in rank from clerk's grade to that of a menial servant.
- (3) a degradation from superior Service to Inferior.
- (4) a consequent deprivation of the benefit of Pension rules of the Superior Service.

19. Under these circumstances it will be seen ¶ (1) that my incompetency has not been proved at all by any Evidence or at all events by Evidence of dates prior to the date of cause of action between me and the Tahsildar.

Paper taken out of the Records from the charge of the Record-keeper.

Regular No.
Miscellaneous

of 189 .

[illegible]

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 2109

DATED 16 November 1897

[Despatch Abstract.]

Commg. to the Director-General
of Telegraphs letter from the Resident in
Travancore & Cochin submitting
that the grant of famine batta is not
essential in the case of the lower
paid civil employes of the British Govt
stationed at Permannad