Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 2501

DATED 15th May

[Despatch Abstract.]

Declining Writsenfene on behalf of S. Donaswami Aiyengar late Shroff in the office of the Dy: Tahsr. of Avantangi, Pattukottai Taluk.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1897) Department.

CURRENT No. 3943

See J. Dh 15/5

From S. Dorasami Ayengar. late Shroff in the office of the Dy. Tahsildar. No. Arantangi, Pattukottai Tk

Order Misc No. 2501 d/15th May '97.

The Government sees no reason to reconsider the orders already passed.

11/5/97

15/5/97.

Dated 7th May 1897
Received 10.5.97
Registered 12.5.97
Enclosures 12.
Spare copies

SUBJECT.

Praying that he may be restored to the office of Shroff.

To the petr with Encls. DIS. 20-5-97

Note.

Please see note under G.O. 1910 dt 13.5.95

If I am not mistaken this the notorious Dharmapuri of Pattukottai Taluk – a pucka Badmash.

MK 13/5

11/5/97

BACK PAPERS.

G.O.	No	Department.	Date.
	1910	Rev	13.5.95

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Ecn-15-

7th May 1897

Combaconam

To

His Excellency

The Governor in Council,

Madras:

The humble petition of S. Devasamy Iyengar, late Shroff in the office of the Deputy Tasildar, Aranthangi, Pattukottai Taluk, in the District of Tanjore;

Respectfully Sheweth:

1. That he also appealed to your Excellency's predecessor to get back his post (a printed copy of which is herewith enclosed), for which he got the endorsement No. 1910 Revs: dated the 13th May 1895, stating that "Government declines to interfere:" which endorsement also petitioner has herewith enclosed:

2. That petitioner begs Your Excellency's pardon for requesting a favourable reconsideration of the said petition by Your Excellency.

3. That in para 6 of the said petition, he had requested Your Excellency's predecessor to be pleased to send for & peruse the report submitted by the Deputy Collector of Pattukkottai Division in forwarding petitioner's application to the Collector praying for a restoration to his appointment which will throw a good deal of light as the estimation of the petitioner's services by his superior officers, & which will also shew that the petitioner could not be found fault with for his having overstayed the leave.

4. That a copy of that report was applied for by, & refused to be granted to, the petitioner by the Collector by his endorsement order No. 205/Enq of 1894 despatched 13.8.94

5. That the petitioner is afraid that that report might not have been sent for & perused by Your Ex.

5. Excellency's predecessor, & that, as the result thereof, he might have got the above Record unfavourable endorsement.

That he therefore most humbly begs that your Excellency will be pleased to call for & peruse the same report with this petition & its enclosure & to order the petitioner to be restored to his post, or, if Your Excellency will not be pleased to send for the report to regard this also as an appeal against the order of the Collector No. 205 Emg dated August 1894, referring to grant him a copy of the said report & to order the copy of the report to be granted thereof & to order the petitioner to be restored upon a perusal of this petition & the copy of the appeal petition which states all the details in full, for which act of Charity, Justice & mercy, he, as in duty bound, will ever pray! He begs to remain

1897

We beg to remain,
Dear Sir & Excellency,
Your Excellency's most obedt
devt petitioners.
Sbarasamiaengar

Myaddress

Sbarasamiaengar
Door No 14
Soliappamudalier Street
Combaconam

7th May 1897

Combaconam

PETITION

3.98

REVENUE DEPT.

To

HIS EXCELLENCY

THE GOVERNOR IN COUNCIL.

The humble petition of S. Dorasami Iyengar, late Shroff in the Office of the Deputy Tasildar, Arantangi, Pattukottai Taluq in the District of Tanjore.

Through the Collector of Tanjore.

Respectfully Sheweth,

That your Petitioner was Shroff in the Deputy Tasildar's Office at Arantangi and has been declared to have forfeited his appointment on the ground of his having overstayed the period of his leave, by the order of the Collector of Tanjore, dated 17th April 1894.

2. That on the said order being communicated to your Petitioner on the 27th May following he submitted an humble petition to the Collector explaining the circumstances of his case and praying to be relieved from the consequences of the overstay, if such it was deemed to be.

3. The Divisional Deputy Collector in forwarding to the Collector the said application strongly recommended a favourable consideration of the case but the Collector in his order, dated 2nd July 1894, declined to review his previous order and to reinstate him in the appointment.

4. From the said order your Petitioner appealed to the Board of Revenue. His petition of appeal was dated 25th August 1894. The Board of Revenue in their Proceedings, dated 6th October 1894, copy of which reached the Petitioner on the 18th February 1895, passed the following order :—

'The appeal is dismissed as time-barred.'

5. Your Petitioner's present appeal is from the said order of the Board of Revenue.

6. Petitioner humbly submits that the view of the Board of Revenue is apparently that the appeal to them must be taken to have been made not against the order of the Collector of the 2nd July 1894, but from that of the 17th April 1894, and as such was out of time (40 days being the prescribed period). Your Petitioner ventures to think however that the order to be appealed against is the order of the 2nd July 1894, and his appeal to the Board was in time for the following reasons :—

7. It was held by the Collector in his order of the 17th April 1894 that Petitioner had overstayed his leave, and the order declaring him to have forfeited his appointment was one resulting, under the rules in force, from the fact of the overstay. From the said order therefore there could be no right of appeal and no grounds for it when the order in effect merely stated the facts and the consequences flowing there-

from. In a case of forfeiture of appointment on account of overstay of leave, if Petitioner is rightly informed the Local Government has the power under Article 262 of the Civil Service Regulations to exempt a person from loss of appointment if it is satisfied that the default was owing to circumstances beyond his control. Petitioner's application to the Collector must, therefore, be viewed as an Application to recommend to the Government for the exercise, in his favor, of this sort of clemency and the Collector's order of the 2nd July 1894, even if it otherwise comes under the class as orders for appeals against which limitation is prescribed, is the first order from which Petitioner could prefer an appeal.

8. Petitioner humbly submits that even if the above view is erroneous, he had ample grounds to justify the belief which he entertained, that all the relief which he desired would be rendered to him by the Collector himself if a proper representation of all the circumstances of his case was made to him, the Collector's first order having been made, as it could not but be, without reference to them. The Divisional Officer's strong recommendation of the Petitioner's case to the favourable consideration of the Collector added also considerably to the Petitioner's confidence that his case would be disposed of in his favour without his having recourse to any remedy by way of appeal.

Petitioner therefore humbly submits that in view of these circumstances his appeal to the Board of Revenue was not time-barred.

9. Your humble Petitioner respectfully submits that so far as the overstay is concerned the facts are as follow: Your Petitioner had obtained leave on Medical Certificate for three months which expired on the 16th November 1893. On the 14th November 1893, being still very sick and unable to resume his duties, he appeared before the Medical Officer at Papanasam and applied for a Medical Certificate to enable him to obtain a further extension of leave. The Medical Officer informed your Petitioner that he could not grant a certificate without a requisition from Petitioner's Official Superior. Petitioner therefore applied to the latter for the same and pending its receipt placed himself under the treatment of the Medical Officer.

10. The Medical Officer on receipt of the requisition granted the Petitioner a certificate on the 7th December 1893 in the following terms:—

"I, P. Saminatha Pillay, 2nd Class Hospital Assistant at Papanasam, do hereby certify on honor that S. Dorasawmy Iyengar, Shroff, Depnty Tahsildar's Office, Arantangi, is in a bad state of health and I sincerely declare that, according to the best of my judgment, the circumstances of his case are such as to render leave of absence for the period of three months absolutely necessary.

Note.—The nature of the complaint is such as to preclude him from wholly discharging his public duties."

11. Upon submitting the Medical Certificate to the Deputy Tasildar of Arantangi Petitioner received on the 12th February 1894 an endorsement from the said officer communicating copy of the order of the Collector granting an extension of leave for three months to him. Petitioner's belief was that he had been granted leave for three months from the date of the Medical Certificate, but the Collector holds that the three months expired on the 16th February 1894, counting from the date of the termination of the previous term, and that he not having either joined his appointment or applied for a further extension before that date had vacated his appointment.

12. On this point Petitioner can only humbly submit that to one in his position there were resonable grounds to make him believe that the extension ran from the date of the Medical Certificate. Petitioner ventures to submit that that certainly was the Medical Officer's opinion and recommendation. The nature of the illness was such that it required three months more for him to recover and as a matter of fact Petitioner was still ill on the 16th February 1894. Under these circumstances Petitioner humbly prays that Your Excellency in Council will be pleased to forgive his having overstayed his leave, and to exempt him from the loss of appointment under Article 262 of the Civil Service Regulations.

13. Petitioner begs also to submit that no administrative inconvenience whatever was caused by his default, the incumbent who was acting before in the appointment having continued to do so. The order of the Collector declaring the forfeiture of the appointment was passed subsequent to Petitioner's application for a fresh extension though no doubt after the period of the leave had expired.

14. Your humble petitioner respectfully prays that Your Excellency in Council will be pleased not to attach much weight to the circumstances mentioned by the Collector in his Proceedings dated 2nd July 1894 as disentitling Petitioner to any indulgence in this matter.

15. The first of them is that Petitioner has been on leave for a long period and is a chronic invalid. Petitioner submits that all the leave that he took was not on account of illness but his private circumstances and family difficulties necessitated his taking leave for some time, when he was attacked by a sudden illness which prostrated him for some months together, and to recover from it Petitioner had to obtain a long leave. Petitioner humbly submits that he is now quite recovered and well able to attend to his work. If so ordered he is prepared to undergo a medical examination in regard to the state of his health. If Petitioner is, as stated, a chronic invalid, there can be no reason for his desiring to cling to the appointment, and a few months' more trial would settle the matter beyond doubt.

16. The other circumstance referred to by the Collector, viz., that your Petitioner has not passed any Examination is, Petitioner humbly submits, no ground against his reinstatement. Petitioner is dimply qualified to do the work which a Shroff is required to do. He has given the necessary security and as to his capacity and integrity, Petitioner can only refer the Government to the opinions formed of him by his immediate superiors, viz., the Deputy Tasildar and the Divisional Deputy Collector, which Petitioner can confidently assert will be entirely in his favour. In this connection Petitioner humbly requests that the Government may be pleased to send for and peruse the report submitted by the Deputy Collector of the Division in forwarding Petitioner's application to the Collector praying for a restoration to his appointment. Petitioner begs also to submit that his being unpassed formed the subject of consideration by the Collector in 1893 when the matter came up before him incidentally. The Collector by an order, dated 3rd May 1893, decided that Petitioner should not hold the post but on a subsequent enquiry and report of the circumstances of the case, rescinded the said order on the 7th August 1893. In this state of things Petitioner humbly submits that the matter is not fit now to be re-opened. Petitioner begs to submit that his being unpassed is indeed one of the strong circumstances which constitutes a claim, if he may venture to say so, for a merciful consideration of his case by the Government as it would be almost impossible for him to obtain any other appointment in the Government service.

18. Your humble Petitioner therefore prays that Your Excellency in Council will be graciously pleased to direct that your Petitioner may be restored to the post of Shroff of the Deputy Tasildar's Office, Arantangi.

For which act of kindness and mercy your Petitioner, as in duty bound, will ever pray.

S Dorasamiaiengar

My address

S. Dorasamiaiengar
Nott. Solicitor
Coir Street
Combaconam

When given for copying ——
When copied ——
When examined ——
When signed ——
} 189 .

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

CURRENT No.

ENCLOSURES TO C. No.

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

N.B.—
A = Copy in full.
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