

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 2602

DATED 21st May

[Despatch Abstract.]

Directing that the order of dismissal
passed on one Bhagyam Pillai late
Forester, Madurai Circle be converted
into one of removal from service

BACK PAPERS.

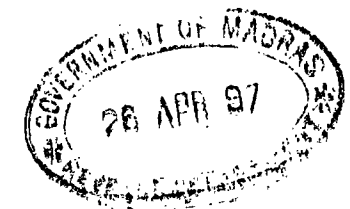
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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

Revenue (1897) Department.

CURRENT No. 3455



From

*The Board of Revenue,
Land Revenue, Madras.*

Order

Forest No. 350 Mio.

Dated 21st April 1897

Received 26-4-97

Registered 27-4-97

Enclosures 15

Spare copies

SUBJECT.

*Submitting to Government with
remarks appeal petition of the
late Forest Bhaghyam Pillai
Madura Dt. against the orders
of the Board & the Conservator S.C.
dismissing him from service.*

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PETITION

REVENUE DEPT

TO

HIS EXCELLENCY

THE RIGHT HONORABLE

THE GOVERNOR IN COUNCIL,

FORT SAINT GEORGE,

MADRAS.

Through

The Honorable The Members of

The Board of Revenue,

(Land Revenue), MADRAS.



The Humble Appeal Memorial of S. Bhaghyam Pillai, Forester, Kanavoi-patti Range, Madura District, now dismissed from service by order of the Acting Conservator of Forests, Southern Circle, in his Proceedings dated 24th June 1896, confirmed by the Board of Revenue (Land Revenue) in its Proceedings Forest No. 1511, Miscellaneous dated 19th November 1896, and communicated on 9th December 1896.

Most Respectfully Sheweth:—

That your memorialist joined the Forest Department and was appointed acting Range Clerk on 1st May 1888, was thence promoted acting Forester on 4th January 1891, confirmed as Forester on 1st September 1892, and was finally put in charge of the Range from 16th June 1894 to 6th May 1895.

2. That on the latter date your memorialist handed over charge to one Mr. Sreenivasa Iyengar, Dy. Ranger, who had just returned from Dehra Dun.

3. That about three months after, i. e. on 26th August 1895, the said Srinivasa Iyengar reported in R. C. No. 243 to the then District Forest Officer Mr. Peake against your memorialist about certain irregularities said to have been allowed by your memorialist in issuing cattle permits, and insinuating therein a charge of embezzlement of Government money (Vide Ex. E).

4. That on the strength of this report Mr. Peake suspended your memorialist from 28th August 1895, without making any enquiry to ascertain the truth of the allegations embodied in the Dy. Ranger's report and without calling upon your memorialist for any explanation whatsoever.

5. That no definite charges were framed, as admitted by the Conservator himself in his Proceedings (Exhibit L p. 4) nor was your memorialist in a position to know the nature of the charges brought against him, nor was he given any proper opportunity at all of meeting the several charges, so much so that the two statements and reports put in by your memorialist at different times are, at the most, random and haphazard.

6. That before the final disposal of the case Mr. Peake handed over charge as District Forest Officer to Mr. Twig, the then District Collector of Madura, on 22nd December 1895, and all the records of the case were kept by him (Mr. Twig) till they were finally transferred to the Ag. Conservator of Forests on 2nd June 1896.

7. That the six charges mentioned in the Proceedings of the Ag. Conservator were duly formulated by Mr. Twig in March 1896, but were not communicated to your memorialist as admitted by the Conservator in his proceedings (Exhibit L. page 4 para 3) nor any explanation called for from him.

8. That on the transfer of records of the case to the Acting Conservator on 2nd June 1896, the Ag. Conservator in disposing of the case, while admitting that the charge of embezzlement was not in any way supported by records, nevertheless ordered the dismissal of your memorialist for general carelessness and incapacity.

9. That the procedure adopted in the disposal of the case has throughout been most irregular and not at all warranted, either in law or by any departmental rules, while the materials on which the Conservator proceeds to dispose of this case are too scanty to enable him to take an impartial view.

10. That on appeal to the Board of Revenue (Land Revenue), the Board while holding that there was no connivance at, or actual commission of, fraud by your memorialist, has still declined to interfere with the order of dismissal passed by the Conservator on the ground of carelessness of the interests of Government and general incapacity (Vide Exhibit M).

11. That the so-called carelessness of Government interests and general incapacity solely refer to certain irregularities in issuing cattle permits in October 1894 while your memorialist was discharging the duties of Ranger from 16th June 1894 to 6th May 1895.

12. That in issuing cattle permits your memorialist has only followed the practice previously in vogue in the Range, which however the Conservator finds to be absolutely unauthorized; and this, if at all, only proves an error of judgment without any *mala fides* on the part of your memorialist.

13. That in respect of this very same irregularities in issuing cattle permits your memorialist has been already taken severe notice of and fined Rs. 5 by Mr. Peake when he (Mr. Peake) spent a month in the Range in February and March 1895 and made a thorough examination of it, (Vide Exhibit A), and has got an additional warning from Mr. Cherry, the then Conservator of Forests, that he (Mr. Cherry) would suspend your memorialist and even *dispencc with* his services, if he (your memorialist) should still continue to neglect his work (Vide Exhibit B).

14. That subsequent to the District Forest Officer's inspection in February and March 1895, there is no charge of any irregularity or carelessness or general incapacity brought against your memorialist, and since both the Conservator and the

Board have alike disbelieved the charge of actual commission of, or connivance at, embezzlement or fraud, it is but just and equitable that the suspension of your memorialist which was based solely upon a presumably strong *prima facie* case of *embezzlement* should be cancelled.

15. That out of the six charges framed, the fifth charge is not taken notice of either by the Board of Revenue or by the Ag. Conservator, the third charge which was to establish embezzlement is disbelieved both by the Conservator and the Board, while the other charges which are explained in the printed marginal notes to the Ag. Conservator's Proceedings (Ex. L) wholly relate to transactions which once formed the subject's matter of a sifting enquiry by Mr. Peake. And it is exceedingly hard, not to say illegal, that a person should be punished twice over for one and the same fault.

16. That in the present enquiry the Conservator seems to lay a special stress on the charge of discrepancies between the originals and counterfoils of the permits issued in October 1894. In regard to these permits your memorialist humbly begs to submit that the originals mentioned therein have been recovered after a year from the ryots to whom they were at first issued. These originals, it is noteworthy were recovered at the back of your memorialist, and kept in the keeping and custody of the Deputy Ranger, without being sent to the District Forest Office along the original report (Ex. E), nor were they submitted to the office till after repeated orders and reminders from the District Forest Officer, and that after many and strong protestations from your memorialist that all those permits have been tampered with. Hence your memorialist cannot be held responsible for any scratchings, erasures and insertions to be found in those originals. On the other hand with regard to the counterfoils your memorialist has likewise protested that they have been very much interfered with, being full of scrapings and scratchings, while in the keeping of Dy. Ranger himself, as admitted in his Demi official report dated 21—9—95 and his letter R. O. C. No. 243 dated 29—10—95. Besides with a view to explain these so called discrepancies your memorialist has repeatedly applied for a copy of these permits, but has not been supplied with any (Vide Ex. K). Further even if these discrepancies should be established, they cannot constitute such a serious charge as to warrant the dismissal from service of your memorialist.

17. That the unfavourable reports against your memorialist from his superior officers mostly refer to the time when he (your memorialist) was put in charge of the Range, and as such was quite new to the duties and heavy responsibilities of a Range Officer in charge of such an extensive Range, and had to cope with these difficulties single-handed even without the aid of any Forester.

18. That in conclusion your memorialist most humbly prays that Your Excellency would be graciously pleased to cancel the order of dismissal and restore your memorialist to his permanent post of Forester, though not in independent charge but under the supervision of a Ranger, 1st because the charge of embezzlement

to establish which all this enquiry was set in motion has been disbelieved by the Conservator as well as by the Board, and 2nd because the grounds on which the order of dismissal is based viz, carelessness and incapacity, entirely refer to transactions which had been already completely enquired into and sufficiently dealt with by the District Forest Officer Mr. Peake and the Conservator Mr. Cherry; or if your memorialist's previous record should stand in the way of his being restored to the appointment of Forester to revert him to his original place as Range Clerk, in which capacity he was discharging his duties to the entire satisfaction of his superiors, since the dismissal from service is quite disproportionate to the nature of the charges alleged and proved, or if even this prayer could not be granted, at least to direct the Conservator to accept your memorialist's resignation, since otherwise the dismissal from service would ever remain as a blot on your memorialist and blight all his future prospects in other walks of life and thus doom your memorialist and his family to inevitable ruin.

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

Tinnevely
3rd March 1897.

Bhagyan Pillai
Late Forester, No. 1447
Vilivithy, Kierathorai, East Joh
Madura.

NOTE:—Exhibits A to N are submitted herewith as per list enclosed.

Serial No.	Exhibit No.	No. and date of the exhibit enclosed	From whom	To whom	Subject
1	A	Half yearly report ending 30th June 1895	District Forest Officer (Mr. Peake)	Conservator of Forests (Mr. Cherry)	Intimating the result of his inspection, of the fine of Rs 5 & of the irregular arrangements of cattle fee collection by Range Officer (Bhagyan Pillai)
2	B	S.O. No. 105 18.7.95	Conservator of Forests	District Forest Officer	Approves the fine and warns the Range Officer (Bhagyan Pillai) with a suspension of 3 months.
3	C	Letter No. 145 9.10.94	Range Officer (Bhagyan Pillai)	Mr. Chatterjee	Directing to come with all his Records.
4	D	No. 512 13.10.94	do	do	Reminder for not obeying the order, No. 145 9.10.94
5	E	RC. No. 243 26.8.95	By Range Officer (Mr. Srinivasa Sanyal)	D. F. O.	Brings to notice that Government money is embezzled & states that Bhagyan Pillai has too know re.
6	F	No. 50 8.9.95	Forester (Bhagyan Pillai)	D. F. O.	Declines to give explanation by reason of the permits not being given him.
7	G	RC. No. 742 7.10.95	D. F. O.	Forester	Suspends that Govt. money is have been embezzled by Bhagyan Pillai

8	H	St. Lament 25.10.95	Forester	D. F. O.	
9	K	RC. 457 23.8.96	D. F. O.	Forester	
10	L	Proceeding Conservator 24.6.96	Forester	Forester	
11	M	Explanation Forester Government	Forester	Government	
12	N	Proceeding Board 17.4.96	Board	Forester	
13	P	Cover 4.12.96	D. F. O.	do	

Printed copy of Statement before D. F. O. on certain points of discrepancies about cattle permits issued in October 1894.
Informing copy of permits are not granted
Dismissing Forester for neglect of duty & carelessness and conniving at fraud or embezzlement.
Printed explanations to the Hq. Conservator's Proceedings
Confirms the dismissal order of the Conservator of Forests.
Cover addressed to Forester with a postal mark of 4 December 96 and received by the memorialist on 9.12.96

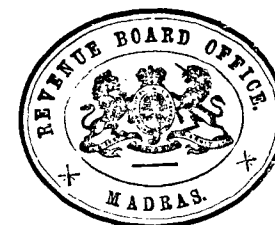
No. 3636

Forwarded Enclosure N: not received
Conservator

Cumulative }
1 April 97

30.3.97

Marimuthu



Proceedings of the Board of Revenue

(Land Revenue),

Dated 21st April 1897.

Forest No. 350

Miscellaneous.

READ *Endorsement of the Conservator of Forests, Southern Circle, dated 1st April 1897, No 3636 forwarding with his remarks the appeal ^{to Govt.} of Bhagyan Pillai, late Forester, Madurai, dated 3rd March 97.*

Resolution

Submitted to Government.

2. The Memorialist formerly a forester in the Madurai District, was charged by the District Forest Officer with certain irregularities in the issue of grazing permits, and with accusing the Range Officer, his superior, of concocting records to substantiate the charges. These irregularities raised a suspicion against Memorialist of fraud and embezzlement

f

7
5
3055

of Government money. They consisted of signing and handing over blank permits to forest guards and watchers for issue to the graziers, and of sundry other charges.

The Forester explained that his action tended to increase the grazing revenue, but at the same time acknowledged that it was faulty, and was the result of misplaced confidence in his subordinates. The Conservator considered that there was not sufficient evidence to show that the petitioner had made any wrongful gain by his conduct, but found that he had acted "with such want of care and regard for Government interests as to lead inevitably to the conclusion that he was concerned in abetting his subordinates in wholesale fraud". Mr. Hooper accordingly dismissed the Memorialist from service from the date of his suspension viz. August 1895.

3. Against this order the forester appealed to the Board, which agreed with the Conservator in considering that the appellant had been utterly careless of the interests of Government and generally incapable. On this ground, the Board declined

declined to interfere. It was not considered necessary to discuss the question of fraud.
4. The Board has no further remarks to offer.

(True Extract)

Ree
Secretary.

To. The Secretary to Government, R.D.
with petition & 2 Rs. Court Fee Stamp
impunched & enclosures in original

For orders.

The Hon^{ble} Mr. J. Grosse C.I.E.

16/5/97

He cannot be reinstated
but his punishment of
dismissal may be com-
muted into removal

JG
20/5/97

21/5/97

With the above
Current, the Board of Revenue
Submits a second appeal from
a late forester, named Bhaghyam
Pillai who was dismissed by
the Conservator of Forests South
ern Circle, and whose dismissal
was upheld on appeal by the
Board of Revenue.

The Circumstances that led to
the pet's dismissal are fully
stated in the Conservator's
Proceedings dated 24th June
1896 flagged B. On the margin
of this Proceedings, the petr has
given his explanation on some
of the points noticed by the
Conservator, but it does not
admit of a proper scrutiny, as
all the records connected with
the case have not been sent up
by the Board of Revenue. There
is, however, the petr's own ad-
mission that he signed blank
forms of grazing permits and
entrusted the permit books to
his subordinates (the forest watchmen).

watcher and guard) and that
he instructed the latter ^{even} to
sign and issue permits in
their own names, if necessary.

1st. I asked me had I the right
to do this in page 10 of C.

The further, the petr was con-
fronted with the originals of
some permits which did not
bear any signature but had

the words 'Range officer Kanu-
voipatti' written like a signa-
ture, which the petr said was
not in his hand-writing. The
petr's action was clearly
unauthorized and has evident-
ly resulted in the perpetration
of fraud.

These facts show that he
was not paid for it. These
permits have to be kept with
him & are as
17.5.87

The petr alleges that he ordered
the distribution of the permits
only after checking the
originals with the Counter-fals
and duplicates, but if this
was the case, there could
not have been any discrepancy
between the originals & duplicates
as regards dates, number
of cattle, amount of fees etc.

also 259 copy sent to the
manager of the 5th Borehole

The Conservator held that
the petr had acted throughout
'with such want of care
'and regard for Govt

'Govt interests as to lead in-
evitably to the Conclusion that
'he was concerned in abetting
'his subordinates in wholesale
'fraud.'

The Board, on appeal, declined
to interfere in the petr's behalf,
saying that from the re-
cords of the case it was clear
that the petr was utter-
ly careless of the interests of
Govt and generally incapable,
even if he did not connive
at or actually commit fraud.
The petr thinks that the
Board's resolution has exonerated
him from the Commission of,
or participation in, the fraud;
whereas what the Board evident-
ly held was that his neglect
of Govt interests and general
incapacity were in themselves
sufficient reasons to justify
his dismissal, apart from the
question of fraud which it was
not considered necessary to
discuss.

The petr says that he was fined
Rs 5 by the Dist Forest Officer Mr
Reake, and warned by the

the Conservator, Mr Cherry, for
the very same irregularities
for which he has been dismissed
and urges that it is hard
for a person to be hauled
up and punished twice over
for the same offence.

From Mr Peake's remarks and
the conservator's order in pages
flagged ~~E+F~~ it does not
appear that all the irregula-
rities in the matter of issuing
grazing permits, which were
brought to light by the Dy.
Ranger ^{after the pete handed over charge} were detected by Mr
Peake. The latter ^{in his half-yearly report} after
characterizing the pete as
'appallingly ignorant and
'incapable', persistently shift-
ing contradictory & inattentive
'to orders', & untrustworthy, ^{said} ~~that~~
that 'he had to fine him Rs 5
'for his behaviour.' The Conser-
vator thereupon warned the pete
that 'if he is not more attentive
'and thorough in his duties
'he will be suspended for
'three months and if he
'still continues to neglect
'his work his services will
be

'be dispensed with.'

At this time detailed particulars
were not available of the man's
incompetence. Vide please the
Conservator's Summary of the
man's previous record (Fly
B as friend of order).

As the Bd does not distinctly
deal with the question of fraud
& as fraud is not ~~removable~~
~~allow~~ ^{for} ~~provid~~ against the
petitioner although there is
a strong suspicion against
him, perhaps the punish-
ment of dismissal may
be commuted into one of
removal from the public
service?

Whe
15/5/57

There is no objection to
the modification proposed by
the U. I.

17-5-57

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read C. No 3455 of 1897

2
24 fro.Dr
21/5

G.O. No. 20,2602 of 21st May '97.

The Government agree with the Bd in considering that the circumstances of the case make it clear that the petitioner was utterly careless of the interests of Govt and generally incapable.

2. Petitioner's conduct ^{causes} in ^{regard to} ~~regarding~~ blank pages, permits & in ^{entrusting} ~~entrusting~~ his subordinates ~~seen~~ with the permit-books undoubtedly led to the commission of fraud. But, although there is a strong suspicion against the petitioner, yet ^{his} participation in that fraud is not proved. The Govt therefore is pleased to direct that the order dismissing the peti be commuted into one removing him from the public

Service

3. The petitioner with a
reference to the Bd of Revenue
who has received notice
on the subject of his
petition

Whe
20/5/87 WJG

To the Bd of Rev LR Ref
To the petu with encls.
P & O (para 3 only)

26.5.97
26.5.97

When given for copying _____
When copied _____
When examined _____
When signed _____ } 189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. 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.

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