

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 2844

DATED 7th June

[Despatch Abstract.]

*Declining to interfere on behalf of
Vandanaipala Chetti, late Shroff of the Hosur
dakh, Salem Dist. appealing against his dismissal.*

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. 3861



From the Board of Revenue.
(Land Revenue).

No. 1603 Mis.

Order

Dated 5th May 1897.

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SUBJECT.

Submitting to Government petition from Varadarajulu Chetti, late shroff of the Hosur Taluk, Salem Dt, appealing against his dismissal from the above post.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

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APPENDIX I.

I, the petitioner, was in the service of Government for 30 years all of which are countable towards pension.

2. Till about the close of 1894, I was Shroff in the Dharampuri Taluk, where most unfortunately for me the Tahsildar a certain event (*Vide* Enclosure L being my petition dated 17-10-94)—an extra-official one—occurred, which made hate me to the worst degree and made me feel his powers.

3. His treatment of me since that occurrence had become so very unbearable and harsh that in an evil hour I thought I might lay my grievances before the Sub-Collector and get away from this Tahsildar, whom I found I had, though unwittingly, offended so very badly, even if it were for extra-official reasons.

On the 17th October 1894, I put in a petition to the Sub-Collector (*Vide* Enclosure L) asking for a transfer, representing at the same time the circumstances which led to the Tahsildar disliking me to that extent.

4. On the October 1894, the Sub-Collector, most unfortunately for me, referred this petition (Enclosure L) to the same Tahsildar. The result of this reference was of course what could be expected—especially in the case of **vindictive natures**. It added fuel to the fire that had already been kindled in the Tahsildar's heart against me by the most unfortunate event already alluded to. He that had been merely treating me with harshness for the occurrence, now began to work out for my ruin. He had evidently two motives to take immediate active steps against me—

1st Motive.—He was put to the necessity of saying that I was his enemy and that hence I was sending a false petition against him—a necessity for self-defence.

2nd Motive.—He became vindictive and his temperament would not allow him rest of mind at all until he ruined one that attempted against him.

5. It is no wonder therefore that on the 5th November 1894, *i. e.*, nearly 20 days after my petition (Enclosure L) against him or days after the Sub-Collector's reference thereof, the Tahsildar wrote in his No. 2093 that I was "*reported to have been exacting monies from village officers and from contractors * * .*"

6. On the 23rd November 1894, *i. e.*, about 40 days after my petition against the Tahsildar and about 15 or 16 days after his first report against me, the Tahsildar recorded statements from a large number of Village Officers and Contractors in support of what he had already reported in his report No. 2093, dated 5-11-94, viz., that I was exacting monies from Village Officers and Contractors.

7. **The keystone of the case.**—Now the main question for decision is which of the two events took place first, i.e., who was the first to speak ill of the other. Or in other words, did the Tahsildar speak ill of me first or did I speak ill of him first. So far as documentary evidence goes, it will be seen that I spoke ill of him first: for my petition against him is dated 17th October 1894 (L), while his Arzi No. 2093, dated 5-11-94 which is the very first paper in which the Tahsildar has written ill of me is dated nearly 20 days after it.

No doubt so far as official positions are concerned, the words of a Tahsildar should carry greater weight than those of a Shroff. This may be true only when the policy of administration alone is concerned and that too when his opinion is opposed to mine in a matter concerning a third thing. But in the eye of pure justice and when it has become my unfortunate lot that I and Tahsildar should stand opposed to each other, the difference in our official position cannot have a voice.

Now it suits the Tahsildar to say that he began to watch me and hence I wrote against him. He puts his watching me as the cause and my petition L as its effect. But there is no document to show that his watching me is of a prior date to my petition.

Whereas, my defence is that my petition dated 16-10-94 (Enclosure L) was the cause and his Arzi No. 2093, dated 5-11-94 was the effect.

The dates make it most probable and possible that my contention is true and his, false.

8. **My transfer to Hosur.**—This is made much of. Enclosure M, being the Takid of my transfer to Hosur from Dharampuri is dated : and the several depositions against me were recorded on the 23rd November the earliest, vide Enclosure N series, the depositions or Appendix III.

The Tahsildar seems to have made much of my transfer to Hosur, as if the transfer had been calculated to deliberately procure my absence during the time evidence was recorded against me.

When I was given the transfer I never suspected that the Tahsildar had such a motive. When I was transferred I hailed the news of my transfer with greatest joy and I thought that it was given me in compliance with my request in my petition dated 17th October 1895, Enclosure L.

Now that it has been made known that the transfer had been procured by the Tahsildar deliberately to prevent me from being present at the examination of witnesses against me, I find that I had been hood-winked and made a victim to a combination got up by official influence.

9. Appendix III being a memo. of statements of witnesses shows that all the witnesses are persons caring for and influenced by the smiles and frowns of the Tahsildar.

From para. 2 of the Tahsildar's Arzi, No. dated 26-3-95, it will be seen that the first four statements of those now enclosed are from persons who

generally take D. P. W. and Local Fund contracts and the rest are from Village Munsiffs, Karnams and others.

Local Fund works are connected with the Revenue Department and they cannot be said to be independent of the Tahsildar. The Tahsildar having powers to give Minor Irrigation works and sorts of Local Fund works on contract, these professional petty contractor's cannot be said to be disinterested witnesses.

They say they had to pay me a Rupee or so whenever they had to cash cheques, as if they could not get cheques cashed without this black mail even after referring to the Taluk Sheristadar or Tahsildar to get a remedy against this habitual evil as they alleged.

It needs no pointing out that the Village Munsiffs and Karnams who now say that I was exacting a black mail whenever they remitted village collections are certainly not disinterested witnesses independent of the Tahsildar.

10. Moreover the stories repeated by them have got the stamp of untruthfulness on their very face.

11. The fact is that none of these worthies of witnesses even thought it fit to complain of this, ever before either to this Tahsildar or to any other Tahsildar or Sheristadar.—It is most significant that they all come out only after the Tahsildar began to collect materials against me after I offended him with my petition.

12. A perusal of Appendix II and III will show the worthlessness of the whole set of evidence—all recorded behind my back and (2) not subjected to my cross-examination, (3) recorded after my transfer to another Taluk, and (4) by their Departmental superior the Tahsildar who had become my open enemy.

13. **Sub-Collector's views.**—The Sub-Collector divides the charges into two, viz., 1st exaction from four contractors from 8 annas to a rupee in every Rs. 100 cashed, and 2nd exaction from Village Officers at a rupee a head for each kist.

1st Charge.—The Sub-Collector supports this by the statements of four contractors. They say they had to pay this black mail in order to procure prompt payment and to avoid being paid in small coins.

It is admitted that the payment by each of these four is spoken to by the payor alone and not corroborated by any second person. Only in one case the story has been made more complicated.

Complicated Story.—It is said I made a double deduction in the case of a Contractor Venkatarama Mudali. The story is (1) that a cheque for Rs. 298 had to be cashed and it was agreed that I should take one Rupee, (2) that I deducted the amount from Rs. 298 and paid for his cheque only Rs. 297 and (3) that he "without knowing that he (I) had deducted one Rupee in the 2nd cheque I (he) paid him (me) another Rupee which too he (I) had taken."

Is this a believable story? Would a Contractor take the amount of his cheque home without counting it. Has this story the stamp of truthfulness about it.

Again he says after he went home he counted it and found the money was short by Rs. 2. What did he do? He says he told this to three Taluk Gumastahs and then went to my house and demanded me and I returned that one Rupee.

Is this a likely story? What was the necessity for his telling this disgraceful story to three Gumastahs and that too **before** demanding its return. If he were a contractor who was used to pay me money to coax me into **prompt payment** and to avoid payment in small coins, would he be not afraid that if he were to tell this matter to three Gumastahs, he would thereby offend me the more? Again would he think it worth his while to insist upon the return of one Rupee then and there after making so much fuss, instead of quietly waiting for the next cashing to settle his dispute with me then about that one rupee?

Necessity for this Complicated Story.—The shrewd Tahsildar feeling that the story of even a single payment had not been corroborated by even a single person except the payor, thought it fit to get the corroborative evidence of these three Taluk Gumastahs who are his own subordinates, and they now come forward with a hearsay story that the contractor told them so and so.

These three Gumastahs did **not** see (1) the *payment*, (2) nor its **return**: nor (3) have they heard **me speak to them** or to contractor about it.

The fact that such a story was got up speaks volumes about the worthlessness of evidence.

14. The Sub-Collector says about the statement of these four Contractors as follows—"the evidence of the Gumastahs is the only evidence which the Tahsildar has been able to obtain in support of the four Contractors' statements." He then uses the usual stock argument that cases of bribery are not capable of eye-witnesses. But in cases of systematic blackmail payments by annas and by as many people as have to transact business with me, there would be no difficulty in getting a few of them in support of a single out of hundreds of alleged payments.

Vide Appendix III on this point and on other points.

15 **Tahsildar's Motive.**—The Sub-Collector says:—"The Shroff has, it is true, sent me a petition in which he charges the Tahsildar with various acts of *misconduct*." But to show that my sending up this petition could not be an adequate motive for the Tahsildar to take action against me the Sub-Collector alludes to certain points.

1st Point.—He says "The charges against the Tahsildar which have been dealt with by me in separate proceedings, are none of them very serious and have been found on inquiry to be in majority of cases entirely without foundation."

In reply I beg to submit First that if the inquiry had been conducted in due course and without snubbing me first and showing the people that I **suffered** for writing against the Tahsildar and that similarly witnesses would **suffer**

if they **spoke** against Tahsildar—if the inquiry had shown impartial turn of mind in the beginning, he would have arrived at a different conclusion.

2ndly.—That if I had been allowed to substantiate my petition against the Tahsildar in due course before the Tahsildar could hush up the things, the Sub-Collector would have come to a right conclusion. *Vide* my petition dated 5-11-94, Enclosure L.

3rdly.—For **motives**, it is enough that the Tahsildar knew that I wrote against him. It is not necessary that the cases must be true. If I reported true cases against the Tahsildar he should and would hate me for exposing him though **deservingly**: if I reported false cases against him he should hate me more for **undue exposure**.

4thly.—All the charges are not false. The Sub-Collector says they are not serious and the majority are ill founded. Serious or simple I exposed him. That is enough of motive for him to bring me to ruin.

If he thought I exposed him by false cases too, he gets a stronger motive to get up false cases against me.

Point II.—The Sub-Collector says, "The charges, moreover, were made at a time when the Shroff had reason to know that Tahsildar was watching his conduct."

In reply I beg to submit the following for consideration 1st how did the Sub-Collector satisfy himself on this point beyond the Tahsildar's version? Was there any written complaint against me about which the Tahsildar was watching me secretly? Had the Tahsildar written to Sub-Collector, before the date of my petition dated 17-10-94 at least a Demi Official saying that he was watching me and why.

After the receipt of my petition, it suited the Tahsildar to turn the tables by saying that he had been watching me.

There is **not a particle** of evidence to show that the Tahsildar was watching me before 17-10-94.

16. **Proof on probability.**—(1) It is highly improbable that I would have asked for a transfer if I had known that he was watching me. If a man fears that there is something smoking and cloudy pending over his head, he would never like to facilitate his ruin by getting away and thus leave open room for persons coming up against him. Generally persons under clouds stick to the place with a view to try to tamper witnesses. While so, why did I ask for a transfer myself?

(2) It is highly improbable for another reason. If I had been watched or knew that I had been watched, I should have thought of coaxing the Tahsildar and influence him through his friends to drop the matter and excuse me. No fool would think of irritating him then.

17. This shows that on the date I wrote the petition the Tahsildar was not watching me at all.

18. The Sub-Collector in para. 4 alludes to past conduct for which I beg to submit that there is nothing of the sort. *Vide* para. of petition.

19. The Sub-Collector in para 5 says—

- (1) that I have completed my service towards pension and that I should be deprived of it.

On this point I solicit attention to the benign ruling contained in paras. 9 and 10 of G. O. No. 2290, dated 3-12-93.

- (2) that the Tahsildar was against criminal prosecution and he (Sub-Collector) agrees with him.

It was for this reason that when on the 29th May and 2nd June 1896 I expressed my willingness to be prosecuted, the same Sub-Collector induced me not to subject myself to a prosecution. *Vide* my petition.

20. It is thus clear that I am made a victim of official combination just after my pensionable service.

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APPENDIX II.

1. The Deposition made by Santha Meah Sahib of Tharmapuri on the 23rd November.

That in the month of June 1894, copper coins were given me in exchange to the cheque of Rupees 83 and he told me that silver coins would be paid if half a rupee was given to him as a deduction and accordingly when half a rupee was promised to be paid he deducted at the rate of half a rupee and paid the amount.

At the end of June or at the beginning of July he deducted half a rupee for the cheque of Rs. 69 as usual and paid the amount.

That in or about July he deducted Rupee 1 for the cheque of Rs. 190 and paid the amount.

That in or about September for a cheque of Rs. 326 he told me that the amount was a large one and that a deduction of Rs. 3 must be allowed him. As I did not consent to it he deducted at the rate of Rs. 2 and paid the amount.

That in or about the end of September or at the beginning of October when I told the Sheristadar that there was a cheque for Rs. 340 and odd he directed me to receive the money from the shroff. And on my demanding the shroff for payment he told me that it had become evening and that he would not pay me unless he was paid 4 rupees at the rate of one per cent. failing which he said he would not pay the amount. Subsequently I myself went and asked him and he told me also in the same manner. Unavoidably I promised to pay him Rupees 3 and he paid me after deducting the said 3 rupees.

That in or about the end of October for a cheque of Rs. 500 he demanded 5 rupees. I did not agree. So he told me that he would pay copper coins and change at his leisure. I did not accept to take it or I refused to take it. After putting me off for about 2 or 3 days he told me that he would not pay me silver coins but paid me currency notes.

2. Deposition on the 8th December—Munniya Gownden, etc.

That in or about March when Mooneeya Gownden and Chinnappa Gownden took the cheque of Rs. 194 to the Sheristadar he directed them to take it to the shroff for payment. The shroff demanded them to pay one per cent. I consented to give one rupee at first and subsequently rupee and a half. He paid me the amount, after deducting at the rate of rupee and a half.

3. Deposition of Govintha Chetty and Boorichetty of Lalapet on the 10th January 1895.

That in or about April for two cheques amounting to Rs. 1,151 and rupees 326 in October the shroff demanded payment as usual. I paid at the rate of one rupee for the first and eight annas for the second.

4. Deposition of Vencatarama Moodelly and Subraya Moodelly of Tharmapuri on the 22nd November 1894.

That in or about February 1894, when I went to cash the cheque of Rs. 240 he told me that he would pay me Rs. 50 and change for the rest and demanded of me one rupee due for doing so and on my agreeing to pay half a rupee he paid me the amount after deducting at the rate of half a rupee.

That at the end of March or at the beginning of April when I went to the shroff to cash the second cheque of Rs. 298 and odd he told me that I must pay him as usual and also told me that I paid him short last time. I told him to take one rupee. He deducted one rupee. In addition to this he used to deduct half a rupee or one rupee out of the work I do in the Cutchery. Without knowing that he had deducted one rupee in the second cheque I paid him another rupee which too he had taken. When I counted the money after going home I found the amount was a short of Rupees 2. I reported to Gumasta Rama Iyer, Periya Rama Rao and Lutchmee Narasimmah Iyer employes of the Cutchery that the shroff had also received one rupee in addition to the rupee I usually pay him. Subsequently I went to the house of the shroff and demanded him for its return and he paid me the one rupee he had received from me in excess.

5. Deposition of Gumasta, Rama Iyer Periya Ram Rao and Lutchmee Narasimmah Iyer on the 11th January 1895.

Vencataram Moodelly told that he had paid the shroff one rupee and the shroff had also taken further rupee on the full amount of the cheque. We told him to inform this to his superiors if it was really so. He went away.

6. Deposition on the 3rd December 1894—Sattia Sivaya Ramayyar.

That in or about January 1894, when Sattiasivaya Rama Iyer, Village Munsiff of Sobattur brought Government kist money to be paid to the shroff he put him off for some time without accepting the money and demanded of him to pay at the rate of one rupee per village and that in accordance thereof he has paid him in the kist of February and that it had been the custom of the Village Munsiffs to pay at the time of kist.

7. Deposition made on 2nd December 1894—Nalla Gownden.

When Nallah Gownden took the monies of Muni Reddi and Munsiff Rami Reddi in or about February he delayed receiving it and demanded a rupee per village. After payment he received the said money.

8. Deposition made on 2nd December 1894 by Anthoni Moothoo.

As Kolagathoor Munsiff Mariannah Gownden had not paid money to him he cut a rupee and when he paid one rupee in the kist of April he received the money and also gave the cut rupee.

9. Deposition made on 6th December 1894 by Pagalpattee Munsiff Srce-nivasa Iyer.

On my paying one rupee to the shroff at the Eroosal (Government kist) of February he received the rupee and then accepted the Eroosal.

10. Deposition made on 6th December 1894—Muniya Gownden.

When I Thombarakampatee Munsiff K. Mooneeya Gownden brought the kist money of March, the shroff demanded me to pay one rupee per village and after I paid one rupee from the separate money I had, he accepted the Eroosal.

11. Deposition made on 6th December 1894. Venkatappa Nayadu.

When Vencatappa Naidu, Karnam of Moothnallee sent the pay list of February or March through his Thallari and when the pay list amount was short by one rupee, and on questioning the Thallari as to its shortfall, he (Thallari) told that the shroff deducted one rupee according to customs made by the Munsiffs. Then the Munsiff of Koodoomapatti told that he had promised him one rupee in the last kist and he was right in having deducted the amount.

He told to give his pay less that one rupee and he also told that each and every one of the Munsiff's has been paying so.

12. Deposition made on 7th December—Venkata Rangayya.

When Koodoomapatti Vencatrangiah brought the kist money of January the shroff demanded that one rupee must be paid per village. On my telling that I have not brought the one rupee he asked and on my telling him to take the rupee in my next pay he accordingly took it in my next pay. This I came to learn by Karnam that he has accordingly taken the rupee and also came to learn that payment was given less that amount.

13. Deposition made on 7th December—Venkata Rama Nayadu.

When Vencata Rama Naidu, Munsiff, Alley, took the last kist money to the shroff, the shroff demanded that something must be paid to him. Thereupon I paid one rupee to the shroff.

14. Deposition made on 7th December. Venkata Thasiri Nayadu.

When Vencata Thasiri Naidu, Munsiff of Balajangam, took the last kist money he demanded the usual payment must be made. Accordingly I paid him one rupee.

15. Deposition made on 7th December—Chinnathamby.

That when Chinnathamby Gownden, Village Munsiff of Moothnally came in or about March with his kist money of March, the shroff demanded him that he should pay him one rupee as paid by all other Munsiffs. Accordingly paid.

16. Deposition made on 6th December—Mathey Gownden.

That when Mathey Gownden, Village Munsiff of Iarogoo brought the kist money of January he told that it was late and that he must pay him the usual one rupee. I paid him half a rupee then and paid the other half rupee in the next kist.

APPENDIX III.

To

THE SUB-COLLECTOR,

SALEM.

MOST HONORED SIR,

In obedience to your honour's kind endorsement order No. 698/Ver., dated 28th March 1895 and despatched on the 2nd April 1895 on the Dharampuri Tahsildar's report against me, I, Varatharajulu Chetti, Shroff of Hosur Taluk office, most humbly beg to submit the following explanation.

The Contractor Chandamian Sahib has deposed that in the months of June, July, September and October 1894, when he came to cash cheques in the Taluk office he paid me half a rupee, one rupee, Rupees 2 and Rupees 3 respectively, and that on the 5th Occasion I delayed payments to him for 2 or 3 days and then paid him in the shape of currency notes. He has further stated that as soon as the cheque came in for payment he would show it to the Sheristadar and he would simply tell him to go to Shroff and receive the amount. Whereas the prescribed procedure for the payment of the cheque is as follows :—the Contractors first go to the Sheristadar for the order of payment, then he tells them to go to Nagadi Gumastah, who then obtains the signature of the Contractors on the reverse of the cheque, then enters the amount under disbursement in his chitta and then write the order of payment in the cheque, which goes again to the Sheristadar for his signature and it is then that the Contractors are sent to me to receive payment and never before that. I then immediately enter the amount under the head of expenditure in my chitta and pay the amount.

2. There has been very occasional payment of copper coins and silver ones of less value than a rupee only on the order of the Sheristadar if the amount of them in the Treasury on the occasion was very large. But if the Contractors would not receive such changes they would again go to the Sheristadar and ask for payment in full rupees and on his order alone I would pay them accordingly and never on my own responsibility.

3. As for his statement that on the 5th occasion I delayed payment to him for 2 or 3 days and afterwards paid him the amount in the shape of currency notes, I would respectfully leave it to your honor to judge how I could have so long delayed payment of the cheque, which had been first shown to the Sheristadar and had finally, as above described, received order of payment signed by him. If I had really thus delayed, he could and would have readily complained against the delay to the Sheristadar or the Tahsildar on the spot. Nothing could have pre-

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vented him from doing so. He never did so however. It cannot therefore be believed for a moment if he has now stated something as true against me, simply to please the Tahsildar, probably on his pressure, with a view to secure his favour. Besides, he is Kusba Stamp Vendor conversant with rules, a frequenter of the Tahsildar's house and chit-chatter with him; such being the case, if his statement as to his payment to me from 8-as. to Rs. 3 on my compulsion were true, why could he not have informed the Tahsildar of it even once during as many as 4 or 5 months. When he had not done so it may fairly be presumed that it is but to please the Tahsildar that he has uttered hordes of falsehoods against me.

The deposition of the Contractors Muniya Ghoundan, Govinda Chetti and Vencatarama Mudali as to their making me similar payments when cashing the cheques is likewise meant and prepared to be against me only to please the Tahsildar. If my receipt of money from them had been true, they could and would have complained against the practice to the Tahsildar and Sheristadar, who would have inquired into the case and condemned me for it. There was nothing of the kind as I committed no crime of the kind. But the present case against me is the outcome of nothing but the animosity of the Tahsildar against me.

4. According to the Tahsildar's report it appears that I divulge to the respective Contractors the receipt of cheques in the Taluk office before the intimation cards reach them. As soon as the cheques come to the Taluk office they are handed over to Nagadi Gumastah. I am ignorant when the cheques are received in the Taluk office. How can I then make known the coming in of the cheques in the Taluk office to the Contractors before they receive intimation cards? Therefore it is discernible that the Tahsildar's report on the point cannot be true. The Contractor Venkatarama Mudali has stated that he paid me Re. 1 of his own accord out of the 2nd cheque and that when he counted the total amount at home there was a deficiency of Re. 1. If he had counted the money before me in the office and taken it home how could there have been any such mistake? Is it not his duty to have done so? Can it yet be believed that one would have taken the money home without counting it in the office as soon as paid, especially as one seems to have a suspicion in the Shroff? It may fairly be concluded that it must be a deliberate lie to say that he paid me Re. 1 of his own accord, took the money without counting and found a deficiency of Re. 1 while counting it there. I declare that I have neither received Re. 1 from him nor did I pay him the deficiency of Re. 1, nor did he demand the alleged deficiency from me afterwards, nor did I pay him back, either at home as deposed by the contractor or at the Treasury in the office through fear of being noticed by the higher authorities as reported by the Tahsildar.

5. It is further reported by the Tahsildar that the 3 Gumastahs, Rama Aiyar, Periya Rama Aiyar and Lakshminarasa Aiyar, have all stated that the contractor, Venkatarama Mudali had been to them with the complaint that he had paid me Re. 1 of his own accord, that I had paid him the cheque amount deducting Re. 1 and that I had thus made Rs. 2 and that they had simply told him to represent the matter to the higher authorities. If what Venkatarama Mudali had told them

as unjust were true why could they not, being public servants themselves, take it to the notice of the Sheristadar and Tahsildar then and there and aptly proved upon the case. They had not done so. I am therefore led to think that having smelt the misunderstanding between me and the Tahsildar and very probably at the instance of the Tahsildar himself, they have made such untrue statements against me, thereby probably expecting to gratify their master, the Tahsildar.

6. The Village Munsiffs of Kusba and Perumbeali Frikas have stated that they have paid me for the Kists of February and March last at the rate of Re. 1 per Village, that it is customary to pay me thus every year and that it was according to that custom that they paid me so. They have neither paid me so far have ever received any such thing. In this connection I have only to submit that when Contractors have been so successfully influenced by the Tahsildar whether it is not possible for him to influence the Village Munsiffs, his entire subordinates in his jurisdiction and under his strict control.

7. Anthony Muthu Pillai, Village Munsiff, Kolakathur states that I cut one of his rupees paid for the March Kist as he had not paid me money and that he had therefore paid me one rupee at the April Kist. The coin said to have been cut by me with the ill-motive of deducting it from the amount on account of his failure to pay me my due was not a current coin but an uncurrent one then and there shown to the Sheristadar, then entered in the uncurrent chitta and kept along with the already accumulated uncurrent coins for being despatched to the Huzur Treasury along with the periodical remittances to it. It is then that the coin is cut. Hence it is a lie that I cut it for deduction in the amount and that he paid me one rupee of his own accord is another piece of lie. If I had really done any wrong like it why could he not have reported against me then and there to the Tahsildar or Sheristadar?

8. Some of the above said Village Munsiffs have stated that they have been made to wait a while instead of receiving the amount of remittance at once. But during the time of Kists remittances come from many villages and each village remittance has to be carefully examined and received into the Treasury. It therefore takes some time and I have not wilfully made them wait as stated by them.

9. In the deposition of Boopali Tharap, Karnam Ranga Aiyar No. 24, dated 11th December 1894, he has stated that the Village Munsiffs had told him of their payments to me at the March Kist of the previous year at the rate of Rs. each and of the same being customary every year. March of the previous year from that date means March 1893 when I was in the Taluk Office, Tirupatur, and I joined Dharmapuri Taluk in January 1894.

10. In the deposition of Chinnapalli Tharap Karnam Venkata Aiyar, No. 28, dated 14th December 1894, he says that the Village Munsiffs had told him of their payment to me at the March Kist of the previous year at the rate of Re. 1 each and that he observed thereon that they had simply followed the example of others. Here also March of the previous year from that date means March 1893, when I was employed in the Tirupatur Taluk Office. From the depositions of the Karnams of these two Tharaps it will be clear to your honor that the whole is a

parcel of falsehood and that these have uttered deliberate lies through fear and dismay of otherwise incurring the serious displeasure or spite of the Tahsildar, who is a terror to all in the Taluk.

11. Besides in the depositions of Village Munsiffs of Konipatti, Chinna-palli, Tholore, and Aggana Halli, dated 11th, 12th, 13th and 14th December 1894 before Rama Razu, the Revenue Inspector of Perumbali Frika, these have made a reference to the actual date of remittance made 10 months previously. How could these have precisely remembered the exact date of remittance under 10 months before that date. It is therefore presumable that these Taluk Officials in the interests of my ruin to the pleasure of the Tahsildar must have prepared these depositions themselves carefully referring to those dates of remittances and obtained their signatures.

12. In the above mentioned Revenue Inspector's report, dated 14th February 1894, from the camp of Aggana Halli, he says that as per Tahsildar's personal orders, when he asked the Village Munsiffs of Perumbali and Chinnappalli Tharaps as to whether it was customary with them to pay the Taluk Shroff something every year, they admitted the custom. As there is a misunderstanding between me and the Tahsildar, it may be that the Revenue Inspector has been instructed to get up such evidence against me and it is therefore that the Revenue Inspector does so. The Tahsildar's report says that since the time of my retirement is fast approaching I was receiving payments from these Village Officials for my own use with a view to make hay on the eve of my departure.

13. For the disbursements of money for the Road Avenues trees, the Tahsildar requested me to lend him Rs. 25, saying that the same will be paid to me on sanction being received for it on Arzi. But as I had no money then I could not comply with his request. He then obtained it from the Union Chairman, Dharmapuri and disbursed it to the Village Officials. This fact will be clear to your honor if the receipt and disbursement account of the item be sent for and inspected. The Tahsildar has since then been spiteful against me.

14. On the 17th October 1894 I submitted a petition to your honor against the Tahsildar. Concerning that the Tahsildar sent for me to his quarters through his peon, Akber Khan, on the 31st idem. On my going there he questioned me as to whether I had submitted any petition to your honor and I answered in the affirmative. He then continued to ask me whether I could prove the facts therein contained and on my positive reply to it he observed that if he had known me to be of such a nature he would have been very stiff and strict in my case and treated me in a manner as oppressive as possible. I then said to him:—"I had not committed any such serious mistake as to deserve a treatment like this, whereupon he told me to be off and I then left the place."

14. Having heard that he had been concocting cases against me from 1st November 1894, I submitted a petition to your honor on the 5th idem embodying the above facts therein. Enraged at these two petitions, the Tahsildar is said to have forcibly sent for the contractors and village officials and invented these

stories against me and secured them in the form of depositions from them. All these depositions were obtained from them between 23rd November and 14th December 1894 subsequent to the dates of my two petitions. According to their own statements if I had really received any money from them some one of them at least would have complained against me to the Tahsildar or Sheristadar then and there. None of them had done so till the latter part of November when the Tahsildar began the work of my ruin. From this it may be clear to your honor's judgment that the whole case is brought about out of malice or spite.

16. In Nagadi Gumastah Srinivasachar's deposition dated 22nd January 1895, he states that when he was doing that duty he observed me whispering to the Village Munsiffs and that as it did not concern him he was indifferent about it and that he noticed it when I was once disputing with Kolathur Village Munsiff, Anthony Muthu Pillai. When he cannot say what that whisper was about and that dispute about, it is of no value. It is also curious to see that he alone should have noticed the whisper or the dispute and no others in the whole office. The first person that could have conveniently and easily noticed any irregularity in me is the Sheristadar under whose very nose I work and when he does not appear to come forward with any such statement with his observation of any such whisper or dispute; the words of this particular Gumastah alone cannot be believed. His disposition against me richly answers his own and as shewn below: Why Srinivasa Char has stated so will be known from the following fact. When he was promoted to the Head Clerk's post from Nagadi Gumastah's post the Tahsildar appears to have been dissatisfied with the arrangement and so written against his promotion on the score of his incompetency for the post and recommended his reversion to the Nagadi Gumastah's place. He was just then expressing to me how this Tahsildar was a stumbling block in the way of his prospects and asking me how to please him. I could do more than sympathize with him on the occasion, probably to secure the favour of the Tahsildar, which was all important in his case. He has chosen to give a false statement against me.

17. The Tahsildar's report says that I left a bad record about me in the Taluks where I had been before I went to Dharmapuri. When I was at Authore the Tahsildar of that place enjoyed the mango crop of the Kusba Government Tope that year instead of putting it to auction, which fact I reported to the Collector by a petition. The Tahsildar learning this paid Rs. 3 to the Village Munsiff of that place and asked him to remit it to the Taluk Treasury with a report as to its being the sale proceeds of the tope. As the money was entered in the chitta as the sale proceeds of the tope subsequent to my petition to the Collector, I happened to say how this could be, as it was about 4 months since the time of the crop expired and that if the sale of the crop had been true why the proceeds had not, until then been sent to the Treasury. Thereupon the Tahsildar learning this anti-dated the report 4 months before that, thus making it appear that the sale had been made then. Then on the Collector's enquiry into the matter, the Tahsildar was excused with a severe warning and I was asked by the Collector what I wanted from him. Then I wished to have a transfer from that Taluk elsewhere and I was accordingly transferred to Uttankarai. If any one has misappropriated the Government money by employing fraudulent means, I have made representa-

tion of it to higher authorities, where I could not have avoided it. But I am not a person of such a disposition as to represent to them what has not actually taken place. It is such superiors in whom several loop-holes can be found that dislike me.

18. The order of suspension came when I was ill of fever at Uttankarai. The severe type of my fever was such as to force me to look upon the order of suspension as quite agreeable to me and reckon it as leave on forfeiture of full pay as I was about to apply for it and could not have got it even if applied for, owing to the very great difficulty of procuring a substitute for me especially then when the weather was particularly bad there. Hence I did not, in my own interest for the great necessity for leave, care for appealing upon the order of suspension, but remained silent, finding satisfaction in my relief from work just then. A month or a month and a half afterwards another order came to me to say that the suspension I had already undergone was quite enough and that I might join my appointment. Therefore the period of suspension was only one month or $1\frac{1}{2}$ months and never 3 months. This will be clear to your honor on a kind reference to my Service Register now with your honor.

19. After the Tahsildar had conceived a contempt and spite for me on the nature of my replies to him at his quarters as represented in para. 14, he must have on that day or the next prejudiced the Sheristadar against me. Hence it was that Mr. Govindarajulu Nayudu, the Sheristadar, happened to write 2 notes marked A & B to the Tahsildar.

20. In the Treasury room of the Taluk office at Dharmapuri it has been the practice of the shroff to sit by the door and transact business. If that door be shut the bags of money brought by Toties and Thalayaries cannot be received between the iron bars of the door, the interval being too small for the bags. Besides he who brings money has to stand before me when I examine the coins and count them. If the door be shut and the man stand before me into the bargain it becomes dark enough, then it will be difficult to examine the current and the incur-rent coins as they cannot be distinguished in the darkness. Therefore it is that the door has been kept open and never shut during office hours. But the door was ordered to be shut and the business to be transacted in the darkness. With the impression that I was thus treated with studied severity probably at the instance of the Tahsildar on account of the misunderstanding between him and myself, I happened to tell the Sheristadar that the closing of the door was an introduction of an unprecedented practice and that in the case of his having any suspicion in me, I would sit opposite to his seat and transact business; but I never told him that I would sit outside as stated by him in his note to the Tahsildar.

21. I happened to say to the Sheristadar, "This is not a favourable opportunity for me," because I thought that he and the Tahsildar appeared to be in union against me and bent upon my ruin.

22. In all the Taluks where I have been, I have never been in the habit of receiving money from the village officials, contractors, &c. Had I had such habit

there must have been complaints of the kind against me from the village officials, contractors &c., of many other Taluks. I am glad to say that in all my life as Shroff (save the present instance of concoction against me at Dharmapuri) no complaint of any kind has been made against me either by a village munsiff or a contractor &c.

23. I must respectfully beg to submit that it is not impossible, for a Tahsildar, if he only wills it, as your honor can well imagine, to thoroughly ruin a man in my position, with the help of the village officers, contractors &c., in his jurisdiction, over whom he has perfect control, and who do not generally shrink from doing a thing to please him even against their conscience, their general motto being to please him at any cost.

24. If your honor be pleased to institute an enquiry into the case contained in my petition to your honor dated 17th October 1894 against the Tahsildar, I am prepared to substantiate any charge against him with documentary evidence as contained in official records.

(Signed) VARADARAJULU CHETTY,

(True Copy.)

To

THE SUB-COLLECTOR OF SALEM.

The humble petition of Varadarajulu Chetti, Shroff, Hosur Taluk.

MOST HONOURED SIR,

I most humbly beg to request your honor will be graciously pleased to consolidate the following with my explanation already submitted to your honor, through the Tahsildar of Hosur, on the 16th ultimo, in obedience to your honor's Endorsement 698/Ver., dated 28-3-95, as the same was found to be left uninserted previously through oversight.

2. The Tahsildar of Dharmapuri left the place to Salem on the afternoon of 26th September 1894 to attend the meeting of the District Board held on the 27th and returned on the 1st day of October 1894. Having halted at Salem on the 28th, 29th, and 30th September he has entered in his Diary of that month a false statement to his having attended on those dates to Revenue and Magisterial business at the Headquarters. After the lapse of 4 or 5 days during which I gathered the above information from Mr. Rama Rao, Diary-Writing Clerk, in the Taluk office, I found a chit lying near the table of the Despatching Clerk Mr. Aroonachella Iyar, a copy of which is enclosed hereto for your honor's kind perusal. As I am quite ignorant of English language I presented the same to Mr. Strinivasa Char, Nagadi Gumastah, who gave me to understand that, that chit was written by the Tahsildar on the 1st of October directing the Clerk to bring to him all the Tapals received from Huzoor, and all copies of Arzis submitted to Huzoor during his absence at Dharmapuri from the 26th September till that date (1st October). Hence that the Tahsildar was absent at Dharmapuri for those 3 days is now manifest.

4. In conclusion I most respectfully beg to request your honor will be pleased to meditate deeply into the matter and to render me justice. For which act I shall ever pray.

(Signed) VARADARAJULU CHETTY,

(True Copy.)

REVENUE DEPT:

Fort Saint George,

MADRAS.

The humble appeal petition of Varadarajulu Chetti, late Shroff of Hosur Taluk, Salem District, care of M.R.Ry. R. Padmanabha Bhoji, 3/1, Hanuman-tarayankovil Street, Triplicane, Madras.

MAY IT PLEASE YOUR EXCELLENCY IN COUNCIL.

This is an appeal against the orders of the Board of Revenue contained in Board's Proceedings, No. 3282, dated 18-7-96, Enclosure A, directing that "the Collector's order of dismissal must therefore stand." This order has been based on the ground that "the appellant has not exercised the option given to him of "standing a criminal trial for the offences *prima facie* disclosed at the Departmental inquiry."

2. I, the appellant, was dismissed by the Sub-Collector of Salem, *vide* Enclosure B, being Sub-Collector's Proceedings, dated 30-5-95 : and my appeal to the Collector was not of any use. *Vide* Collector's Proceedings, dated 25-11-95, Enclosure C. I appealed to the Board, *vide* Enclosure D, being copy of my appeal petition to the Board. In para. 15 thereof I wrote as follows :—“ *That the petitioner is ready to submit to a fair and open trial whether Departmental or Criminal in which he shall have an opportunity to cross-examine the witnesses put up against him ; of adducing his own evidence and take the consequences whatever they may be.*”

3. In Enclosure E, being Board's Proceedings, No. 2233, dated 15th May 1896, the Board was pleased to record that "before formally confirming it the Board desires to know whether appellant would prefer to stand a criminal trial on charges arising out of the disclosures at the Departmental inquiry."

4. This portion of the Board's Resolution had not been communicated to me by the Board or by the Collector but its 2nd para. was communicated to me which ran as follows—"The petitioner is referred to the Collector who has received orders in his case." Thereupon I put in a petition to the Collector on 29-5-96 asking for orders; vide Enclosure F.

5. A statement was taken from me thereon with reference to the Board's order, dated 15-5-96, No. 2233, Enclosure E, and it was recorded in the following terms :—

"I am told that if I am willing to take the risk of a criminal prosecution on the charges on which my dismissal has been based, I am now asked whether I am willing to be prosecuted or not. My answer is that I *would prefer not to be prosecuted. I may be prosecuted if the Board likes. I prefer to be criminally prosecuted as that is my only chance of recovering my appointment.*" Vide Enclosure G.

6. My readiness to be prosecuted.—I most earnestly solicit the special attention of the Most Gracious Excellency in Council to this **clear, unambiguous** wording in which I expressed my readiness and willingness to be prosecuted, in reply to the Board's Resolution to prosecute me.

7. But the then Collector* directed me to reconsider this my willingness more deliberately and give another answer.

I solicit special attention to the words underlined in red pencil in Enclosure H, being copy of my petition dated 2nd January 1896, which runs as follows:—

"*விசாரணை செய்ய சம்மதத்தா னென்று சொன்னேன். அதன்பேரில் இப்போது இந்தப்படிக்கு சொல்லி இருந்தபோதிலும் பாதகமில்லை. மறுபடியும் செம்மையாய் யோசித்து வேறே விண்ணப்பம் கொடுக்கலாம் என்று உத்திரவு ஆயிருக்கிறபடியால்*" Translation: "I said I consent to be prosecuted. Thereupon your honour told me that although I had said so, it did not matter, and directed* that I might reconsider it more deliberately and give a different petition. Therefore."

8. I was afterwards given copy of the Board's Order No. 2,233 dated 15-5-96 and my special attention was drawn to the words of the Board quoted in the margin, from which it was pointed out to me that the Board having arrived at a decision already, the chances of my getting the appointment even if I stood a criminal trial and came off successful, were remote. For it was pointed out to me that the Tahsildar had already reported in para. 17 of the Arzi No. dated 26-3-95, Enclosure J, in terms showing that he did not himself hope that the evidence he had collected would not stand the test of a criminal prosecution. His words are as follow:—

"The statement of 23 village officers against the Shroff will speak for themselves: and while I believe that these witnesses are speaking absolute truth and will boldly stand any test, it does not seem, however, safe or desirable to launch into a Criminal Court against the Shroff."

It was pointed out to me that these words of the Tahsildar had been deliberately put in with the ultimate object of being able, in the event of an acquittal in the criminal prosecution, to say that there was not evidence for legal conviction but there was enough of it for moral conviction.

* He had, I now find, already agreed with the Tahsildar in thinking that a prosecution was not desirable vide Enclosure B.

Moreover the Board itself having, instead of withholding and reserving its opinion, till after the decision of the criminal case, as is generally done in cases *sub-judice*, expressed its appreciation of the evidence already collected against me, — the influence which the Board's wording in Resolution dated 15-5-96, was to have exercised on the minds of the witnesses who were all (23) villages officers, was likely to be that the village officers would be afraid of displeasing even the Board (never mind the Tahsildar, Sub-Collector and the Collector) if on oath they were to break down.

9. Under the four fold circumstances, viz., (1) the Tahsildars prediction in para. 17 of his Arzi that a criminal prosecution might fail even if there was full moral conviction, (2) the Sub-Collector's concurrence with the Tahsildar, (3) the Board's arrival at a decision against me expressed in strong terms, and (4) the influence which the Board's words were likely to have had on the minds of witnesses who were all Board's Departmental Subordinates (23 villages officers), &c. — it was pointed out to me that the only effect of my consenting to subject myself to a criminal prosecution was not likely to be a chance of recovery of my post, but only (1) a cost of a defence (nearly Rs. 500 or so for Vakils &c.), (2) distress of mind, (3) the fearful plight and ordeal of a criminal trial when these things were pointed out to me and I was directed to reconsider my consent to be prosecuted and withdraw it if I liked, I very naturally thought that for a poor man like me the cost and troubles of a criminal defence might well be saved and especially (1) when I went against the suggestions of the Local Magistracy

and also (2) when the trial was to take place before the same Tahsildar as Magistrate or before the Sub-Collector that had attached great value to the evidence already collected and had based his dismissal order against me on that evidence or before any Magistrate, subordinate to that Sub-Collector* or a likely friend of the same Tahsildar.

10. Such directions from the Collector himself (the same gentleman as was Sub-Collector) and advices from others under the circumstances narrated, **quite unsettled my mind** (naturally for a poor uneducated man like me fighting at odds with a powerful Tahsildar backed by Sub-Collector and the Collector) and on the 25th June, i.e., 6 days after I was granted copy of the Board's Resolution, I put in another petition, Enclosure K quoting the Tahsildar's wording of his para. 17 and pointing out to the Most Honourable Board the **inevitable inference** from the Tahsildar's wording—viz., that "the charges against the petitioner must fail in a criminal trial," and prayed that I might be spared the **cost** and trouble and ignominy of a criminal formal trial, the result of which could be and had actually been predicted by the Tahsildar himself, a shrewd Magistrate.

My petition ran as follows:—"Since the Tahsildar who is a Magistrate himself, says in para 17 of his Arzi, dated 26-3-95 to the Sub-Collector in so many

* Here it must be remembered that the Sub-Collector has agreed with the Tahsildar in his views about the Criminal prosecution vide Enclosure B.

words. ["It does not however seem safe or desirable to launch into Criminal Courts against Shroff] the Honourable Board may themselves presume that the charges against the petitioner must fail in a criminal trial and that therefore any formal trial of them is inexpedient."

11. In submitting this my second petition to the Board, the Collector did not, I fear, make mention of my statement dated 29th May 1896, Enclosure G in which I had expressed my willingness to stand a trial, which was repeated in my petition dated 2-6-96, Enclosure H.

Fair justice would require that all these three papers should be read together as a whole and construed together. For in the last petition dated 29-6-96 I did not withdraw the consent I had given to my criminal prosecution in my statement of the 29-5-96 repeated in my petition dated 2-6-96.

The Collector not only omitted to mention about any consent but also said with reference to my last petition as follows:—

"I presume it means that he declines a trial in the Criminal Court." Vide Enclosure K.

12. It was under such circumstances that the Board held I did not exercise the option given me of standing a criminal trial, Vide Enclosure A. I leave it to the Most Gracious heart of Your Excellency in Council whether the papers justify the presumptions of the Board in face of the clear wording of Enclosures G, H and J.

And I earnestly pray that Your Most Gracious Excellency in Council will kindly be pleased to go into the merits of the case and do me justice.

13. Merits of the case.—For details I most respectfully and humbly crave the gracious attention to Appendices I, II and III, from which it will be seen

- (1) That the Tahsildar asked me some loan, and on my refusal, became quite offended with me and began to treat me harshly.
- (2) That I therefore asked the Sub-Collector for a transfer to another Taluk stating as my reason how the Tahsildar was offended with me and how he was guilty of other serious irregularities.
- (3) That the Sub-Collector instead of taking up the inquiry into his own hands on the ground that serious irregularities capable of immediate proof had been alleged against the Tahsildar referred the petition to the same Tahsildar.
- (4) That after that date the Tahsildar became more enraged and resolved to get up cases against me.

(5) That after my transfer from the Taluk, the Tahsildar caught hold of a few Local Fund contractors, Stamp Vendors, Revenue Inspectors, Taluk Gumastahs and 23 Village officers—all of them depending upon his good graces and afraid to offend him by refusing to oblige the Tahsildar and got statements to the effect that whenever any cheques had to be cashed or Village collections remitted into the Treasury, I was levying black mail from them.

(6) That this sort of black mail affair was never mentioned by any one of these, nearly three dozen witnesses—all subordinates of the Tahsildar—to this Tahsildar or to any other Tahsildar or to any Taluk Sheristadar ever before I offended this Tahsildar with my petition, Enclosure L, dated 17-10-94.

Nor did they complain even after it, of their own accord. They were obliged to say what they said, merely to humour and please the Tahsildar and they were promised by the Tahsildar that they would not be put to the necessity of repeating the story on oath subject to cross-examination in a Criminal Court—a promise which the Tahsildar wanted to keep up as his words in para. 17 of his Arzi. Enclosure J betray and a promise which came to be kept up, by the Collector not putting my statement G and H together showing my consent to be prosecuted.

14. Many of the privileges which the most benign rules of Government of India contained in the following paras of G. O. No. 2290 dated 3rd December 1893 have been denied to me.

- (1) The Tahsildar first entertained a dislike or unfavourable opinion of me and this led him to think of my ruin and by his report he led the Sub-Collector to entertain unfavourable opinion of me which led to the hasty acceptance of worthless evidence establishing serious charges of Bribery.

Ip para. 5 of the G.O., No. 2,290 dated 3-12-83 the Government of India

has drawn the attention of the Local Government and Heads of Departments to the ruling contained in the words quoted in the margin, to the effect that no subordinate can be dismissed for the mere unfavourable opinion of his superiors.

"The Court had in view the habit of dismissing native officers in consequence merely of the unfavourable opinion of their superiors or for slight reasons but as a rule subordinates are now dismissed only on very precise charges of delinquency. The same disposition of mind, however, on the part of European Superiors which in former days led to the dismissal of native subordinates on slight charges now too often lead to the hasty acceptance of evidence as establishing serious charge."

Here the date of my petition against the Tahsildar, viz., 17-10-94, and dates of the depositions and first report against me show that I have been made a victim to such unfavourable opinion.

(2) In para. 8 thereof, it has been laid down that subordinates should not be dismissed for vague allegations but only for charges capable of being specifically stated. The ruling is as follows :—

"It is necessary, therefore to lay down as a general rule that no subordinate should be dismissed except on grounds capable of being stated."

The allegations against me are too vague to meet this requirement.

In my case it will be seen that there is no specific charge, i.e., a charge specified by time, place and occasion. The statements are vaguely to the effect that I was in *the habit of exacting money*.

(3) Again the most wholesome ruling to the effect that examination of witnesses ought to take place in my presence subject to my cross Examination has been deliberately overlooked.

None of the several Depositions was taken down in my presence nor subject to my cross examination.

It follows therefore that under this ruling it is most irregular and quite against the orders of the Government of India, that those depositions taken behind my back should have been used against me and I should have been dismissed.

(4) It has also been laid down in para. 6 thereof, that it is not enough that evidence recorded behind the back is then shown to the subordinate and then asked to have his opinion of a cross examination —(even this concession was not given me.) The ruling says that the subordinate should be present when the witnesses are examined and before the superior officer comes to a decision or forms an opinion of his guilt.

15. All these privileges have been denied to me. In my case it was absolutely necessary that these rulings should have been strictly observed—more strictly than in any other case.

1st. Because the examination of witnesses was conducted (on 23-11-94) by the same Tahsildar as had already been made my personal enemy by my attack of him in my petition, dated 19-10-94.

2nd. Because the witnesses were all of them subordinates of the same Tahsildar (i.e., Karnams, Monegars, Taluk Gumastahs and Revenue Inspectors and Stamp Vendors and Contractors) and very possibly most of them would have been broken down very sadly in a severe cross examination if they had been put to that test then and there, i.e., before a professional or more intelligent person could tutor them to answer all the possible questions.

This opportunity was not given me and I was dismissed on the evidence of the most interested witnesses and behind my back.

16. **Worthlessness of Evidence.**—(1) Appendix III shows the worthlessness of the evidence used against me by the Tahsildar and as pointed out

by the quotation from G. O. No. 2290, dated 3-12-83 it was only the same disposition of mind as *unfavourable opinion* I attended the affairs to the "**hasty acceptance**" of worthless evidence.

(2) It is a most significant fact that the Board do not hold that the case has been **proved**. They told that offences have been *prima facie* disclosed by *Departmental inquiry*. It needs no argument to say that *prima facie* offences are not held and cannot be held to be proved. For instance a Magistrate cannot issue processes unless the complaint discloses a *prima facie* offence. Hence in every case not dismissed under Section 203 of the Criminal Procedure Code there is *prima facie* offence. But on actual trial it turns out that many such *prima facie* cases are discharged and many more are acquitted.

Hence it amounts to saying that I, a public servant of 30 years' standing, stand dismissed for no offences proved but merely for offences which were put by the prosecution in a style to show *prima facie* offences.

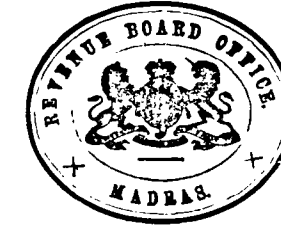
(3) Moreover the circumstance that the Board have punished me with highest Departmental punishment only for *prima facie* offences and not for offences proved is directly opposed to the ruling contained in para. 8 of G. O. No. 2290, dated 3-12-83, where it has been laid down in clear terms that "The intention of Government is that no servant of theirs should be dismissed except on proof."

(4) **No proof nor even evidence** in this case. If for instance A says that in 1892 he paid a bribe to a Magistrate and B says that in 1888 he (B) paid a bribe to that Magistrate and again C says in 1894 he paid a bribe to that Magistrate,—and if neither A nor B can speak to having seen C's payment or if neither A nor C can speak to B's payment and if neither B nor C can speak to A's payment—and if each payment is spoken to only by the alleged payor (an accomplice) himself and by none else,—is it fair to suppose that cases of bribery have been proved against the Magistrate by the depositions of these A B and C? Similarly each and every one of the witnesses says he paid me a black mail but does not say who else saw his payment. Not a single payment has been proved or spoken to by at least a couple of witnesses except the alleged payor.

Is this called proof?

(5) Each one's statement is worthless even for his own payment :—

- (a) Because he is an accomplice.
- (b) Because he never told it to anybody then and there.
- (c) Because he never told it to Tahsildar or Sheristadar then and there.
- (d) Because he is a direct subordinate of the Tahsildar who (either for the reasons alleged by me which are facts or for reasons of administration as the Tahsildar pretends,) was bent upon finding evidence against me, Vide his Arzi Enclosure J.



Proceedings of the Board of Revenue
(Land Revenue)

No 1603. Mis, dated 5th May 1897.

Read _____ letter from C.H. Mounsey Esquire, Acting Collector and District Magistrate of Salem, to the Secretary to the Commissioners of Land Revenue, Madras, No 2091, dated 22d April 1897.

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• Resolution:----- Submitted to Government.

2. The Board has no recommendation to make in the Petitioner's behalf.

3. The delay in the Collector's office in forwarding this appeal petition is alluded to in para 5 of the present letter. The Collector should take steps to enforce the observance of the Government petition rules.

(True Extract).

*Reelan*

Secretary.

To the Secretary to Government, R.D, with the Collector's letter

& petition & twelve files of records as per list.

Copy to the Collector of Salem.  
M.S.N.

Appeal from a dismissed  
shroff

C. No 3861 of 1897

The Hon<sup>ble</sup> Mr J. Grose C.I.F.

Circulated  
16/7

After going carefully  
through the papers, I am  
satisfied that the appellant  
was guilty & has been  
rightly punished.

JG  
5/6/97

same go. 16/7

For orders.

With the current  
plead above, the Board of Revenue  
submits a third appeal from  
one Varadarajulu Chetti who  
was dismissed by the Sub.  
Collector of Salem, from the  
post of shroff in the Hosur  
Taluk. The facts of the  
case are briefly as follows:-

The petr. was a shroff in the  
Trippattur Taluk till Decem-  
ber 1893 when having put in  
a petition to the Collector  
complaining of ill-treatment  
at the hands of the Trippattur  
Tahsildar, he was transferred  
to the Dharmapuri Taluk. On  
the 17<sup>th</sup> October 1894, ie while  
in the Dharmapuri Taluk,  
the petr. addressed a petition  
to the Sub. Collector in which  
he made several allegations  
against the Tahsildar of  
Dharmapuri. On the 29<sup>th</sup>  
October 1894, the Sub. Collector  
referred the petition to the  
Tahsildar for report. The

16/7

The latter officer thereupon wrote an ari to the sub-collector on the 5th November 1894, in which, without giving any direct answer to the allegations contained in the petition, he stated that it was prompted by an enquiry, which he had set on foot regarding the pet's conduct about which the Sheristadar made a report on the 7th September, ~~incorrectly~~ <sup>and</sup> he requested the sub-collector to transfer the pet from the <sup>Dharmapuri</sup> Taluk until he was able to finish the investigation and submit his report in detail. The sub-collector accordingly thought that the petition against the Tahsildar was evidently malicious and transferred the petitioner to the Hosur Taluk on the 6th Nov '94.

On the 26th March 1895, the Tahsildar, having finished the enquiry into the pet's conduct, reported to the sub-collector that the <sup>pet</sup> ~~arrangement~~ <sup>had</sup> been systematically receiving

Vide  
 Quib attached to May D.  
 This was  
 referred to the  
 Shroff's petition  
 but if the case is unclear there is no  
 light Taluk as the child  
 may be subsequent forger  
 as to date.  
 31-5-97  
 Sign of  
 forger

See my note at the end. The inquiry  
 was quite fair fida and the child  
 is genuine. 11/4/97

It had been told if  
 the enquiry had taken  
 place in the main  
 presence at Dharmapuri  
 31-5-97

receiving illegal gratification from Contractors who came to Cash Cheques at the Treasury and from village Munsiffs who had to make ~~provisional~~ remittances of revenue collections and in support of these charges he enclosed statements taken from four Contractors and twenty-six village officers. The Contractors had deposed before the Tahsildar that they had to pay to the pet who was the Shroff, sums varying from <sup>eight</sup> annas to three Rupees, ~~whenever~~ <sup>whenever</sup> ~~cheques~~ <sup>cheques</sup> ~~were~~ <sup>were</sup> cashed, as an inducement to Cash their Cheques promptly and to pay them in whole Rupees instead of in small coins or notes. The statement of the one of the Contractors was corroborated by the testimony of three Taluk gamastahs. The statements made by the village officers were to the effect that the pet was in the habit of making exactions from the

the village Munsiffs at the rate of a rupee per head for each Kist, and that the latter paid the money unwillingly in order to avoid being kept waiting at the Taluk office when they came with remittances, and being put to loss by the petrs making them responsible for uncurrent coins.

On receipt of the Tahsildar's report, the Sub. Collector communicated a copy of it to the petrs and called upon him to offer his explanation within a fortnight.

Copies of the depositions recorded against the petrs were <sup>also</sup> forwarded to the Tahsildar of Hosur with instructions to allow the petrs to refer to them if he wished to do so. On the 16th

April 1895, the petrs submitted his explanation the gist of which was that the Tahsildar having been enraged at the complaint made by the petrs to the Sub. Collector on

28-3-95

F.

He did not ask the witnesses to be examined & all owed to & examine them. The Sub. Collector says that if he had he would have allowed it.

25

30-5-95  
f. 6000

The permanent Tahsildar brought nothing to notice about the shroff but when he was absent the St. P. Tahsildar did on 7.9.94 & the work began then. The shroff's petition against the taluk was C 17 (old 6) - 10.94

25

11/5/95

on the 17th October 1894, had procured a 'horde' of false witnesses and that if the illegal payments complained of had been true, they would have been brought to light at once.

The Sub. Collector, however, observed that the four Contractors who gave evidence against the petitioners were all respectable and independent witnesses, that it was impossible to believe that the village officers conspired to ruin the petrs at the instance of the Tahsildar, and, that the various charges of which the petrs accused the Tahsildar were brought forward only at a time when he knew that that officer was watching his conduct, and that the petrs' defense namely that the Tahsildar was actuated by ill-will ~~was~~ <sup>therefore</sup> untenable. Holding with the Tahsildar that the petrs' guilt was proved and that a criminal prosecution was

was

was not desirable, ~~therefore~~  
and taking into consideration  
the pet's previous record which  
was bad, the Sub. Collector  
ordered the ~~probable~~ pet's  
dismissal from public  
service on the 30<sup>th</sup> May 1895.

31.5.97

Against the Subcollector's  
order the pet preferred  
an appeal to the Collector.  
Mr. Mouney, who was then acting, having <sup>known</sup> ~~known~~ <sup>conferred</sup> the Subcollector's order, the petitioner  
~~and being dissatisfied~~ presented

a second appeal to the  
Board of Revenue. In the  
meantime, it should be noted,  
that the Tahsildar of Dharmu-  
puri who had at first evaded  
giving any definite reply to  
the ~~charges~~ made against  
himself by the pet <sup>in his petition</sup>  
on the <sup>subsequently</sup>  
date 17<sup>th</sup> October 1894, was called

upon to submit a report.  
It was found that he  
was guilty of ~~two~~ of the two  
charges noted in the margin,  
<sup>that all the said serious charges were</sup>  
<sup>malicious & false</sup>  
and that he had quibbled  
and evaded at first instead  
of plainly stating the full  
truth, and he was censured  
by the Collector on 29.6.95.

Mr. L. Hann, who <sup>as collector</sup> forwarded  
the

Flagged C<sub>2</sub>

31.5.97

- 1 That he left the Taluk without  
permission on or about the 6<sup>th</sup> October  
1894 & went to Salem.
- 2 That he neglected his duty  
by omitting to examine the  
Treasury regularly in the  
manner prescribed by the S.O.

Flagged D<sub>2</sub>

Considering that these  
expansions were in answer  
to that the Shroff was  
the whole person put fairly  
into my mind to know I didn't  
think it was proper to over

The Shroff is  
reported to be a  
wealthy man - one  
of the Talukdars  
Taluk complaint  
against him was  
that he was  
proud of his wealth  
31.5.97

The Talukdar  
Sugam against  
the Shroff began  
before the Taluk  
Complaints of  
the Talukdar  
was not referred  
to the 29.6.95-25.  
long after he had  
finished his report  
against the Shroff  
of 26.3.95  
31.5.97

See my note at  
the end.

The ~~contract~~ from  
were made in  
by deducting a per  
centage from the cash due  
to the contractors.

The most independent person with  
held to in answer

a somewhat unfortunate  
circumstance.  
The whole matter  
probably arose  
from disagreement  
between the  
Shroff as to the  
sharing of the  
31.5.97

the pet's appeal to the Board  
of Revenue made the following  
remarks in para 9 of his  
letter no 1934 of 21.4.96.

"I would, however, observe  
that it was preposterous to sup-  
pose that the pet, a Shroff,  
had to be transferred to  
another Taluk before an en-  
quiry could be made into his  
conduct, that the whole en-  
quiry was made behind his  
back; that no doubt the  
Tahsildar must bear the  
Shroff (pet) no good will  
as he, the Shroff, had Complaints  
against him, and the Tahsil-  
dar was severely reprimanded  
in consequence. It is also  
very strange that, considering  
that the Shroff sat under  
the eye of the Sheristadar  
he should be able to make  
these exactions. Contractors  
are independent people and  
a word to the Sheristadar  
or Tahsildar ensured full  
payment. The influence  
of a Tahsildar is considera-  
ble and statements are  
likely

"likely to be Coloured by what  
"are known to be his views.  
There have been several other  
Complaints against this  
Tahsildar, two or three of  
which are now under enquiry.

Mr Stokes who knows him well  
speaks highly of him.

"Having regard to all this  
and to the fact that appellant  
had served 31 years I think  
he might have been allowed  
to take his pension and  
go in peace."

He appears to be well off &  
to have given in for these enquiries  
for a long time

The Board, however, after  
a ~~care~~ very careful consider-  
ation of the case arrived  
at the conclusion that  
the appeal decision of the  
acting Collector, Mr. Mounsey,  
confirming the order of  
dismissal passing against  
the petitioner by his acting  
Sub. Collector was fully justi-  
fied. But before formally  
confirming it, the Board  
desired the Collector to  
ascertain and report whether  
the ~~case~~ petitioner would  
prefer to stand a criminal  
trial on charges arising  
at the departmental enquiry.

Resolution 2515-33/10913  
flagged H<sub>2</sub>

On receipt of this Board's  
Proceedings, the Sub. Collector  
Mr R. H. Campbell who was  
then in charge of the District,  
took a statement <sup>on the 29th May '96</sup> from the  
petr who after some hesita-  
tion made up his mind  
to stand a criminal prose-  
cution, that being his only  
chance of getting back  
his appointments. Subse-  
quently, on the 2nd June 1896,  
the petr put in a petition  
to the Collector, <sup>in which he asked</sup> ~~asking~~ for  
a copy of the Board's  
Proceedings in his case,  
~~and~~ alleging that he had  
been told that he was at  
liberty to reconsider his  
decision. ~~and to give~~ The  
Board of Revenue to which  
the Collector <sup>reported</sup> ~~forwarded~~ the  
petr's first reply as well as  
his second request, authorizing  
the Collector to grant him the  
Copy applied for and call  
for his answer within a  
week after the delivery of  
the same to him. The  
petr thereupon gave a

plac. letter to Board  
flagged F<sub>2</sub>

flagged G<sub>2</sub>

reply which is printed in para 10 of his petition to Govt and which was understood by the Collector to mean that the petr declined a trial in the Criminal Court. The Board then

Confirmed the order of dismissal in its Proceedings

D 18.7.96 No 3282, which runs as follows:— "The

'appellant has not exercised the option given to him of standing a Criminal trial for the offences prima facie disclosed at the departmental enquiry. The Collector's order of dismissal must therefore stand."

From this order, the petr now appeals to Govt.

His first contention is that the answer which he gave to the Board's Proceedings, for the second time is on the 25th June 1896, was the result of the Sub-Collector's direction to him to reconsider the matter more

He was put in a fix. I wish it were becoming that the Govt. had seen it & evidently understood it as desiring to stand a Criminal trial

89

Page 3

Slapped D  
If Mr Campbell had done so petr wd have said so in his petition of the 2nd June 1896 to Mr Colm when he asked for copies & suggested the same time that he had been told he was absently to reconsider his petition  
Ull  
31.5.97

more deliberately and give 'another answer.' In

forwarding the appeal petition to Govt, the Collector Mr Mounsey points out that Mr Campbell would not have given such a direction, and that even if it was given, it was not binding on the petitioner, and that it is an ingenious plot coined by the petr as a last resort.

Lastly, the petr asks Govt to examine the merits of the case, and urges in his defence the following:—

"1) That the Tahsildar against whom he made several charges had caused the Contractors and other village officers, ~~whom~~ who were dependents on his good graces, and the village officers who were his subordinates, to give false evidence against the petr, and had promised the witnesses that they would not be put to the necessity of

of repeating their statements  
on oath subject to a cross  
examination in a Criminal  
Court;

(2) That the statements taken  
were all recorded behind  
his back

(3) That he had no opportu-  
nity of cross examining  
the witnesses.

(4) That the evidence was  
'worthless' but hastily  
accepted.

~~As~~ As regards the 1st ground,  
it has been observed by  
Mr Campbell, the sub-Collr.  
who dismissed the petr,  
that the Contractors were  
respectable and independ-  
ent witnesses, that it  
is impossible to believe  
that all the village officers  
had conspired to ruin the  
petr at the instance of the  
Tahsildar, and that the  
petition containing various  
allegations against the  
Tahsildar was made only  
at a time when his <sup>(petr's)</sup> conduct  
was being watched by the  
Tahsildar.

Page 177. The report to the Board  
flagged 28

13rd  
As regards the 2nd ground,  
it is also noted that the  
petr who was allowed by  
the <sup>sub</sup> Collector to refer to the  
depositions taken from the  
Contractors & village officers,  
before submitting his expla-  
nation, did not ask the  
Subcollector to allow him  
to cross examine the  
witnesses. It is also signi-  
ficant that when the petr  
appeared before the Collector  
at the time of the hearing  
of his appeal, with a soli-  
citor to represent his case,  
he never asked the Collector  
to call <sup>or examine</sup> witnesses or to allow  
him to cross examine ~~those~~  
<sup>already</sup> those examined.

Tahsildars do not, it is submitted,  
usually launch into inquiries  
against their subordinates, who feel  
for the public good. nor do they  
lightly complain about Tahsildars.  
It appears that this Tahsildar is  
not a particularly upright man &  
the truth of the whole story, I submit, is  
that the Shroff & the Tahsildar de-  
29/5

not agree as to the division of  
the customary fees levied from  
those who bring suit & from  
contractors who want to cash  
cheques. The man of testimony  
against the Sheriff makes this view  
substantive, the most favorable that  
can be taken of his conduct. Even  
under this view he apparently well  
deserves the dismissal while he  
has been compromised by both his knowledge  
& the Bd. & by the latter in the face  
of Mr. La Fane's recommendation.

W.H.  
31.5.91

This case I am afraid shows the  
danger of theorizing in official proceedings.  
As I have had a good deal to do with  
this case in the District I shall  
not comment on it except to meet  
this objection. The truth is that  
this T. is perfectly honest and  
that he having ascertained that the  
Thos. & the Sheriff were having the matter  
in communication with me &  
under my instructions commenced this  
inquiry. which was perfectly honest  
& laid bare the system of  
corruption which was prevailing in  
Tahiti. It was however an

Important  
29

Very important  
29

It is evidently as  
near as possible in Tahiti  
29

The persons mentioned  
who were brought forward  
the Sheriff to notice  
29

unfortunate matter in the  
Tahiti who had as soon as my  
back was turned a number  
of false & partly true charges  
brought against him and for  
whom ~~my~~ Mr. La Fane was  
with his whole might. Luckily  
the T. was enabled to  
arrange a transfer to J. Mess.  
where he now is. The system  
was simply that the village  
officers put a Ruper or two  
too much into the remittance  
which the Th. off took out and  
shared with. the Thos. Thompson  
is a Tahiti where there is no  
the Ruper & the Thos was a  
man of known misconduct  
where promotion was stopped.  
It is his influence which has  
made it so hard for the  
T. It was enough for the  
known that I had a good opinion  
of a man for Mr. La Fane to  
try to smother him and to be  
sent his aid to the Thos. off.  
the T. The ~~fact~~ above facts  
make it plain that the fact  
that this man made charges against

the Govt. of no significance whatever.  
 The Govt. must have again  
 examined the witnesses himself.  
 But this man carefully kept the  
 plea that he was not allowed to cross  
 examine the witnesses as a reason.  
 The witnesses were all respectable  
 men in no way under the thumb  
 of the Govt. Whether the Govt. was  
 prejudicing or not has no bearing  
 on this man's case ~~understand~~  
~~circumstances~~.

11/6/97

I submit that from the office of the  
 District Magistrate which  
 leads to the impression that the  
 police complaint against the Talukdar  
 might have been previous to the  
 Talukdar's inquiry. The words are also  
 misapprehension as the very important fact  
 that the Talukdar was acting under the  
 order nowhere appears. Now that

the true facts are known the following  
 order is submitted for approval  
 no. 2847 of 7th June 97.  
 The Govt. declines to interfere.

OFFICIAL MEMORANDUM  
 Revenue Department

16/1/97  
 No.

Given for copying \_\_\_\_\_  
 Copied \_\_\_\_\_  
 Examined \_\_\_\_\_  
 Signed \_\_\_\_\_ 189

G.O. No. \_\_\_\_\_  
 189

REPLY No.

ENCLOSURES TO G. No.

OF GOVERNMENT

OF GOVERNMENT.

WITH DITTO.

NOT FILED UP, BEING MEANT FOR DESPATCH  
 IN ORIGINAL.

D.P.—  
 A = Copy in full.  
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A A A A A A A