Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 296.

DATED 18 January 1897.

[Despatch Abstract.]

Stating that Govt see no reason to interfere on behalf of the petr. Dungiah Nadu, late Deputy Keeper, N. Arcot Dt.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C.R.O.	1610/97	D.R.	8.5.97 11-9-97				

821

Revenue (1896) Department.

CURRENT No. 9069

GOVERNMENT OF MADRAS REVENUE DEPARTMENT 10 DEC 96

The Hon'ble Mr. J. Gross C.I.E. 18/1

Order nisi No. 2960 18th January 1897.

15/1/97.

The Govt see no reason to interfere on pet's behalf.

11.1.97

From

The Board of Revenue Land Revenue, Madras.

F. No. 1595 mis.

Dated 8 December 1896

Received 10 — 12 — 96

Registered 11 — 12 — 96

Enclosures 2

Spare copies

To The Pet.

" Board of Revue (L.R.) with mcls. } Dis: 21-1-97

SUBJECT.

Lalng. to Govt. appeal petition of V.R. Singiah Naidu, late a depot keeper in the Abkari Dept, praying for reversal of the Board's orders confirming the Collector's decision dispensing with his services and for restoration to his post, and stating that the Board has no recommendations to make in petitioner's behalf.

Note

The peti was the holder of an acting appointment in the Forest Dept in the N. arcot Dt and his services were dispensed with by office order No 84 dated 15-9-95 on the return of a permanent hand. The Colr and the Board of Revue rejected petrs appeal and the peti now comes

C. 14/1/97 R. 19/1/97.

BACK PAPERS.

G O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

up to goot.

The peti contends that by the wording of the office memo no 263 dated 20th July 1893, he was permanently appointed Depôt keeper and that on the termination of his acting appt as Range office clerk, he should revert to his permanent appointment. In this, the D F O observes that the office memo was not correctly worded and that the peti has all along been holding acting appointments only, a fact which the peti admitted in his petn to D F O dated 6-2-96 exhibited -

The order of 20. 7. 93 was carelessly incorrectly worded & the petr now seeks to take advantage of the mistke

DO
11-1-97

PETITION

1000

REVENUE DEPT

To

His Excellency the Right Honorable Sir Arthur Elibank Havelock K.C.M.G. Governor in Council of Fort Saint George Madras.

The humble petition of V. R. Durgiah Naidu, late Depôt Keeper, District Forest office North Arcot.

Most Respectfully Showeth.

I. That Your Excellency's petitioner was entertained in the Forest Department as acting Range clerk Kalrayaniadi hills (Permanent establishment) on 5th April 1889 on Rs 12/- continued in various capacities in the Superior Service of the Department ultimately as permanent Depôt Keeper from 20th July 1893 until the date of order appealed against and has

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7-97

has put in a blemishless Service of nearly 5 years.

II. "While your Excellency's petitioner was acting as Range Clerk Vellore in the room of one S. Subrasanniga Iyer on permanent incumbent under suspension, the order of the District Forest Officer (exhibit C) that your petitioner's services will be dispensed with on the return of permanent 2nd Clerk, A. S. Duraisawmi Iyer to duty was communicated to your petitioner and it caused to your petitioner grief and surprise beyond measure. Not the return of permanent 2nd Clerk to duty or any other possible arrangement affecting the office staff will have no disturbing influence on the temporary establishment on which your petitioner remained as the Senior of 5 Clerks.

III. The District Forest Officer has thought fit to put your Excellency's petitioner out of the way in order to provide a berth for and did consider his Srasilamani Moodeliar

he actually did and when called upon by the Collector to report, he defends his action in a manner which is extremely unsatisfactory and fitted to mislead. Analyzing his report we find that it is full of specious pleading misstatement and incorrect conclusions.

IV. The report says (exhibit H) that your Excellency's petitioner was appointed on the 20th July 1893 to the Depot Reserves V. A. Subramania Iyer promoted (exhibit A) and finds fault with the order of the Marshall the late District Forest Officer stating that it was improperly worded and in support of that statement the District Forest Officer falls back upon your petitioner's petition dated 6th February 1895 (exhibit Z) in which he unwarily mentions the word acting while stating the length of his service he has put in as Clerk on the temporary establishment. Your petitioner submits that the District Forest Officer simply garbles and quibbles to justify his position. A reference to

the Office Correspondence Register as well as to the Service book (not the Service Register) which clearly show that your petitioner was permanent Depot Overseer on Rs. 12 (temporary establishment) and not acting Depôt-Keeper as contended by the District Forest Officer. The office copy of the order appointing V. Ramasubramania Iyer to the Depôt Keeper's place is said to be missing (exhibit K.). The District Forest Officer conveniently shelters himself behind the plea of "missing" because the office will give a thorough overhauling to the whole office and discard all

I. The report further says "that the return of permanent 2nd Clerk of the District Forest office will necessarily throw either one of the junior clerks and that it was inexpedient to put in a new man to succeed petitioner for a few weeks". Your Excellency's petitioner submits that there is neither rhyme or reason in the District Forest Officer's order dispensing with the services of your petitioner considering

That your petitioner is the Senior of all the 5 Clerks both in the temporary and permanent scale and that the various superior officers under whom your petitioner served have borne testimonies to our petitioner's efficiency and good behaviour (exhibits M & N).

VI. The report also says — "that when a man is only acting in a post and a better one is available the services of the former may be dispensed with". This is merely begging the question. — Assuming his statement that Your Excellency's petitioner was only acting in a post to be true, it cannot be conceded as just or fair that the services of a Clerk of 5 years standing can be dispensed with in preference to the services of the establishment. The District Forest officer observes that he considered dismissal an unnecessarily severe punishment in view of your petitioner's future prospects and of the fact that he was once found good enough for the post. This is a contradiction in terms and opposed to the spirit of provision of Section 49 of the

Forest Code (2nd edition). For the District Forest Officers order that your petitioners services will be dispensed with on the return of permanent 2nd Clerk proves the lie to the question of dismissal. Besides there are no charges against your petitioner justifying such a course and even if there were any opportunity must be given to your petitioner to make his defence (vide Section 49 of the Forest Code 2nd edition) and the District Forest Officers vague, bullying remark about dismissal being severe punishment is wholly unintelligible and totally unwarranted.

VII. To recapitulate the facts of the case briefly: Your Excellency's petitioner held the permanent place of Depôt-Keeper. The order appointing him as such (exhibit A.) and the existence and acceptance of the so called order appointing V. Subramaniya Iyer as permanent Depôt-Keeper and dismissal of as service book dated

as per 13 [illegible] in the District Forest Office will disclose the real facts of the case, i.e. (a) That your Excellency's petitioner was permanent Depôt-Keeper District Forest Office and not V.V. Subramania Iyer as argued by the District Forest Officer.

(b) The District Forest Officer wanted to see your Excellency's petitioner out of the way to make room for an outsider with no experience of, or previous service in the Forest or any other department [illegible] service.

(c) It is neither just nor justifiable that an outsider should be introduced at the expense of your Excellency's petitioner while 5 clerks junior to your petitioner were deemed fit to be retained. Your petitioner has put in stainless service of nearly 5 years and has won the good opinions of all the officers under whom your petitioner served (exhibits M & N).

VIII. The Board declined to interfere on behalf of your Excellency's petitioner (exhibit R) who appealed against the order of

of the Collector confirming the illegal decision of the District Forest Officer.

Under these circumstances it is most humbly prayed that your Excellency may be graciously pleased to order the restoration of your Excellency's petitioner to his appointment.

For which act of justice and fairness your Excellency's petitioners shall as in duty bound ever pray.

Your Excellency's petitioners begs to remain

Most Respectfully Showeth

Your most obedient Servant

V.R. Durgiah Naydu

Late Depôt Keeper and

District Forest Officer

Salem Bales Roads Street

Vellore

Vellore

27th November

(illegible)

Duplicate

GOVERNMENT OF MADRAS
13 DEC 96
REVENUE DEPARTMENT

To

His Excellency the Right Honorable Sir Arthur Cliblank Havelock. K.C.M.G.

CHIEF SECRETARIAT
-2 DEC. 1896
GOVERNMENT OF MADRAS

Governor in Council of Fort Saint George Madras.

The humble petition of V.R. Durgiah Naidu, late Depôt Keeper, District Forest Office North Arcot

Most Respectfully Showeth:-

That your Excellency's petitioner was entertained in the Forest Department as acting Range Clerk Palmaner (Permanent establishment) on 6th April 1891 on Rs 12/- and continued in various capacities in the Superior service of the Department, ultimately as permanent Depôt Keeper from 24th July 1893 until the date of order appealed against and has put in a blemishless service of nearly 5 years and

That while your Excellency's petitioner was acting as Ranger Clerk Vellore in the room of one S. Subramaniya Iyer permanent incumbent

incumbent under suspension, the
order of the District Forest Officer
(exhibit-C) that your petitioner's
services will be dispensed with on
the return of permanent 2nd clerk
R. S. Duraisawmi Iyer to duty was
communicated to your petitioner
and it caused to your petitioner
grief and surprise beyond
measure. For the return of
permanent 2nd clerk to duty or
any other possible arrangement
affecting the office staff will have
no disturbing influence on the
temporary establishment on which
your petitioner remained as the
Senior of 5 clerks.

III. The District Forest
officer has thought fit to find your
Excellency's petitioner out of the
way in order to find room for
for an outsider and appointed
under which he actually declined
when called upon by the Collector
to report he defends his action in
a manner which is extremely
unsatisfactory and fitted to mislead.
Analysing his report we find that
it is full of glaring misstatements and
misstatements and unwarranted
conclusions

IV. The report says (exhibit H.)
that your Excellency's petitioner was
appointed on the 20th July 1893
" to be Depôt-Keeper vice V. R.
Subramaniya Iyer promoted "
(exhibit A.) and finds fault with
the order of Mr. Marshall the late
District Forest officer stating that
it was improperly worded and in
support of that statement the
District Forest Officer falls back
upon your petitioner's petition dated
6th February 1895 (exhibit L.)
in which he unwarily mentions the
words acting " while stating the
length of his service he has put in
as clerk on the temporary
establishment. Your petitioner
submits that the District Forest
Officer simply garbles and quibbles
to justify his position. A reference
to the Office Correspondence Register
as well as to Service book (not
the Service Register) which clearly
show that your petitioner was
permanent Depôt-Keeper on Rs 12/-
(temporary establishment) and not
acting Depôt-Keeper as contended by
the District Forest officer. The
Office Copy of the order appointing
V. R. Subramaniya Iyer to the
Depôt-Keeper's place is said to
be

...missing (exhibit K.). The
District Forest Officer conveniently
shelters himself behind the plea
of "Dressing" because the office
copy will give a thorough
overhauling of the whole affair.

V. The report further says
that the return of permanent
2nd clerk of the District Forest
Office will necessarily throw out
one of the junior clerks and that
it was inexpedient to put in a
new man to succeed petitioner for
a few weeks". Your Excellency's
petitioner submits there is
neither rhyme nor reason in the
District Forest Officer's order to dismiss
dispensing with the services of junior
permanent clerks both in the temporary and
clerks, both in the temporary and
permanent scale and that the
senior superior officers under
whom your petitioner served
have borne testimonies to
petitioner's efficiency and good
behaviour (exhibits M. & N.)

VI. This report also says
"that when a man is only acting
in a post and a better one is
available the services of the former
may

may be dispensed with." This is
merely begging the question.
Assuming his statement that your
Excellency's petitioner was only acting
in a post to be true, it cannot be
conceded as just or fair that the
services of a clerk of 5 years standing
can be dispensed with in preference
to the services of the raw recruit
outsider. The District Forest
Officer observes that he considered
dismissal an unnecessarily severe
punishment in view of your
petitioner's future prospects and
of the fact that he was merely not
good enough for the post. This is a
contradiction in terms and opposed
to the spirit of provision of
Section 49 of the Forest Code (2nd
edition) from the District Forest
Officer's order that your petitioner's
services will be dispensed with on
the return of permanent 2nd clerk
gives the lie to the question of dismissal.
Besides there are no charges against
your petitioner justifying such a
course and even if there were any,
opportunity must be given to your
petitioner to make his defence (vide
Section 49 of the Forest Code 2nd
edition) and the District Forest
Officer's vague, sweeping remarks
about

about dismissal being Seriere
punishment is wholly unintelligible
and totally unwarranted.

VII. To recapitulate the facts
of the case briefly; Your Excellency's
petitioner held the permanent place
of Depot-Keeper. The order appointing
him as such (exhibit A.) and the
mysterious disappearance of the so
called order appointing V.K.
Subramaneya Iyer as permanent
Depot-Keeper and a perusal of
Correspondence Register Service
Service book dated 18th August
and 13th November 94 maintained
in the District Forest Office
will disclose the real facts of the
case (i.e)

(a) that your Excellency's petitioner
was permanent Depot-Keeper
District Forest Office and not
V.K. Subramaneya Iyer as argued
by the District Forest Officer.

(b) The District Forest Officer
wanted to see your Excellency's
petitioner out of the way to
make room for an outsider
with no experience of, or previous
service in, the Forest or any other
department in the Public Services.

(c) It is neither just nor
justifiable that an outsider
should

should be introduced at the expense
of your Excellency's petitioner while
5 clerks junior to your petitioner
were deemed fit to be retained.
Your petitioner has put in stainless
service of nearly 5 years and
has won the good opinions of all
the officers under whom your
petitioner served (exhibits M & N)

VIII. The Board declined to
interfere on behalf of your
Excellency's petitioner (exhibit R.)
who appealed against the order
of the Collector confirming the
illegal decision of the District
Forest Officer.

Under these circumstances
it is most humbly prayed
that your Excellency may be
graciously pleased to order the
restoration of your Excellency's
petitioner to his appointment.

For which act of
justice and fairness
your Excellency's petitioner
shall as in duty bound
ever pray.

With reference to your
endorsement No: 2114 dated
12th November 1896, your
Excellency's petitioner
has submitted the original
petition

petition with twenty enclosures
through proper channel on
27th November 1896.

Your Excellency's petitioner
begs to remain
Most Respectfully Sheweth
Your most obedient Servant
V.R. Durgiah Naiyar
Late Depôt Keeper
District Forest office
Babeir Road Street
Vellore
1st December
1896

500
25-11-96.

REVENUE BOARD OFFICE. MADRAS.

Proceedings of the Board of Revenue

(Land Revenue).

Dated 8th December — 1896.

Forest No. 1595 Miscellaneous.

READ Endorsement of the Conservator of Forests, Central Circle, dated 2nd December 1896, forwarding to the Board petition from V.R. Durgiah Naidu, late Depôt Keeper, North Arcot District, dated 27th November 1896.

Resolution

Submitted to Government.

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

(True Extract)

Allan
Secretary.

To The Secretary to Government
Revenue Department with petition, and its
× enclosures (to be returned)

Petitions with enclosures

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

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

CURRENT No.

ENCLOSURES TO C. No.

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

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.