

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 298.

DATED 18 Jan'y 1897.

[Despatch Abstract.]

Stating that Govt. sees no reason to interfere
on behalf of Chala Chakre, late H. Guwastan
Kudli IK office, Bellary, appealing against
his dismissal from public service.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1896) Department.

CURRENT No. 8960

From

The Board of Revenue, Land Revenue, Madras.

No. 5404 Misc.

Dated 4th December 1896.

Received

Registered

Enclosures

Spare copies

SUBJECT.

Submitting to Govt., with remarks, petition from T. Obala Charlu, late Head Gunastah of the Taluk Office at Kudligi, Bellary District, appealing against his dismissal from the public service.

Order No. 28 of 18th Jan 1897
The Govt. sees no reason to interfere on the Petitioner's behalf
pro.

Pet.

B.O.L.R. with encls.

20.1.97 to 18.1.97

G O.	N	Department.	Date.

[illegible]

FORM 34 2957 18
 LAND. L. VIE. F
 ERSS.

To

HIS EXCELLENCY THE RIGHT HONORABLE
THE GOVERNOR IN COUNCIL

of Fort Saint George

MADRAS.

*The humble Petition of T. Obala
Charlu, late Head Gumasta of
Kudligi Tahsildar's Office,
Bellary District.*

MOST RESPECTFULLY SHOWETH:—

That this is an appeal against the order of the Board of Revenue contained in their proceedings No. 3772 dated 17th August 1896, confirming the order of the Collector of Bellary dismissing Petitioner from service for reasons contained in the said Officer's proceedings No. 1303 dated 10th April 96.

2. Petitioner considers it necessary to briefly set forth here the circumstances under which one Gudapah of Kottur village, Kudligi Taluq was sent up to the Bellary Sessions to take his trial for the offence of dishonestly destroying some valuable security by tearing some pages of the *Adangal* and *Chitta* of Chikkakeriyaginahalli village.

3. This Gudapah was appointed Karnam gumastah in 1889 at the time of revision, on behalf of a minor and subsequently when it came to the notice of the Head Assistant Collector that he was once dismissed the service in 1879, an order was immediately issued that his services should be dispensed with. When the new Settlement was introduced into the Kudligi Taluq in Fasli 1303, this Gudapah obtained possession of valuable lands in the village of Chikkakeriyaginahalli by getting transfer applications to be put in his favor and by substituting incorrect Survey Nos. for the old Paimash Nos. of fields. After the receipt of some pseudonymous petitions, enquiry was ordered to be instituted in the matter of this fraud committed by Gudapah and before the Revenue Inspector could receive this order and set himself to work, it was discovered that some pages of the *Adungal* and *Chitta* (village account books) of the village of Chikkakeriyaginahalli for Fasli 1302 relating to the lands concerned in the fraud, had been

Forwarded to the Board
of Revenue, Land Revenue
for transmission to
Government. I have
^{no} remarks to offer on
behalf of the appellant
than those contained in
Mr Rawson's note on
his appeal to the Board
which was disposed
of in B.L. 3772 mis dated
17th August 96.

Forwarded to the Board
of Revenue Land Revenue
for transmission to
Government. No remarks
from the undersigned
seem necessary. This
office Dis No 1363 D. 4. 96
Containing the record of
the case is forwarded
original.

2/24/11 / From Collection

torn out. The said Gudapah was charged under these circumstances and was committed to the Bellary Sessions.

4. In order to determine Gudapah's guilt, it became necessary to examine some of the officials of the Kudligi Taluq office on behalf of the prosecution and accordingly Petitioner and 5 others were examined. Among the witnesses for the prosecution in this case, the Sessions Judge questioned the veracity of 4 of them and characterized their evidence as untruthful. The victims to this unfortunate observation of the Judge were Petitioner (3rd prosecution witness) Mallarbhata (1st prosecution witness) Rama Row (4th prosecution witness) and Imam Saib (6th prosecution witness). In consideration of the severe remarks passed by the Judge in this case, the Collector of Bellary passed proceedings referred to above dismissing Petitioner and others from service. The Board of Revenue restored two of the appellants and suspended two others for 3 months although they were found guilty by the Collector and although there were not extenuating circumstances in their favor.

5. The charges levelled against Petitioner and for which he has been most unmercifully sacrificed are (1) that he was privy to the mutilation of the records and (2) that he made false statements concerning them.

6. Petitioner begs respectfully to submit for His Excellency's consideration that he was sent to the said Kudligi Taluq in about 1894 and has been there only 15 months, when this happened. He was not an old official of the Taluq and was not much acquainted with the conduct and antecedents of people who often resorted to the Taluq Cutcherry on some business or other and whose appearance in the office was never objected by those who were old to the Taluq, including the Tahsildar. Petitioner therefore cannot be said to have better knowledge of the antecedents of Gudapah than others in the office, and if in this state of affairs he took no objection to Gudapah's presence in the office, will it be consistent with justice, under this circumstance alone, to hold that Petitioner was privy to the mutilation of records of which Gudapah was guilty? Gudapah represented to Rama Rao the Record Clerk that he had obtained permission from Petitioner to look into the *Adangal* and *Chitta* and got his fraudulent object accomplished. Petitioner never gave such permission and granting that he did give

*only! I had known the
Kudligi Taluq Clerk!!!*

*When the Kudligi Clerk asked him
for permission, he replied "Mandir"!!*

him that permission, was it not for Rama Rao, an old official of the Cutcherry and one well acquainted with the antecedents of Gudapah to ask Petitioner if he had given such permission to Gudapah and if he had, to advise him that Gudapah was a dangerous man and should not be allowed to look into the account books. How could Rama Rao believe Gudapah's statement, having known him fully as he did, and place the records in his hands to facilitate the perpetration of this fraud and throw the whole affair on Petitioner's head? Does not this conduct on the part of Rama Rao throw considerable suspicion and involve him to a very great extent in Gudapah's fraudulent transaction and exonerate Petitioner from all blame?

A. Yes.
B. No.

7. If the accusation against Petitioner that he was privy to the mutilation of records is well founded, then the conduct of the petitioner does not bear the least characteristic touch of the alleged privy. For as Head Gumastah (or Accountant) he is aware of all records such as are material and connected with this fraud, namely, *transfer applications*, *Land Register*, *Paimash*, *Asamiwari Chitta* &c. and if he was privy with Gudapah, he would take care and see that the accounts concerning the alleged torn pages do not appear in any of those accounts. This he would have done by destroying the necessary pages in those books in order that the fraud may not be detected.

8. With reference to the other charge against Petitioner, namely, that he made false statements, he submits that his conduct as a witness in the Sessions Court and the circumstances under which he gave evidence and made statements, have to be taken into His Excellency's merciful consideration. Petitioner does not consider it necessary to narrate here the circumstances under which he is said to have made false statements as the same have been pointed out in his statement made to the Collector and in his appeal to the Board (vide his statement to the Collector dated 18-12-95 and his appeal to the Board enclosed).

an acting Tahsildar

9. With reference to Imam Saib and Venkatanarainapah whose cases have been very leniently dealt with by the Board, Petitioner ventures to submit the following observations as to the gravity of their alleged questionable conduct and begs that after a consideration of this, Petitioner's case may be considered in the same way and justice meted out.

Inam Saib is a Dufferband. As such his duty is to receive and give records. He knows to read and write. This record keeper Rama Row could not have given any paper to any one without this man's knowledge. Gudapah's antecedents are better known to him (Inam Saib) than to any body else, having been in the Taluq for a period of 18 years. He has deposed that he saw Gudapah tore the pages and yet as he was busy, he did not take notice of it. This evidence has been questioned and the untrustworthiness has been severely pointed out by the Sessions Judge. Can it not be held that he made false statements and yet the Board restored him to office with pay. Venkatanarainapah has about 10 years service in that Taluq. He must know therefore Gudapah's conduct. He said that he saw Gudapah looking into accounts on the 26th September, but as he was busy on that day, he failed to take notice of his conduct. Why not the same urgency of business and hurry of work taken as a sufficient explanation in extenuation of his (petitioner's) conduct, in having made without any bad intention his alleged contradictory statement in consequence of multifarious duties he had to do at the time, such as Head Gumastah's work, Head Accountant's, Darkhast Clerk's, Pound accounts work, Treasury work as that was the last day of closing the Treasury accounts in that month. Petitioner prays that his case also may be taken in the same merciful consideration as the Board were pleased to take of others.

10. Petitioner most respectfully prays that His Excellency will be pleased to kindly peruse his statements and grounds of his appeal preferred to the Board of Revenue which Petitioner believes will sufficiently explain the falsity or otherwise of his statements and will disclose circumstances to His Excellency's consideration as to the Petitioner's innocence in the whole fraud and then determine Petitioner's guilt. Petitioner under the circumstances, regrets that his guilt should be inferred from the alleged contradictory statements he is said to have made, without any direct evidence connecting him with the commission of the said fraud and feels constrained to observe that the order of dismissal is very unjust and most illegal.

11. Petitioner submits that he has put in 10 years good and spotless service under Government and that for a supposed questionable conduct on Petitioner's part, he should be made to lose the be-

but not a "head clerk"

nefit of that service, is too severe a punishment and one which unwarranted by the circumstances of the case as it is, deprives Petitioner of bread throughout his life.

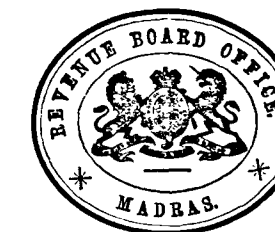
12. Petitioner, therefore, throws himself upon His Excellency's mercy and prays that His Excellency the Governor in Council will be pleased after a careful consideration of this appeal and other papers connected with this case, to cancel the order of the Board of Revenue in this matter and meet out such justice to your Petitioner as may appear just and reasonable.

For which act of kindness and charity your Excellency's Petitioner shall, as in duty bound, ever pray.

Bellary } J. Chalacharlu
22-10-96 }

Address

J. Chalacharlu
Care of J. Ramacharlu garu
Clerk Municipal office
Bellary.



Proceedings of the Board of Revenue

(Land Revenue)

No. 544 Misc., dated 4th December 1896.

Read Endorsement of the Collector of Bellary, Dis. No. 4301 of 1896, dated 24th November 1896, forwarding a memorial to Government from T. Obala Charlu, late Head Gumastah of Kudlighi Taluk office.

Resolution

Submitted to Government.

2. In Sessions Case No. 75 of 1895 on the file of the District Court, of Bellary, one Gudapah, dismissed kurhan of Kottur, was charged with having mutilated certain records of the Kudlighi Taluk Office, viz, the Adangal and Chittah of Chikakkeriyaginahalli village for Fasli 1302, which contained evidence of his having fraudulently obtained transfers of valuable lands with a large number of date trees on them. Gudapah was acquitted, but the Sessions Judge remarked at the same time that a large number of the Taluk Officials appeared to have been concerned in the offence and to have either ~~con-~~^{vinced} ~~vinced~~ at or assisted in the mutilation of the records, and that four of them especially (of whom the appellant was one) had not throughout given truthful evidence before the Sessions Court.
3. These remarks led to an enquiry being held by the Collector into the conduct of six of the Taluk Officials referred to by the Sessions Judge and to their eventual dismissal by the Collector (Vide Collector's Proceedings No. 1303 dated 10th April 1896)
4. Against this order all the six Officials appealed

to the Board. The Board restored two of them to their former appointments with arrears of pay, reduced in the case of two others, the punishment of dismissal to one of suspension for three months, and confirmed the order of dismissal in the case of the present appellant and of another, viz., Rama Row, Record-Keeper of the Taluk office. The Board held that the appellant had deserved dismissal, because he had given formal permission not only, according to his own admission, to Gudappa to obtain the records from the Record Keeper, although Gudappa was known to him to be a man of bad character, ^{but} also because he was shown to have given very discrepant statements regarding the time when and the manner in which he had first discovered the mutilation of the records (Vide Board's Proceedings No. 3772 Misc., dated 17th August 1896, para 4).

5. No grounds which were not already before the Board are urged in the present appeal and the Board has no recommendations to make on the appellant's behalf.

(True Extract)

Recin

Secretary.

To

The Secretary to Govt. R.D., with Govt. Petition & its Enclosures and one file of records in original.

Md. R. H.

D
1,000--11-6-96.

REVENUE DEPARTMENT.

No. 8960

From The Board of Revenue (Land Revenue)

Dated 4th December 1896.

FOR ORDERS.

The Hon'ble Mr. J. Grose C. I. & C.

I lay A

The Board of Revenue submits a petition from one Obala Chavlu, late Head Gumnast of the Taluk office at Rudlign, Bellary dt., appealing against his dismissal from the public service for having been privy to the mutilation of certain records and afterwards giving false statements (vide Colli's Pro No 1303 dated 10-4-96).

One Gudappa, a dismissed kurnam and a notoriously bad character got access to the Taluk Record Room on the 26 Sept 1895, obtained possession of the Chitta and Adangul accounts for Fasli 1302 of the village of Chikkakeriya-ginahalli village, abstracted or tore away certain pages thereof and quietly went away.

The Tahsildar presented the man for fraudulently destr

C. 14/1/97.
R. 18/1/97

a valuable security and for which
but was acquitted by the Sessions
judge who severely commented
upon the evidence given by the
Taluk establishment and expressed
himself thus: "For my own part
I can have but little doubt that
a considerable number of officials
connected with the Rudligi Taluk
Cutcherry were cognizant of this
fraud and connived or assisted
in the mutilation of Exhibits E & G..."
and particularly noticed at some
length the discrepant statements
which the pet had made before
the Taluk and the Sessions Court.
and brought out fully the equivocal
conduct of the pet in the case.

On receipt of the remarks the
Colls held an enquiry into the matter
and dismissed some 6 Taluk
officials as having been privy
to the mutilation of the accounts.
The Board of Revenue on appeal restored
two of them, on appeal reduced the
sentence of dismissal to one of
suspension of 3 months in the case
of other two individuals and upheld
the dismissal of the pet and
record keeper

FOR ORDERS.

Flag B

para 7 of the pet.

Flag C

The pet admitted that the
disinjured Kurnam saw him in
his house on the 23rd and 24th Sept
and that he asked for the chittah
and Adangal accounts, that
was at the time aware that complaints
he had been ~~made~~ ^{had been made} ~~concerning the fraud~~
~~being made at that time~~ regarding the fraudulent
manner in which the disinjured
Kurnam obtained possession
of certain valuable lands in
the Chikkakernyaginahalli; with
all his knowledge of the antecedents
of Gudappa, the pet gave him,
what he calls, a polite reply
"manchidi" ~~at right~~ to his request
to have access to the accounts in the
"key well". For "all right" ^{as the ordinary meaning is an} Record Room. The petitioner took
affirmative, but when cross-examined
in the Sessions Court, the pet raised the
discrepancy contention that by saying
"Manchidi" he only meant that "he
would think about the matter".

Flag D

DO

no precautions whatever to prevent
the man from interfering with
the records nor did he report
them and there to the Taluk ^{to the} of his
interview with Gudappa ~~and~~
that individual's
plan to get access to
the Record Room. The pet had
seen Gudappa in the office, walking
to and fro in front of the Record
Room on the morning of the 26th Sept
and yet he did not move an
inch in the matter to deter Gudappa
from getting into the Record Room.

The pet at the time of the occurrence was also in charge of the duties of the Saluk Head accountant and he should have exercised all the better care and ^{taken} every possible step which ~~Gudappa~~ to prevent Gudappa from getting into the record room.

Submitted that there is no case for the interference of Govt. The pet has given mutually inconsistent statements & there is little or no doubt that he connived at the known conduct of he did not actually assist him in his position as -sistrace. The fact that other persons concerned in the fraud received more lenient treatment is no reason for treating the pet similarly, a head master in charge of the office of Head Accountant requires more severe punishment than a mere despatcher, record keeper or Dafterband.

DO
9.1.97
[Signature]

Certainly not
JG
15/1/97

one of the degree of fault were equal.

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

189.

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

CURRENT No. _____

ENCLOSURES TO G. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DUTY

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—
A = Copy in full.
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