

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 30/.

DATED 18. Jan'y 1897

[Despatch Abstract.]

Declining to interfere on behalf of the
petr N. Sundaram, Late Forester,
Godaum S.

BACK PAPERS.

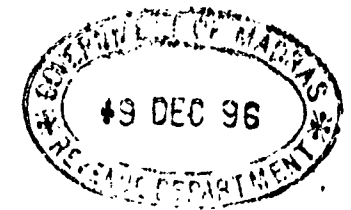
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
CAO	5226/97						

Revenue (1896) Department.

CURRENT No. 9016



From
The Board of Revenue
Land Revenue
Madras

L. No. 1587 Mis.

Dated 7 December 1896

Received 9 — 02 — '96

Registered 10 — 12 — '96

Enclosures 5

Spare copies

SUBJECT.

Submitting to Government with remark
appeal petition of A. Sundaram
late a former note God award
praying that the orders of the Board
the confirming those of the Commission
of Enquiry, A.C. dispensing with his
services may be set aside and
that he may be restored to
his former
position.

Order No. 301. 27/18th June 1897.

The Govt declines to
interfere on the petitioner's behalf
for.

Board L. H. with Enquiry
Per.

18/11
18.11.97
21.1.97

add 10/12

BACK PAPERS.

G.O.	No.	Department.	Date

FURTHER PAPERS.

G.O.	No.	Department.	Date.

TO

His Excellency the Right Honorable the Governor,

in Council, Fort Saint George,

Madras.

The humble petition of N. Sundaram late Forester Godavery District appealing against the order of the Conservator of Forests Northern Circle dated 14-9-1895 and the resolution of the Board of Revenue in reply to the Petitioner's appeal thereon dated 31-1-1896 Forest No. 150, respectfully sheweth:—

1. That the Petitioner had been a Forester incharge of a Range in the upper Godavery Division and was on leave without pay from the 1st July 1895 for two months.

2. That the Petitioner applied for an extension of leave for three months on private affairs and was refused.

3. That the acting Conservator Mr. Hooper who passed on 27th August 1895 the Yellamanchili Station by train, sent for the Petitioner who accordingly visited that officer in the train. That the Petitioner was suffering at the time from general debility, joint pains, and spleen and that he nevertheless obeyed the Conservator's Order. That in this interview the Conservator questioned the Petitioner as to the return of a reward voucher of the Salt Department and then directed the Petitioner to rejoin his appointment as the Petitioner would not be given the extension applied for. That immediately afterwards, the train left the Station and the poor Petitioner had no opportunity to properly acquaint the Conservator with the then state of his health. That the Petitioner had then no alternative but to proceed to rejoin his appointment, notwithstanding the deplorable condition of his health.

4. That the Petitioner while thus thinking of leaving Yellamanchili was unfortunately taken ill all on a sudden and was insensibly laid up with high fever for three days. That after partial recovery on 31st August 1895, the date of the expiry of Petitioner's leave, he addressed a letter to Mr. Jackson the District Forest Officer Godavery who was the Petitioner's immediate superior, praying for a letter to the medical officer Yellamanchili or Vizagapatam in view of undergoing the medical examination for the requisite medical certificate. The Petitioner received no reply from Mr. Jackson.

5. That on 6th September 1895, the Petitioner was served by a peon of the Conservator with an order of suspension which also contained a direction for the Petitioner to appear before the Conservator on or before the 9th idem. That the Petitioner in the hope of securing a letter to a medical officer accordingly proceeded to Waltair and appeared before the acting Conservator Mr. Hooper. That the Petitioner was disappointed, as instead of being given the necessary letter to the medical officer, he re-

ceived a most unfair treatment from Mr. Hooper the acting Conservator who turned a deaf ear to the Petitioner's request and laid much stress on the Petitioner's unavoidable delay of four days in writing to the District Forest Officer Godavery.

6. That the Petitioner having thus been refused the necessary letter and told by the Conservator to write from Yellamanchili all the other things which the Petitioner had to further represent, came away to Yellamanchili and asked the Conservator in writing for a letter to the Medical Board as the Petitioner was afraid that the District Surgeon would be influenced against him. That the Petitioner having been wholly unable to undergo the fatigues of a journey into the most malarious parts of the upper Godavery Taluqs also proposed to resign his appointment, should the letter to the Medical Board be refused. That the humble petitioner had no alternative but to propose to resign, as the Conservator was persistently setting at naught the Petitioner's request.

7. That consequent upon these facts, the Conservator's order declaring the forfeiture of the appointment by the Petitioner ensued. That the Petitioner submitted an appeal against the order of the Conservator to the Board of Revenue Madras and could get no redress. Hence this appeal:—

8. That the Petitioner by way of explanation of the several points raised against him in the Conservator's order and in the Proceedings of the Board of Revenue now appealed against, most respectfully submits the following for Your Excellency's benign consideration.

(1). The acting Conservator in his proceedings above quoted was pleased to say that the Petitioner seemed to be in sound health on the 27th August 1895, the date on which the Petitioner met the Conservator on the platform of the Yellamanchili Railway Station. This impression of the Conservator was, according to the Petitioner's belief, the cause of what followed. As to this allegation, the Petitioner respectfully begs to say that he served in malarious tracts of Vizagapatam and Godavary Districts and there, contracted malarial fever which was the immediate cause of the Petitioner's leave in the first instance. The Petitioner was not well, having been suffering from spleen and general debility and yet in response to the Conservator's order, met the Conservator at Yellamanchili Railway Station with great difficulty. The Petitioner having had no sufficient time to represent fully this grievance to the acting Conservator, the Conservator was led into a wrong belief that the Petitioner was in good health and directed him to rejoin his appointment. The Petitioner replied that he was too ill to quit home. To the Petitioner's great misfortune, the Conservator took no heed of the Petitioner's humble reply and the Petitioner had no opportunity to make a further representation of his case in more convincing terms. The Petitioner was not therefore in sound health.

(2). The Conservator says in the concluding sentence of para 3, that the Petitioner told him on 9th September 1895 that he had intended to go to rejoin his appointment immediately after the refusal of leave by the Conservator and that he had not therefore brought his illness to the Conservator's notice on 27th August 1895. The Petitioner is sorry to state that he never spoke to the Conservator like this.

(3). The Petitioner was found fault with in para 4 for having not gone to

the Doctor and for having put off writing to the District Forest Officer till 31st August 1895. At this crisis, the then Hospital Assistant of Yellamanchili was laid up with illness and his help could not therefore be sought. Neither could the Petitioner who was insensible think of writing to Mr. Jackson the D. F. O. until 31st August 1895. The delay therefore in writing to the District Forest Officer was due solely to the Petitioner's state of unconsciousness but not to his intention to resign, as stated by the Conservator in para 4.

(4). When Petitioner pleaded illness on the 9th September 1895, the Conservator threatened to speak to the District Surgeon unfavourably to the Petitioner. The Petitioner was driven to despair and consequently wrote in his communication of the 10th September 1895 that he would resign his appointment if he could not be sent to the Medical Board without reference to the District Surgeon. The Petitioner begs to submit that the Conservator was no authority to decide the state of the Petitioner's health. If the acting Conservator had suspicions as to the Petitioner's plea of illness, he should have sought of his own accord, professional opinion. Instead of doing it, he led himself into an erroneous belief that the Petitioner having once been refused extension of leave on private affairs, falsely brought forward the plea of ill health.

(5). The Petitioner after abatement of high fever and return of consciousness asked on 31st August 1895 his immediate superior for a letter to medical officer. Mr. Jackson could have without reference to the Acting Conservator acceded to the Petitioner's request. The matter was simple and if Mr. Jackson had given the necessary letter without much ado, the Petitioner would not have come to grief.

(6). The Petitioner was no direct subordinate of Mr. Hooper. And there are apparently no grounds for him to have sent for the Petitioner so often and brought him to this plight.

(7). Mr. Jackson neither furnished the Petitioner with the letter desired nor sent him any reply. It is therefore obvious that neither Mr. Jackson nor Mr. Hooper cared very much to acquaint themselves with the real state of things. Mr. Hooper was not evidently disposed to treat the Petitioner with any degree of leniency. His order of suspension was served on the Petitioner by a peon of the acting Conservator personally, instead of being Communicated through his immediate superior Mr. Jackson. Before passing an order of forfeiture of appointment on the Petitioner, the acting Conservator should have called through Mr. Jackson for an explanation of the Petitioner's Case. The refusal of extension of leave, the order of suspension and eventually the declaration of the forfeiture of appointment, all these, came off in an incredibly short period of 18 days; during most part of which, the poor Petitioner was confined to bed. The Petitioner therefore submits that his hard service of nearly nine years in jungles was wholly ignored and not in the least considered by the Conservator; who accorded to the Petitioner the most unfair treatment. The Conservator seemed to have been bent on disposing of the Petitioner's Case in as adverse a manner as possible.

(8). The Petitioner put in an application recklessly for an extension of leave on private affairs without allowances, although he was suffering at the time from a prolonged illness; simply because the poor Petitioner thought that leave without allow-

ances would be readily extended, the original leave itself being one on private affairs without pay. The refusal of leave was intimated to the Petitioner on 27th August 1895 and the Petitioner fell ill on the 28th. The Conservator says that the Petitioner should have started on the 27th only to have rejoined his appointment. The Petitioner having been ill and also in the expectation of getting extension was quite unprepared to start literally on the day of the receipt of the order refusing extension.

(9). The acting Conservator was unable to discover no extenuating Circumstances in the Petitioner's Case; the Petitioner begs however, to submit the following in this connection.

(a). The Petitioner did not attend the local hospital, because the hospital assistant was laid up with illness.

(b). The delay in writing to the District Forest Officer was unavoidable, as the Petitioner was laid up with high fever in a state of unconsciousness.

(c). The Petitioner did represent to the Conservator at the Railway Station that he was too ill to revert to his duty.

(d). The Petitioner never told the Conservator that he proposed to resign his appointment.

(e). It is true that the Conservator threatened to speak to the District Surgeon Vizagapatam in a manner unfavourable to the Petitioner.

(f). The Conservator took upon himself to set aside the Petitioner's plea of illness without reference to any medical officer and decided on the strength of his own belief that the Petitioner was simply pretending illness.

(g). The Petitioner had neither time nor opportunity given to him to render a satisfactory explanation of the several points raised by the Conservator against the Petitioner.

(h). No formal explanation was taken from the Petitioner in due course nor were any charges formally drawn up.

(i). The Conservator instead of framing against the Petitioner formal charges in writing and obtaining the Petitioner's explanation thereto through the Petitioner's immediate superior, confused the Petitioner verbally with a lot of questions which only tended to make the Petitioner desperate. This is admitted by the Conservator himself in para 12 of his proceedings under reference.

(j). The Conservator was obviously prejudiced against the Petitioner and formed most erroneous impressions as to the Petitioner's conduct throughout; or else he would not have assumed the Petitioner's good health and proceeded to dispose of the Petitioner's Case on a wrong basis and in a hurried manner.

(k). The Conservator deemed it unnecessary to enquire into the nature of the Petitioner's illness and the extent to which such illness prevented the Petitioner from rejoining his appointment in time. The humble Petitioner is not able to understand how such enquiry could be needless, since especially the Petitioner would have, in all probability, been granted the extension of leave applied for by him, if the Conservator had enquired into the matter and satisfied himself as to the Petitioner's then state

of health and as to the Petitioner's consequent inability to return to work. It should have been considered whether the Petitioner overstayed his leave wilfully or from causes over which he had no control. As this had not been done by the Conservator, the Petitioner has sustained an irreparable loss namely, forfeiture of appointment with handsome emoluments.

(10). The Petitioner has appealed to the Board of Revenue; who have, to the Petitioner's great misfortune, concurred in the Conservator's view, which, the Petitioner urges, is summarily arrived at without due enquiry. Medical examination alone should have been held to be the safest test for deciding the truth of the Petitioner's statement of illness. The Conservator, in spite of the Petitioner's repeated prayers, refused to get the Petitioner examined by a medical officer and the Petitioner has thus lost a golden opportunity to prove his statement of illness.

(11). The Board have also remarked that the tone of the Petitioner's communications to the Conservator is most insubordinate. The Petitioner has addressed only one communication to the Conservator; in which the Petitioner has submitted that if he could not be examined by the Medical Board, he proposed to resign his appointment, and that the Conservator having threatened to speak to the District Surgeon about the Petitioner, the Petitioner could not consent to an examination by the District Surgeon. This communication was addressed by the Petitioner only after the annoyance, vexation, and biased treatment which the Petitioner had received at the Conservator's hands. The Petitioner was, moreover, in a state of bad health and it is only natural that the state of Petitioner's mind could not but be in consonance with the state of his body.

(12). Lastly, the Board have been pleased to state that the record of the Petitioner's past services discloses no ground for lenient treatment. In answer to this, the Petitioner most respectfully begs to represent here that during his service of nearly 9 years in the Forest Department, he has received neither warning nor any punishment.

(13). The humble Petitioner, in conclusion solicits the benign consideration of the foregoing facts and arguments by Your Excellency's just, impartial and liberal-minded Government, whose mercy the Petitioner implores in a most unqualified manner.

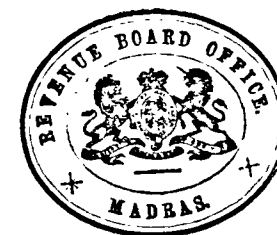
The Petitioner after laborious, faithful, and approved service of nearly 9 years in a department which taxes one's energy to the utmost, has been all on a sudden undeservingly and mercilessly deprived of his permanent means of livelihood.

The Petitioner most respectfully and earnestly approaches Your Excellency's right-minded and justice-loving Government with this humble prayer, in the sincere and fervent hope that his case will receive due consideration and simple justice will be meted out in deference to the time honored belief and custom.

Your Excellency's Government is but a fountain of Justice and mercy, from which the humble Petitioner can have no suspicions to receive anything else except pure and unalloyed reparation. For which act of generosity and benevolence, the humble Petitioner shall as in duty bound, ever pray.

Vizagapatam
Yellamanchily.
9th -11-96.

NEMANI SUNDARAM,



Proceedings of the Board of Revenue

(Land Revenue),

Dated 7th December 1896.

Forest No. 1587

Miscellaneous.

Endorse no. R.C. 942

Forwarded

A. W. Peers
Com.

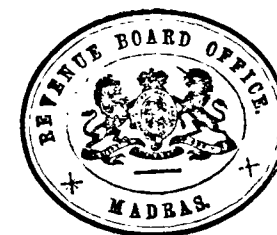
Camp Bellary
14. Nov. 96

READ Endorsement of the Conservator of Forests, Northern Circle, dated 14 November 96, R.C. No. 942 forwarding petition from N. Purooram, Late Forest, Godavari District, dated 9 November 1896.

Resolution

Submitted to Government. The -

1. Conservator's letter No. 963 dated 30 November 96 will also be submitted.
2. The petitioner forfeited his appointment for having overstayed his leave without due cause. His plea of illness was only set up when he found that extension of leave was refused.
3. The Board has no recommendation



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3. The Board has no recommendation

to make in applicant's behalf.

(True Extract)

Receives
Secretary

To The Secretary to Government. R. D.
with petition & its enclosures & also Cass's
letter referred to in original
to be returned.

AKL

The Hon. Mr. J. Grose C. J. &

For orders

The petitioner was a
Forester in the Upper Godavari
and forfeited his appointment
by overstaying his leave.

The pet. applied for
2 months leave on the 6th May 1895
to celebrate the wedding of a
younger brother and obtained
it from the 1st July 1895. On
the 19th Augt. he asked the ag.
Conservator for three months
additional ^{leave}, he said nothing
about his illness in the letter
but says "I have some
family transactions to be
settled now. The business
will ^{at least} take 3 months to be trans-
acted". The S^t. Forest officer
while forwarding the appli-
cation said that the services
of the applicant could not be
spared as he was short of
their hands then. The ag.
Conservator endorsed on the

C. 14/1/97. R. 17/1/97

26th Augt " application refused."

On the 27th idem the pet^r was personally informed by the ag conservator that he would not be given the extension which was refused and that he must return to duty at once, on the 31st idem the pet^r reported to his D. F. O that the day after he saw Mr Hoopes he was taken ill and in his state of bad health he could not go to duty and requested to be sent before a medical officer for a medical certificate. On receipt of this application Mr Hoopes, the ag conservator of Forests passed an order of suspension on the Forest^r for not returning to duty and on hearing him personally on the 9th Sept^r, passed the Pros^r vide appeal declaring that the pet^r had forfeited his appointment. The Board of Revenue, when appealed to, agreeing with the conservator that the pet^r had forfeited his appointment, declined to interfere.

The pet^r took 9 months

vide conservator Pros
dated 14th Sept^r 1895

vide B. P. d/31/Jan/96
F 150 mis

Govt will not
interfere

28
15/1/97

Asst. Secy
8/1/97

to come up to Govt.

The pet^r's excuse for not returning to duty within the period of his leave ^{is probably} ~~of a~~ ^{will} ~~of a~~ ^{naive} ~~of a~~ ^{to be a} ~~of a~~ ^{feigned} ~~of a~~ ^{one}, for none of his previous applications for leave had made any mention ^{his being ill} of it. When the Conservator pressed for an answer why he had not immediately started to join his charge, the pet^r said that he wanted to resign if he had not been granted extension of leave. His failure to join duty seems to be deliberate.

The pet^r seems to be an untruthful & inordinate officer & should deserve no consideration. - His defence is based on bare assertion in several respects directly contradicted by Mr Hoopes.

28
15/1/97

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

189

READ AGAIN G.O., No.
 189

DATE

CURRENT No.

ENCLOSURES TO C. 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.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only