

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 3444

DATED 7th July

[Despatch Abstract.]

Withholding memorial to Viceroy from
Gowrami Aiyar of South Arcot Dist. under
Rule 3(8) Sec. III, of the Govt. of India Pet-
Rules.

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.

From the Board of Revenue
(Land Revenue)

Order mis no. 3444 of 7th July 97.

No. 2322 mis:

Ordered that the
memorial be withheld under
Rule 3(8) see III quoted below
of the 4 of 1 Petition Rules

Dated 28th June 1897.

Received

Registered

Enclosures

Spare copies -

SUBJECT.

Submitting to Government with
remark, The appeal petition,
to the Viceroy, of Gurusami-
aigar of Rajindrasolepaville,
Mannarjudi, Chidambaram
Taluk, S. Arcot Dist. regarding
his dismissal from the
post of Krongar of the village

To the Petitioner
with encls

(Sd/-)
5 July 97

13-7-97

Geo
5/7/97

BACK PAPERS.

G.O.	No.	Department.	Date.
	4059		5-10-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To

His Excellency,

the Viceroy in Council,

CALCUTTA.

The humble petition of Gurusami Iyer of
Mannargudy, Chidambaram Taluq, South
Arcot District.

That your Excellency's poor petitioner submitted the accompanying appeal to His Excellency against the order of the Government of Madras, declining to interfere with the petitioner's appeal preferred in connection with the petitioner's dismissal from the Maniem office of Rajendrasholagam and it was returned to him for non-compliance of certain formalities shown in Endorsement No. 3579 of 23-12-95 (Exhibit J) herewith sent.

2. The omissions kindly pointed out have been supplied and the appeal is re-submitted for His Excellency's benign consideration. As the petitioner had hitherto been entangled in a series of difficulties in domestic life he was not in a position to resubmit the appeal with its connected papers a little earlier. The petitioner begs that His Excellency may be graciously pleased to accept this appeal as a matter of grace and render justice to the poor petitioner's cause by ordering his restoration to the Maniem office in question which he and his ancestors had held for good many years or by favouring him with an Endorsement that the order of dismissal would not affect him in receiving any other vacant office of a village Curnam or Monigar.

For this act of kindness and charity, the petitioner, as in duty bound ever pray.

13th June 1897.

The petitioner begs to remain

Your Excellency's
most obedient servant.

G. S. Iyer

31/8/95
PETITION

545

REVENUE DEPT

To

His Excellency The Governor

in Council, Fort St. George,

MADRAS.

The humble appeal of Gurusawmi Iyer of Rajenthirasolagan, Mannargudy, Chidambaram Taluq, South Arcot District, against the decision of the Head Assistant Collector of South Arcot dismissing the petitioner from the office of Maniam Munsif of Rajenthirasolagan, Mannargudy, Chidambaram Taluq, South Arcot District.

MOST RESPECTFULLY SHOWETH.

Explanation
for delay.

That your petitioner was informed by the Tahsildar on 22-10-94 that he was dismissed under the orders of the Head Assistant Collector of South Arcot District dated ¹¹¹⁴₂₋₁₀₋₉₄ that he appealed against that order to the District Collector and the District Collector dismissed the petitioner's appeal as time-barred. Vide Exhibit B & C. Then your petitioner appealed to the Revenue Board and that Honourable Board also refused his appeal for the same reason Vide Exhibit D. Your Petitioner did not know that the appeal should be made within a month. Although he sent the same appeal again it was in the same way rejected. The Tahsildar never endorsed on my dismissal order that within a certain time I should file the appeal which your petitioner submits is necessary under the Board's Standing Order No. 178, Paragraph 12. So having regard to the ignorance of your humble Petitioner he requests that your Excellency be pleased to take up this appeal and consider it on its merits.

Causes that
led to his dis-
missal.

2. That your Excellency's petitioner humbly requests to put forth the causes that led to his dismissal. On 12-4-94 your petitioner was asked by the Station House Officer of Jayankonda Solapuram to give him a statement to the effect that an Idol which was the subject of the criminal prosecution was found in a certain place and that the accused admitted having stolen it. On your petitioner declining to do so he threatened that he would bring your poor petitioner to trouble and so your petitioner being afraid of him involved himself by giving him the statement he required. But on his being examined by the Magistrate your petitioner revealed the truth. But anyhow the Magistrate of Odayarpalayam did not believe it and remarked in his Judgment in Calendar Case No. 186 of 1894 that your petitioner "perjured deliberately." Your humble petitioner found no way either by way of appeal or by review to cancel that remark being only a witness and not a party and so he had to remain quiet.

3. Another charge against your petitioner was that the Tahsildar found that in the pound register No. 5 of the village one item of Rs. 0-14-0 was corrected into Rs. 0-6-0 and the mark of the man who paid it was taken while he was able to write.

Explanation
as regards
the second
charge.

4. Your humble petitioner craves your Excellency's indulgence to the following few lines in answer to the above charges. The second of the above charges may be briefly answered. The Tahsildar of Chidambaram on examining the said account no doubt found that it was corrected (and your humble petitioner admits that it was corrected). But he satisfied himself that the correction was not for any misappropriation but only to rectify the mistake done by writing 14 instead of 6. The said Tahsildar sent for the man who paid it and enquired him about the sum he paid. He said, he paid only 6 annas and not 14 annas. What more can your poor petitioner do than by actually calling the man who paid the sum and proving that he paid only as 6. He has done what anybody could do under the circumstances. These things will be evident from a perusal of the Head Assistant Collector's dismissal order filed herewith as Exhibit E.

1/8/11

5. As regards the second part of the said charge that your petitioner took the mark instead of the signature of the person who paid it when he knows to write he begs to submit it is more a matter for the person who put the mark than for your petitioner to explain. If that person chose to put his mark instead of signing how is your humble petitioner to know whether he is marksman or a signatory when he is an utter stranger to your petitioner. Your petitioner humbly submits that it is not proper to dismiss him simply for either committing a clerical mistake or for the recklessness of a third person who put his mark instead of his signature. There is no evidence at all to show that your humble petitioner was aware that that man could sign his name.

Explanation
as regards
the first
charge.

6. As regards the first charge your petitioner humbly submits that the statement to the Station House officer was made only under threat and that what he stated to the Magistrate is right and true. The Station House officer threatened your humble petitioner with criminal prosecution if your petitioner did not furnish him with the required statement. So your petitioner being new to the office and not educated had to yield to his threats and the result was the entangling of your poor and innocent petitioner into this trouble.

His locus
standi in the
Magistrate's
Court.

7. Your petitioner requests your Excellency to consider the position which he was in in the Magistrate's Court. He was only a witness and as such how could he prove whether the statement given to the Station House officer was obtained under threat and coercion. Neither could any evidence be adduced by him to prove them he being no party to the proceedings nor could he appeal against the Judgment. Is it right to dismiss your poor petitioner on such a flimsy basis as this and especially when he had no opportunity either by way of appeal or by review to justify his conduct on that occasion. Nor was the Head Assistant Collector kind enough to take evidence in the matter or at any rate to make himself sure that whether your petitioner perjured or not.

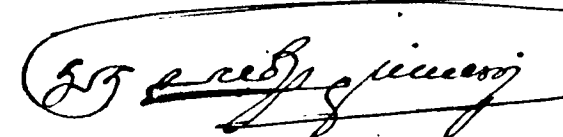
Legal view of
the matter.

8. Turning to the legal view of the matter your petitioner humbly submits that under the rulings in I. L. R. 16 Cal 349 such observations by the Judge without any evidence on the record is *ultravires* and a mere *obiter dictum*. Your petitioner further begs to submit that the said Magistrate's observation in his Judgment uncalled for as it is in that case cannot of itself afford sufficient ground for his summary

dismissal especially when your petitioner's ancestors have heriditarily held the office for nearly a century (vide Boards' proceedings No. 178 para 4).

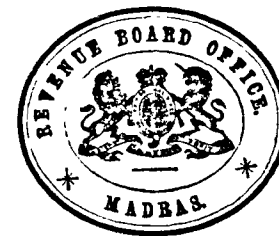
The petitioner herein therefore humbly and respectfully prays that your excellency will be graciosly pleased to exercise discretionary power by taking a legal and right view of his case by calling for the records from the Courts below and render him justice by reversing the order of his dismissal and restoring him to his office. For which act of charity your humble petitioner as in duty bound ever pray.

The humble petitioner begs to remain
your excellency's obedient and faithful servant.



List of documents filed :—

- A. The order of the Tasildar of Chidambaram dated 16-10-94 dismissing the petitioner which reached him on 22-10-94.
- B. Endorsement on Revenue appeal $\frac{1}{3}$ by the petitioner to the District Collector.
- C. Endorsement on the review petition presented to the District Collector.
- D. Do. Do. to the Revenue Board.
- E. Copy of the order of the Head Assistant Collector dismissing the petitioner.



Proceedings of the Board of Revenue

(Land Revenue),

Dated 28th June

1897.

No. 2322

Miscellaneous

READ ——— again Board's Proceedings No. 2325^{mis} dated 8th May 1895, dismissing as time barred, the appeal petition of Guruswami Iyer regarding his dismissal from the post of *munim* of Rajendra Solapur Village, Chidambaram Taluk, South Arcot District.

“ ——— again also Board's Proceedings No. 5276, dated 18th October 1895, Communicating to the Collector of South Arcot, Government order declining to interfere on behalf of petitioner Guruswami Iyer in the matter of his dismissal from the *munim* office of Rajendra Solapur Village, Chidambaram Taluk.

Read

F

5.
Lt 1158/1897

Read—also endorsement of the Collector
of South Arcot, No. 2276, dated 15th June
1897, on ~~that~~ Application of Gurusami
Iyer of Mannargudi, Chidambaram Taluk.

Resolution:-

Submitted to Government with
the remark that as the memorial contains
nothing which has not already been urged
the orders of the local Government in G.O.

4009 Rev: may be considered final, and
5.10.95 that the memorial may be withheld under
Section III Rule 3 (8) of the Government
of India Petition rules.

(True extract)

W. H. D. C.
Asst. Secretary.

To
The Secretary to Government,
Revenue Department, with Collector's
endorsement and enclosures.

W. H. D. C.

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.

H.B.—

A = Copy in full.
B = Not to be copied.
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Q = Copy heading only