

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 3752

DATED 28th July

[Despatch Abstract.]

Declining tenders on behalf of
H. Nagabhuskaram, Late Head Clerk, Vizian-
patnam Circle, appealing against a decision
of the Board declining to permit him to
withdraw his resignation.

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 Secretary to the Commissioner
of Salt, Akbari and Separate
Revenue, Madras.

Resd in No. 5770 P
Order Misc No. 3952 of 20th July 1897.

The Govt declines to interfere

Mis No. 2807

(In order) *[Signature]* 20/7/97
to Secy of Res S.P. with Encls.
To Petn }
24-7-97

Dated 4th July 1897.

Received

Registered

Enclosures 8

Spare copies

SUBJECT.

Submitting to Government
petition from K. Nagabhooshanam
late Head Clerk, Nizampatnam
circle, appealing against the
order of the Board declining
to permit him to withdraw
his resignation.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS

G.O.	No.	Department.	Date.

PETITION

To

The Governor-in council
Fort Saint George.

Through

The Commissioner of Salt
Abkari & Separate Revenue.

The humble petition of Krovi Nagabhu-
shanum of Thornhilpett, Masulipatam.

May it please your excellency,

Fully trusting that Your Excellency's Government will do Justice, I humbly
beg to state my case-

2 I was in Government service for over 10 years three of which in the Salt
and Abkari Revenue Department, doing my work to the entire satisfaction of my
superiors as my service register will show. I was appointed as Head clerk of Niz-
ampatam circle office in December 1895.

3 On account of exceptional circumstances I had an attack of temporary
insanity for 11 days beginning from 14th February 1896, and was put under
Medical observation for 2 months and 20 days and was declared fit for service by
the District Surgeon in his certificate dated 5th May 1896 and letter dated 9-7-96.

4 While these are the facts the Assistant Commissioner in his letter to the
Deputy Commissioner dated 6th July 1896 made many remarks which are neither
true nor borne out by the record. For example, the statement in para 11 is not true.
A reference to the certificate above alluded to will clearly show this. *This is the chief
point and there is mis-statement here.* Again the statement regarding insanity
being hereditary in my family is entirely groundless as nothing more than fever and
convulsions was all that was meant and which is common among children. This has
been fully explained of by me in my petition dated 2-11-96 to the Board. Thus with
regard to the two most material facts also the Assistant Commissioner's letter is
misleading.

5 Influenced by this misleading letter the Deputy Commissioner thought fit
to dispense with my services. (Vide. His. No. 3519 dated 19th July 1896) I treated
this as an order directing me to resign (Vide second line of my petition to the Depu-
ty Commissioner dated 20-8-96) and prayed for review of the whole case and at the
end of the same petition for review added a sentence about resignation (para 6) so
as not to disobey the direction to resign.

6 In answer to this a memorandum (No. 4302 dated 29-8-96) accepting my
resignation was sent to me to my great surprise. As soon as I could get together
the necessary papers and information, I applied to the Board for reinstatement and
for half pay while on leave on medical certificate. The Board declined to allow me
to withdraw my resignation without stating any reason.

7. From the above it will be clear to your Excellency that my case was not
given the consideration it deserves especially with regard to the following points:—

- Under these circumstances I humbly pray that the records of my unfortunate case marginally noted may be sent for and perused and justice done by reinstating me and ordering half pay up to the date of the expiry of the District Surgeon's certificate to be paid to me.

Your Excellency's most humble Servant,

Krovi. Nagabhushanum.
Thornhillpett.
Masulipatam.

Masulipatam;

The Commissioner of Salt—

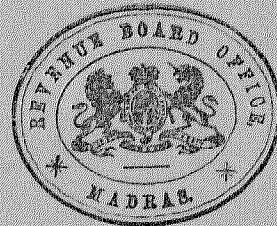
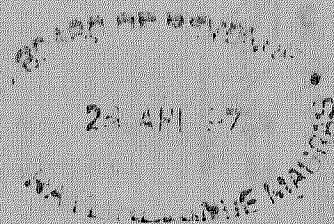
It is respectfully requested to order the dispatch
of records marginally noted to the Government
as early as possible.

K. V. Nagabhiswaram.

SALT

579

PETITION



Proceedings of the Board of Revenue

(Separate Revenue.)

Dated 4th July 1897.

M.C. No. 2807.

Read letter from the Deputy Commissioner
Central Division No 3145 Dated 10th June 1897
forwarding the records called for in connection
with the appeal petition of K. Nagaboshaman
late Head Clerk of the Nizampetnam Circle
and returning the Clerk's memorial to Government.

Read petition from K. Nagaboshaman
dated 24th June 1897 requesting the Board
to submit the original petition to Government.
Resolution:

Submitted to Government

2. The appellant who was Head Clerk of
the Nizampetnam Circle was suffering from
temporary fits of insanity from the 14th
February 1895 on which date he caused a

Disturbance

Disturbance in the Assistant Inspector Mr.
E. A. James' house while the latter was away
in the factory making an indecent assault
upon Mrs James. He subsequently assaulted
Mr James himself on his return. Mr James
handed him over to the Police and lodged
a complaint before the Joint Magistrate,
Quentin, who, however, recorded it on the
ground that even if the charge was proved
for trial the appellant would be entitled
to an acquittal as he was certified by the
Civil Surgeon to be insane; and added
that the case was one for Departmental
action. The Assistant ^{Commissioner} ~~Inspector~~ Masulipatam
Sub Division thereupon recommended
to the Deputy Commissioner that the ap-
pellant's services may be dispensed with, but
the Deputy Commissioner, while concurring
with the Assistant Commissioner, gave the
appellant the option of resigning his ap-
pointment. The appellant thereupon request-
ed the Deputy Commissioner to reconsider his
case, and if he could not retain him in service,

to treat the period of his absence
(from the 14th February 1896 to the 4th
September 1896) as leave on loss of pay
and to permit him to resign with effect
from the latter date. This request was
granted. Subsequently he appealed to
the Board for reinstatement, but it declined
to allow him to withdraw his resignation.

[True extract]

Commissioner

Assistant Secretary

To the Secretary to Government
Revenue Department
(with the original petition to the Board
and enclosures to be returned)

Recd
6757

An appeal from a clerk of
the Salt Dept.

C No 5770 of 1897.

See with reference to the
Circular. Hon. Sir Henry Bliss, Secy.

For orders.

With the above
Current, the Board of Revenue
submits an appeal petition from
one Nagabushanani who resigned
his post of Head Clerk in the
Nizagapalam Circle office under
the following circumstances:-

On the 11th February 1896,
the petr went to the residence
of the assistant Inspector, Mr
James, and during the latter's
absence and made an indecent
assault on Mrs. James. On
hearing this, the assistant In-
specter came home and tried
to seize the petr who thereupon
assaulted him too and was event-
ually handed over to the Police.
The Joint Magistrate to whom
Mr James made a Complaint
sent the petr to the Civil
Surgeon at Guntur for observa-
tion and report as to the state
of his mind. The Civil Sur-
geon found symptoms of ment-
al derangement at first and
accordingly informed the
magistrate

See
Please per
docket C. No
for
As far as
the records
go, this was
the first
act of sym-
ptoms of the
alleged
insanity
1896
13.7.97

The records
do not show
who the petr
was.

C 1617/97
12.12.1897.

magistrate that he considered the petr's Case to be one of temporary insanity which he found to be hereditary in the petr's family. The joint-magistrate thereupon ceased to take any further action on the ~~petr's~~ Complaint lodged against the petr, thinking that in any Case the latter would be entitled to an acquittal, having acted under a fit of insanity.

In the meantime, however, the ~~Asst.~~ Asst. Commr of salt & alkali Revenue, who had received a special report about the petitioner's behaviour to the Asst. Inspector and his wife, ordered on the 17th February 1896. that the petitioner should be placed under suspension pending disposal of the Complaint made against him. On the 15th March 1896, while inspecting the Virampatani Circle, the Asst. Commr wrote to the Civil Surgeon asking him to report on the question of the petr's fitness for further

Petitioner denies this mu
13.7.97

I don't see how he could decide this without hearing the case. Insanity will not in all cases warrant an acquittal mu
15.7.97

The Magr's procedure was wrong vide Ins. 466 and 470. C.S.C.

15/7/97

Dr Vickers
whose report
is submitted.
Dr V. found the
man of sane mind
(temporarily
but no signs
of madness)
mu
13.7.97

Flagged C.

further retention in the public service. On the 23rd March the Civil Surgeon stated in reply that he considered it inadvisable to re-employ the petr for at least the ensuing six months and that ^{in view} to a final decision being arrived at as to his eligibility for further Govt service, the petr should be directed to report himself daily during the above period to the Medical Officer of the station in which he proposed to reside. Accordingly the petr appeared before the District Medical and Sanitary Officer Kistna who after keeping him under observation for some time, gave him a Medical Certificate on the 5th May 1896. in which he recommended the grant of sick leave for four months and sketched the petr's medical history as follows:- (The petr) was sent to Gunter for examination by the Civil Surgeon, as he showed signs of mental weakness. He was carefully examined

"Examined and as there was
"some doubt in the matter
"he was sent on here for
"report. He seems to come
"of a nervous family and
"to have a tendency for
"nervous instability and
"requires rest and abstinence
"from religious excitement
"but is of sound mind. He
"has improved considerably
"latterly from having had
"rest and the suspicious
"symptoms noted by the Civil
"Surgeon have passed off.
"He is recommended for
"months sick leave."

On the 6th July 1896. i.e.
nearly a month after the re-
ceipt of the above Medical
Certificate, the Dy. Commr.
Mr Kearns, addressed a letter
to the Dy. Commr. in which
after setting forth the facts
connected with the Petri's Case,
he added as follows:—

"1. The man is now declared
to be sane in mind but
in view of the fact that
he is given to these temporary
fits

plagued B

fits of insanity... I do not
think he is a fit subject to
retain in the service. I therefore
recommend that his services
be dispensed with. I have
however called on the Civil
Surgeon Baudar to certify
as to his fitness for retention
in the service.

12. If however you consider
he should be re-instated, the
period from 14th February
to date of the Certificate of
the Civil Surgeon Baudar viz
5th May, may be treated as
leave on loss of pay (for
I suppose we cannot suspend
him for an offence he is
held guiltless of) and he
may be granted a further
extension of leave on loss of
pay for 4 months from
5th May as recommended
by the Civil Surgeon. In
that case, however, I request
on his rejoining he may
be posted to some other
division. The result of
the reference to the Civil
Surgeon Baudar will be
reported

reported in due course."

On the 15th July, the Asstt. Comr. received the District Medical Officer's reply to the reference last mentioned, and it was to the effect that the 'facts regarding the family history of the petitioner' were 'hardly sufficient reason for considering him 'unfit for Govt service'.

flagged
in front of health
15-7-97

On the 19th July, however, the Dy. Comr. passed the following order on the Assistant Comr's letter:—

flagged Gr.

(On a full consideration of all the facts of this case, the Dy. Comr. resolves to dispense with the services of Clerk Nagabushanam from the 14th February 1896. as it is obviously unsafe to allow of his retention in Department.

Before however, passing the final order, the D.C. will give the Clerk the opportunity of putting in his resignation from that date. Taking this order

of the Dy. Comr. as a direction to him to resign his appointment, the petr. addressed a petition to the Dy. Comr. on the 20th Aug. '96. Therein he asked the Dy. Comr. to reconsider his decision and to restore him to his appointment from the date of expiry of the leave recommended by the District Medical Officer, i.e. 5th September 1896. If however, the Dy. Comr. should adhere to his decision, the petr. prayed that the period from the 14th February to the 4th September might be treated as sick leave ~~and~~ with, or without half pay, and that his resignation might be accepted with effect from the 5th Sep. '96.

flagged C.

On receipt of this petition, the Dy. Comr. passed an order on the 29th September, August, accepting the resignation tendered by the petitioner and directing that the period from the 14th Aug. February to 4th September be treated as leave on

on loss of pay.

Thereupon the petr preferred an appeal to the Board of Revenue in which he asked for restoration to his post and alleged that he had to tender his resignation with reluctance as he did not deem it advisable to disobey the order of the Dy: Commr who had resolved to dispense with his services.

The Board, however, having declined to allow the petr to withdraw his resignation the latter now comes up to Govt.

His chief grounds are:—

- (1) that his resignation was due to the Dy: Commr's order which he understood to contain a direction to him to resign the post.
- (2) that a single attack of temporary insanity which lasted for 11 days should not be held as a bar to his retention in service;
- (3) that there is no evidence to prove that the insanity

It is curious that petr admits he was mad only once & at the time he made an indecent assault

Wille
137-87

was hereditary in his family. It seems to be a matter for consideration whether in the face of the opinion of the District Medical Officer, who stated that he did not consider the petr as unfit for Govt service, & recommended the grant of four months' leave, the Dy: Commr was justified in resolving to dispense with the services of the petr. The latter says that he has had ^{over} ten years' service.

The opinion of the District Medical & Sanitary Officer is only as to petr's fitness in point of view of his health. The Dy: Commr's decision is based on the danger of having a man liable to such attacks in the public service.

As noted above, it is submitted that it is paradoxical that petr was "mad" at no other time. It will be seen from the ~~fact~~ ~~fact~~ para 4 of the last Commr's letter filed that the

Asst Inspector James, who
was the party chiefly
interested in prosecuting
the peti, was apparently
lazier, for fear of scandal,
to hush up the affair.

I submit that the plea
of madness has been accepted
too readily. It looks very
much more like "badness"
Petitioner however having
taken the benefit of the
"madness" theory now tries
to get out of the inevitable
consequence of its acceptance
by the dispensing with his
services.

I submit Govt should
not interfere.

He does not give the
Asst Inspector an opportunity
of making up his affairs
an opportunity apparently
taken advantage of
11/11/1877

He practically submit to look it up

11/17/1877

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

189.

READ AGAIN G.O., No.
159

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENTS WITH DUTY.

PAPERS NOT FILED UP, BRING MEANT FOR DISPATCH
IN ORIGINAL

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