Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 37/52

DATED 28th June

[Despatch Abstract.]

Declining Pondoland on behalf of
H. Ngalekaland, Idabe Head Chief, Mizam-
batweni Circle, appealing against the order
of the Board declining to furnish them 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.

SECY. GOVT. MADRAS
9 JUL 97
REV. DEPT.

D/ 20/7/97

Read on 5770 P.

Order Mise 210-3752/20th July 97.

The Govt declines to interfere

(Proceedings) 20.7.97

to Bd of Rev with Secy... 24-7-97 Rec'd

To Pelu

From The Secretary to the Commissioners of Salt, Abkari and Separate Revenue, Madras.

M.S. No. 2807

Dated 4th July 1897.

Received

Registered

Enclosures 8

Spare copies

SUBJECT.

Submitting to Government petition from K. Nagabooshanam 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

REVENUE DEPT.

To

The Governor-in council
Fort Saint George.

Through
The Commissioner of Salt
Abkari & Separate Revenue.

The humble petition of Krovi Nagabhushanum 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 Nizampatam 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 hereditory 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 Deputy 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 memorandam (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:—

(*a*) My resignation was under peculiar circumstances as the petition was clearly one for review and as I understood the Memorandum to contain a direction to resign. If Deputy Commissioner made no mention of my resignation, I would not have added a sentence indicating reluctant resignation.

(*b*) A single attack of temporary insanity which lasted only 11 days is no bar to entertainment in Public Service and therefore an honest and hard-working servant of ten year's standing ought not in mercy at least be deprived of his means of livelihood, especially when the highest medical officer who examined me declared as his professional opinion that I am fit for service.

(*c*) I cannot be said to have committed any offence which entails dismissal or makes me ineligible for Public Service.

(*d*) There is no evidence to prove that insanity is in my family. My father was Head Constable and was in service about 20 Years and he never took sick leave even for a single day. An uncle of mine is in the D. P. W. and he has had no attack of the kind. *In fact there is not even one solitary instance either on the paternal or maternal side* to show that the attack I had is due to hereditory predisposition. While I was under the observation of Guntur Civil Surgeon he asked me, what the burnt scar on my forehead was, I answered him that, while I was 2 or 3 years of age I had an attack of "Children's Disease" (What we call in Telugu "Chinnabidda Gunam" which is common to many in this part of the country,) that my Sisters too suffered from it & that my elders burnt my face, to cure that disease. Unfortunately either he or the local Joint Magistrate to whom he spoke personally, might have misunderstood that disease to be insanity which is certainly not the case.

3. Your Excellency will no doubt find in the records of public servants that there have been many officers high and low who have had attacks of this distressing melody and who have merely been on sick leave for long or short periods.

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.

I beg to remain,

Your Excellency's most humble Servant;

Krovi. Nagabhúshanamma

Masulipatam.
18.4.97

Address.

Krovi. Nagabhushanum.
Thornhillpett.
Masulipatam.

1 Certificate dated 5.4.96 Vide Commissioners Memo No 4302 dt 29.8.96
2 — do — dt 9.7.96 7 Impl. Collection & Revenue Boards Memo No 2247-108 dt 2.11.96
3 Physician's Commission dt 15.11.96 8 My petition in Cuddapah jail dt 12.12.96
4 Deputy Commissioner's Memo No 2535 dt 7.7.96 9 Ditto Nellore — dated 28.4.97
5 My petition for review dt 7.8.96 10 Board's Memo No 4302 dated 29.8.96

The Commissioner of Salt Abkari & Separate Revenue is most respectfully requested to order the despatch of the records marginally noted to the Government as early as possible.

Krovi. Nagabhúshanamma

SALT

579

REVENUE BOARD OFFICE MADRAS

Proceedings of the Board of Revenue

(Separate Revenue.)

Dated 4th July 1897.

Mis. 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. Nagaboosanam late Head Clerk of the Nazampatnam Circle and returning the Clerk's memorial to Government.

Read petition from K. Nagaboosanam 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 Nizampatnam 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 & like 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, Quetta, who, however, recorded it on the ground that even if the charge was pressed 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 Mastuj Sub Division thereupon recommended to the Deputy Commissioner that the appellant's services may be dispensed with; but the Deputy Commissioner, while concurring with the Assistant Commissioner, gave the appellant the option of resigning his appointment. The appellant thereupon requested the Deputy Commissioner to reconsider his case, and if he could not retain him in Service,

to

to treat the period of his absence from the 4th 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)

D. Scott
6.7.97

An appeal from a clerk of the Salt Dept.

C no 5770 of 1897.

~~Secy with reference to the~~
Circular. Hon'ble Sir Henry Bliss K.C.I.E. &c.

For orders.

Secy
Please put up with C no 5770/97 for disposal.
Pl. see placer B.

As far as the records go, this was the first clear symptom of the alleged insanity
13.7.97

The records don't show who this was.

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

On the 14th 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 Inspector came home and tried to seize the petr who thereupon assaulted him too. and was eventually 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 observation and report as to the state of his mind. The Civil Surgeon found symptoms of mental derangement at first and accordingly informed the magistrate

C 1617/97

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 ~~petn~~ Compliant 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 ~~Dy~~ Asstt: Comr of Salt & Abkari Revenue, who had received a special report about the petitioner's behaviour towards the Asstt: Superintendent 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 Nizampalaem Circle, the asstt Comr wrote to the Civil Surgeon asking him to report on the question of the petr's fitness for further

Petition denied
This
13.7.97

I should like how he arrived decision this without hearing the case Insanity will not in all cases warrant an acquittal
13.7.97

The magts proceedings were among vide Jud. 466 and 470. C.P.C
15/7/97.

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 Guntur for examination by the Civil Surgeon, as he showed signs of mental weakness. He was carefully examined

Dr Vickers whose report is submitted. Dr V. found the man of excitable temperament but no signs of madness
13/7/97

Flagged C

"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 four
"months sick leave."

On the 6th July 1896. ie nearly a month after the receipt of the above Medical Certificate, the A.G. asstt: Comr. Mr Kearns addressed a letter to the Dy: Comr. in which after setting forth the facts Connected with the pet's Case, he added as follows:—

"If. The man is now declared to be sane in mind but in view of the fact that he is given to these temporary 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 regret on his rejoining he may be posted to some other division. The result of the reference to the Civil Surgeon Baudar will be reported

Flagged B

reported in due course."
On the 15th July, the asstt: Comr. received the Distrct 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".
On the 19th July, however, the Dy: Comr passed the following order on the Assistant Comr's letter:—
"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

flagged D

G. in favour of health
Ally
13.7.97

flagged G.

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 Augt. 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 with, or without half pay, and that his resignation might be accepted with effect from the 5th Sept. '96.

flagged H

flagged C.

On receipt of this petition the Dy: Comr passed an order on the 29th August, accepting the resignation tendered by the petitioner and "directing that the period from the 14th 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: Comr 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: Comr'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 was hereditary in his family.

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

HRLe
13.7.97

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: Comr was justified in resolving to dispense with the services of the petr. The latter says that he has had one ten years' service.

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

As noted above, it is submitted that it is patent on the petr that petr was "mad" at no other time. It will be seen from the last para but one of the Dist Comrs letter flagged B that the

17.

Asst Inspector James, who was the early chief to resist a prosecution the police, was apparently eager, 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" Nelthorpe however having taken the benefit of the "madness" theory now tries to get out of the inevitable consequence of its acceptance by this defensive with his sentence.

I submit first should not be free.

13.7.87

13/7/87

13/7/87

The Asst Commr gives the Asst Inspector an opportunity of touching up the affair on reporting apparently taken advantage of

13.7.87

He practically tells him to touch it up

13/7/87.

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

READ AGAIN G.O., No. DATED
189

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.
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