Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 4717

DATED 8 Sept.

[Despatch Abstract.]

Declining to comply with the request of K. Venkataramanaya, late V Sr. Vernacular Accountant, Collr's office, Kistna, for "arrears of pay".

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 (189) Department.

CURRENT No.

From

The ~~Secret~~ Board of Revenue,
Land Revenue, Madras.

Order

No. 3018 Mis.

Dated 13th August 1897

Received

Registered

Enclosures

Spare copies

SUBJECT.

Subng. to Govt. with remarks the petition of K. Venkatramayya, late - 5th Vernacular Accountant Collector's office Kistna Dt., regarding his claim to arrears of pay.

BACK PAPERS.

G.O.	No.	Department.	Date

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Through the Collector.
Kistna District.

PETITION

9681

REVENUE DEPT

To

HIS EXCELLENCY THE GOVERNOR
IN COUNCIL.
FORT ST. GEORGE
MADRAS.

The humble petition of K Venkataramayya, late fifth Vernacular Accountant, Kistna Collectorate, Masulipatam.

MOST RESPECTFULLY SHOWETH:—

1. That your Excellency's humble Petitioner was obliged to forfeit his appointment on 26th July 1895 under the orders of the Collector Kistna who refused him extension of leave applied for by him (Petitioner) under unavoidable circumstances.

2. That Petitioner on 16th October 1895 presented an appeal (a copy of which is herewith submitted) to your Excellency stating in detail the circumstances which necessitated his application for an extension.

3. That your Excellency in Council referred the appeal to the Board of Revenue and the Board in its Proceedings No 5432 dated 7th December 1896, ordered petitioner's restoration to office formally and directed that he be allowed to retire on pension forthwith treating the period of his absence from duty before restoration, as leave withoutallowances.

4. That Petitioner respectfully begs to appeal against this decision of the Board which has unjustly deprived him of his pay and service from 1st June 1895 to 11th November 1896. That the Board having seen the injustice of the Collector's Order and the propriety of reinstating petitioner, it is but just and reasonable that he should be allowed pay and service for the period he was obliged to be absent from duty owing to the unjust action of the Kistna Collector.

5. That Petitioner accordingly prays that your gracious Excellency will be pleased to sanction for him arrears of pay from 1st June 1895 to 11th November 1896 and *if so fac-to* allow him the benfit of counting service during the period.

That for the above of acts of Justice and Generosity Petitioner shall as in duty bound ever pray for your Excellency's Long life and prosperity.

GODAVERY DT.
NURSAPUR.
4th February 1897.

Thirumaddali Venkataramayya.

Copy was already submitted to Government on 3rd February 1897.
Masulipatam
28th April 1897

COLLECTOR'S OFFICE, MASULIPATAM. 29 APR 97

From

K. VENKATARAMAYYA,

Late 5th Vernacular Accountant,

Kistna Collectorate,

Masulipatam.

To through the Collector Kistna District

HIS EXCELLENCY,

The Governor in Council,

Fort St: George,

MADRAS.

Dated 28th April 1897.

Despatched:— Do.

ENCLOSURES 3

SUBJECT.

Requesting the Government to sanction the arrears of pay due to him from 1st June 1895 to 11th November 1896, &c., &c.

3,000
10-12-06.

REVENUE BOARD OFFICE MADRAS

Proceedings of the Board of Revenue

(Land Revenue)

NO.3018 Mis.dated 13th August 1897.

Read again Board's Proceedings 7th December 1896,NO 5432 Miscellaneous.

Read also letter from J.K.Batten Esq.,Collector of Kistna to the Secretary to the Commissioners of Land Revenue,Madras,NO.--2796-Ver.dated 23rd July 1897.

Resolution.

Submitted to Government.

2. The petitioner was very leniently treated by the -- Board in being permitted to retire and his prayer that he should - be allowed pay for the period which was ordered to be treated as - having been spent on leave without allowances does not, in the ---- Board's opinion, deserve any consideration.

3. The Collector should have explained why the present petition was detained in his office from April 28th to July 29th, 1897, a period of over 3 months. Rule XI of the Government petition rules requires that petitions addressed to Government should be -- forwarded at once, and the period of detention for the collection - of the necessary records should rarely exceed one month.

(True Extract)

14 AUG 97

Asst Secretary.

TO

The Secretary to Govt., R.D., with petn. & with records to be returned.

D/4 1,000—11-0-96.

REVENUE DEPARTMENT.

C. No. 7137.

From Board of Revenue (Land Revenue)
No. 3018, Mis.
Dated 13th August 1897.

Encls

The Hon. Mr. J. Grose, C.S.I.

FOR ORDERS.

With the Proceedings read above, the Board of Revenue, Land Revenue, forwards a memorial from Kurumaddali Venkataramayya, late 5th Vernacular Accountant, Collector's Office, Kistna District, praying for the sanction of his arrears of pay from 1st June 1895 to 11th November 1896.

The memorialist was absent on leave on medical certificate for a period of 2 years from 24th June 1893. This long leave was granted by the Collector of Kistna on nine different applications supported by nine different medical certificates as shown in the margin. From this it will be seen that the last instalment of leave expired on the 25th June 1895. The memorialist was staying with his father at or near Narasapur in the Godavari District and from there

	Date of medical certificate	Period for which leave was granted
	29.6.93	1 month
	26.7.93	1 "
	9.9.93	2 months
	22.10.93	2 "
	20.12.93	2 "
	26.2.94	3 "
	15.6.94	3 "
	30.8.94	5 "
	30.3.95	5 "
	Total	24 months.

C 3/2/97

there applied by telegram on the 24th June 1895, for three months' leave on loss of pay under Art. 372 of the C.S.R. in continuation of the leave on medical certificate already granted to him. The Collector of Kistna refused to grant the leave applied for and communicated the order of refusal to the memorialist by telegram on 26th June 1895. The memorialist on receipt of this telegram wired to the Collector on the 27th to say that he was starting and would join on Monday 30th June. But on the very next day he sent a telegram to the Collector as follows:- "While starting brother dangerously ill, grant one month's leave without pay. The Collector refused to grant this leave and the memorialist presented himself for duty on the 8th July 1895, thus absenting himself without leave from 25th June 1895 to 8th July 1895. The Collector thereupon declared in his proceedings dated 21st ~~August~~ July 1895 that the memorialist had vacated his appointment and ordered the Deputy Collector to submit proposals for filling it up. The post was permanently filled up by the appointment of one P. Krishnamurthi, a clerk in the Registration Department, whose tenure of office in a foreign service arrangement as Special Third Clerk was to run out about the time. The Collector had a good opinion of the man and was therefore able to detain him from returning to his permanent appointment in the Registration Department in order that he may not lose his past services. This order of appointment was on 6th August 1895. Meanwhile, the memorialist had, on 30th July 1895, submitted a petition to the Collector stating

(1) that, though leave on medical certificate was not to be granted for more than two years under Art. 369 of the C.S.R., Extraordinary leave without allowance may, in case of necessity, be granted for such time as may be necessary" under Arts. 264 and 272 of the C.S.R. and

(2) that the leave asked for by him was out of real necessity, as he was importuned by his aged father, a retired District Munsiff, to remain at home to attend on his only other son

in G.O. R. No. 10th [illegible]

Plaint A

there soon thereafter ill (since then reported to
June be dead), half a dozen other
loss persons having already joined the
C.S. majority
on (3) that, according to Art. 463 (6) of
grou the C.S.R. "unauthorised leave of
kin absence in continuation of an "authorised
app leave of absence" so long as the officer
ond of the absence is not substantially
by filled up" entails no forfeiture of
mu paid service, and
wa (4) that, in Art. 266 of the C.S.R.
pa which says that "an officer who
go remains absent at the end of his leave
the on medical certificate ceases to have
to a lien on any appointment" contains
s a clear proviso to the effect "that
g these provisions have no effect on the
liability of an officer overstaying
leave in regard to the forfeitures
of the past service, the rules as to
which are contained in Art. 463 (6)"
quoted above;

and requested the Collector that,
in consideration of the 20 years' service
which he had put in, he might be
reinstated under the proviso to Art.
463 (6) of the C.S.R. and that the period
from the termination of his sick
leave to his return to duty might
be

Flagged B

be considered as extraordinary leave
without allowances under Arts. 264
and 372 of the C.S.R. On this petition
the Collector made the following endorse-
ment Dis. No. 2775/Auth. dated 8th August
1896. "The reasons for overstaying
may be true, but there was no urgent
necessity either for leave or to
overstay. Furthermore petitioner
did not join immediately on learning
that the extension of leave had been
refused. I decline to condone the
absence by treating it as leave on
loss of pay. If Government desire it
it can condone it under Art. 464
of the Civil Service Regulations
hereafter."

The memorialist on receipt
of this endorsement submitted a
petition to Government on the
16th October 1896 praying for
restoration of appointment. The
Collector forwarded it herein his No.
6024/Ven dated 19th October 1896. It
was returned to the petitioner for
resubmission with certified copies
of the records (G.O. No. 1746, Routine,
dated 30th Oct. 95). In the same G.O.

the Collector was also directed to forward the petition with such records as were not submitted by the petitioner, but which should properly be consulted in the disposal of the petition, through the Accountant-General. The petition was submitted accordingly with the necessary records, through the Accountant-General with the Collector's No. 6407/Ver dated 13th December 1895, in which he stated

(1) that, on a previous occasion when the petitioner was absent on leave on medical certificate for one year from 9th May 1892, she overstayed her leave for 38 days (9th May to 15th June 1893), which were accordingly converted into leave on loss of pay;

(2) that the petitioner, as will be noticed by this long leave of absence, was a malingerer and altogether useless as a public servant; and

(3) that he (the Collector) had no intention to debar the petitioner from future employment, that he in fact asked the petitioner if he would accept an appointment, but that the petitioner was only willing to accept a permanent appointment

Flagg C

Flagg D

appointment on condition of his being given the past service which he has forfeited.

The Accountant-General forwarded the petition with the following endorsement (No. 3542 of 13.12.95):-

"Forwarded with the remarks that as K. Venkataramiya once obtained the leave on medical certificate for 2 years granted to him by the Collector of Kistna, he has forfeited his appointment as 5th Vernacular Accountant in the Collector's office, and as that appointment has been permanently filled up he has forfeited his previous service also. If Government see fit to reinstate him in the public service it can do so under Sub. 463 (6) of the Civil Service Regulations declaring that his previous service or any part of it shall not be forfeited."

When the petition was received by Government, it was found that the appeal petition itself was by a slight oversight left behind and the Collector was therefore asked to forward it in G.O.R. No. 164 dated 21st Jan.

the 1896 On receipt of the petition
the Govt in its order Nov 1893 Mis
dated 17th March 1897, transferred
the petition for disposal to the
Board of Revenue, Land Revenue,
to whom the memorialist should
at
have applied first for restoration.
The Board of Revenue in its Proc. No.
907, Revenue and Res. dated
27th March 1896 and 7th May 1896
respectively returned the petition and its enclosures
to the Commissioner with the ordinary stamp affixed
in receipt of the petition and
enclosures duly acknowledged the Board
in their reference dated 4th September Flagged E.
1896 requested the Collector to state
whether the case attached in para 2 of
his letter No. 6407/Ver dated 24th Flagged C
November 1895, he was prepared
to offer the petitioner a suitable
appointment under the Public Service
if it did not appear from the records
that any promises actually offered
the petitioner. To this reference
Collector in his letter No. 5265/Ver
dated 5th November 1896 replied
[illegible] that it would be to the advantage
the public service if such
[illegible]
Flagged H.

Copy

persistent malingerer in as the
the petitioner should be got rid
off, especially as there would be
no injustice in such a course
owing to his having so failed
his appointment throughout his
career de laborate, viz absenting
himself without leave
(2) that when the Treasury Deputy
Collector wrote to him on the 11th
November 1895 to say that the
petitioner was willing to accept
a post provided it was permanent
and he was given the usual service
had forfeited, he refused to
condone the offence, though the
Government might do it with
approval and (3) that all the Destruction
Medical and Sanitary officers
who examined the petitioner
certified him unfit for
Government Service as will be
seen by the certificate attached;
the best course would be to refuse
to employ him, but allow him the
retiring or whatever pension he
might be entitled to if Govern-
ment would be good enough to
condone the breaks in his service

Copy

2015(9)

On receipt of this letter, the Board
(vide Proceedings No. 5432, Mis. 7
dated 4th December 1896) passed
the following order:-

"The Board agrees with the
Collector that the best course would be
to allow the petitioner to retire
on such pension as he may be
entitled to. For this purpose he
will be formally restored to
his appointment and the period
of his absence from duty will be
treated as leave without allowance
but will not count towards
pension (vide Art. 461 C.S.R.).
A medical certificate declaring
him permanently incapacitated
for service having been produced
no fresh certificate is necessary".

Accordingly the pension papers
of the memorialist were sent up
and an invalid pension of Rs 3:8-
per mensem has been granted
to him with effect from the 1st June

Now in the memorial under
consideration, the memorialist
appeals against the decision
of the Board directing him to
retire on pension treating
the period of his absence from
duty

Flagged G

duty before their formal restoration
as leave without allowance. He
consequently prays that Government
will be pleased to sanction for him
arrears of pay from 1st June 1895
to 11th November 1896 and if so
facto to allow him the benefit of
counting service during the period.
In support of this prayer, he
says, that since the Board has
seen the injustice of the Collector's
order and the propriety of
reinstating petitioner it is
but just and proper that he
should be allowed pay and
service for the period he was
obliged to be absent from duty
owing to the unjust action of the
Kistna Collector. In forwarding
this memorial, the Collector of
Kistna states in endorsement
(1) that, barring the absence of
the memorialist since 1st June
month is the date as appointed
him pleased to grant leave
and (2) that the date 1st June
1896 (the date from which the
memorialist claims arrears of
pay) is a mistake for 25th June
1895 as his dues have been pai

He has done nowork all this time!
Ille 30/8/97

Order towards Non-Optee pension.
Ille 30/8/97

Flagged A

Encls rels.

for the latter date ...

The Board in forwarding their memorial remarks that in the petition on which they recommended the retiring and that his prayer for the payment of arrears of pay does not deserve the favourable consideration ...

The Board's Proceedings No. 5182, dated 9th December 1896, according to G. O. No. 339, Pension, dated 28th April 1897 cancelled the Collector's order appointing Tirukhumanda Pandi permanently in the place of the memorial list. Consequently ... the right to the statement of the Collector that T. Krishnamurthi was counting service during the period is not correct, it is submitted that ... in consideration of the formal nature of the reinstatement he cannot be deprived of his pay during the period ... Board of Revenue in disposing of this appeal (memorial) to it ... fully instructed that the 18 months period of his absence from duty ... he was treated as on leave without allowances.

Flagged G

Flagged H

allowances without being counted towards pension.

Submitted that the case is plain. Memorialist was a malingerer who has continually over stayed his leave. He does this

G.P.K. 27.8.97.

once too often for the Collector refuses in the last occasion to overlook the overstay & appts. somebody else permanently to his place. His action however causes petitioner his appt. & post & accordingly the Bd thereby formally reinstates him thereby virtually cancelling the Collector's order of permanent appt of another. The reinstatement was ordered merely to enable the petr to draw a pension for his past service which has been sanctioned. Reinstatement appears now to be lapsing during the time he was out of employ is this entirely independent

Therefore draft order is submitted for approval

G.O. No 1717 dt 8 Sept. 97

The Govt declines to comply with the request.

V.77. 20/9/97

Yes, it was distinctly ordered that he was not to be paid for this period.

7/9/97

To the Bd L.R. Encls rets. 11.9.97 4/9/97

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

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.							

N.B.—
A = Copy in full.
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