

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 4878

DATED 16-Sept

[Despatch Abstract.]

Declining to interfere on behalf of
Mr. Jinnah D. O. No. 4878, Alur Saluk.
Bellary D. O. in the matter of his memorial pray-
ing for reinstatement.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
CMO	10545/97						

Revenue (189) Department.

CURRENT No.



From

*The Board of Revenue
Land Revenue*

Order

No. 2989 m.

Dated 10th August. 97

Received

Registered

Enclosures

Spare copies.

SUBJECT.

*For forwarding to Government the
Memorial of W. Lammal Row, late
Jumashah, Alur Taluk, Bellary Dt.
in the matter of his dismissal
from his post.*

BACK PAPERS.

G.O.	No.	Department.	Date.
Cro = 80	4866/97 1126	Rev	12.6.97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PETITION

REVENUE DEPT.



To His Excellency
The Right Honorable
The Governor in Council
St. George
Madras.

The humble memorial of W. Limal
Rao, Late Taluk Gummasta of Alur Taluk
Bellary District; through the Collector of
Bellary
most Respectfully sheweth:—

1. That this is an appeal
against the order of the Board
of Revenue contained in their
Proceedings No. 662, dated
20th February 1897 (full copy
of which is furnished only on
11.5.97 on application) declining
to interfere in behalf of the
memorialist only depending
on and entirely pressed by the
Collector's report No. 161
dated 9th January 97 which was
made through prejudice and
anger caused in the mind of
the Collector by Huzur Shrivastava
who was instigated by Mr. P. Subba
traya Mudaliar, the permanent
Lahildas of Alur Taluk, who
was on a year's leave at
Bellary.

2. That the Memorialist begs to submit that by the three remarks made by the Board of Revenue in its reference dated 17th November 1896 to the Collector for report (Vide B.P. No. 662 dated 20.2.97) it is quite clear that the Board had a favorable opinion towards the petitioner which was only twisted or withdrawn by the report of the Collector (Vide Collector's report No. 161 dated 9th January 1897).

3. It is a brief history of the Memorialist's case which he found sufficiently explained in his appeal petitions both to the Collector & the Board (copies of which are herewith submitted for His Excellency's kind perusal & return); the Memorialist does not desire to tire His Excellency's patience by recapitulating the said history of the case. In dismissing the Memorialist's appeal to the Board of Revenue, the Board have not furnished the Memorialist with reasons except

except the usual phrase that it declines to interfere in behalf of the Memorialist and that through the Memorialist regrets that he cannot in this appeal point out for His Excellency's consideration, the sheer injustice that was done to him in this case by confirming the order of the Collector. His Excellency will find on a kind perusal of the appeal petition to the Board and of the following paragraphs, is both opposed to the peculiar facts of the case and to justice and equity.

4. That the Memorialist begs to submit that by His Excellency's kind perusal & full consideration of paras 2, 3 & 4 of the appeal petition to the Board, His Excellency will come to a conclusion that the Memorialist is an innocent creature.

5. That also by His Excellency's kind perusal and full consideration of paras 5, 6 and especially

1 especially 7 of the said
 2 appeal petition, His Excellency
 3 -Loney will be fully convinced
 4 that the cover in question is
 5 a genuine.
 6 That the late Sub-Post-
 7 master of Bihar had deposed
 8 that he had actually received
 9 the cover in question and had
 10 given it to the Village post-
 11 man for delivery after having
 12 taxed postage on the cover and
 13 having brought it to account
 14 office account on the 8th April
 15 1895 but from the pressure
 16 of work & other causes forgot
 17 to bring it to Sub-Office &
 18 account. It is not known
 19 whether the Sub-Postmaster
 20 had committed this mistake
 21 by oversight or he was in the
 22 habit of misappropriating
 23 the clearing charges of the covers
 24 posted in his office. The
 25 latter point will be found,
 26 the memorialist thinks,
 27 if the Lappal books kept
 28 in the Sahib office and the
 29 postal accounts of his time
 30 are compared with each other.

21-

It is therefore very unfair
and improper to make the
Memorialist suffer either for
his (said Postmaster's) neglect
of duty or for his fraud (this
appropriation of Government
property) if any committed
by him.

7. It will thus be seen that the humoralist could in no way be held responsible for the fraud, if any, committed, as it could not be committed without some conspiracy hatched and carried out deliberately since the entry has been made in one of his accounts exclusively by the Sub-Post-master. He (Sub-post-master) knows full well that there was every risk of immediate exposure. Moreover he would not for the same reason, be listened to the man for such a infamous design.

8. That the Village postman had stated that he had delivered the cover in question to the party after collecting the hearing charges from him

and

and had taken his (partly)
signature in his heat book.
Then what more is wanting
to prove the genuineness of
the cover in question? In
fact all the people of the Postal
Department from the Super-
intendent to the Village Post-
man downwards had admit-
ted that the cover is genuine.
The only thing the Collector had
in view was that the party who
received the cover, did not
confess that he had given it
to the Memorialist. Of course
he would not confess it lest
he would criminate himself
by his confession as he had
corrected the dates at the foot
of the copy of the judgment
filed in his appeal to the
Deputy Magistrate.
9. That the Memorialist
also submits to His Excellency
that the very Deputy Collector
who had dismissed the Memo-
rialist had reported favourably
when the appeal petition to the
Collector was referred to him.
For usual report, all the people
of

of the Postal Department
from the Superintendent. The
to the Village Postman down-
wards had confessed the
genuineness of the cover
in question and the Board
had at first a favourable
opinion (which was only
withdrawn by the Collector's
prejudiced & angry report as it
stated alone No. 161
7.1.97), & since
all these and other reasons
will convince His Highness
that the Memorialist which
is innocent and that he has been
treated most unfairly and
improperly furnished with
dismissal merely on the
ground of unreasonable
presumptions of the Collector.
10. Hence the Memorialist
most respectfully urges
that the facts as they stand
do not throw a shadow of sus-
picion on him and everything
points to the conclusion that he
could have had nothing to do
in the matter. Further it is
against all principles of justice
and equity to dismiss a public
servant

Servant on mere unfounded
Suspensions.

11. That it is very unfair
and improper that the Memo-
rialist, a public servant
of more than 19 years' stand-
ing, who has passed almost
all the Tests required for in-
termediate such as Precis-
-Writing Higher, Translation
Test Lower & Routine Test
Lower with Account Code,
should be dismissed in the
absence of any legal evi-
dence and that any less de-
gree of standard of proof as
should be considered to be
sufficient for depriving
him of his post than that
which may be required to
convict him for criminal
charge of forgery. It must
be conceded that there is no
such evidence existing in
the present case. It is really
a great hardship for the
poor Memorialist to be thus
summarily turned out of
office in his 19th year and
this especially when there has
been

been no malice of any kind
nor no attempt at embezzlement
or misappropriation. The
Memorialist therefore, most
respectfully prays that His
Excellency will after a kind
perusal of this Memorial and
other papers connected with it,
be graciously pleased to take
it into His Excellency's
full consideration the cir-
-cumstances of the case, send
for the entire records & peruse
the same and exercise the
prerogative of mercy which
is vested in His Excellency
by directing his restoration
to his humble post of Taluk
Fauzdar after cancelling
the order of dismissal made
through prejudice and anger
as mentioned above.

The Memorialist begs to
submit the following papers
for His Excellency's kind
perusal and return.

1. B.P. No. 662 Misc dated 20-2-97.
2. Collector's Prospo No. 2443
6-7-96
3. Draft appeal petition to the Board.
4. —do— do— do— to the Collector.



Proceedings of the Board of Revenue

(Land Revenue),

Dated 10th August

1897.

No. 2989

Miscellaneous.

READ—Again Bds Proceedings N^o 662 Dns dated 20th July 1897 declining to interfere on behalf of Petn, Mr. Trumac Row, late Zamastah of the Bellary Taluk, Bellary Dist. in the matter of his dismissal from the Govt Service and forwarding a Copy of these Procs. to the Post Master General. Read also endorsement of the Collector of Bellary Dist. N^o 4795 dated 3rd August '97. and

Resolution

1. Forwarded to Government.
2. The Board has no recommendation to make on Petitioner's behalf.

(True Extract)

Recd
Secretary

The Secy to Govt R D. with petition and its enclosures with records and Clk's Rst: and Clk's letter 161 in original to be returned and with Copy of Bds reference order of 17-11-96 on Petn. Ry. N^o 2765/96.

See

5. Collector's C.P. No 875 D/3.8.96
6. Mr. Sahasrab's Dis 2138 of 3.8.96
7. } Collector's office Copy Register
8. } Nos 51 72 79
9. } 5.8.96 9.9.96 12.9.96

10. Service bearing cover addressed to Kuruman Kristappa of Chinnalyati charged or taxed 3 annas for sample writing of the Sub. P. Master.
11. do do do
12. Cover addressed to samples showing to petitioner himself
13. 2 covers arrived that private persons to a pleader preserve covers.

Memorialist begs to remain
Most Honoured Sir,
31st May 1897 Your Most Obedient and
humble servant
K. Krishna Rao
Late Subek Zamasta Mr
C/o W. Kristacharu Narraindurthy

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Unculated
to
The Honble Mr J. G. Rose C.E.

B.P. 662 Mis d/20.2-97
Flagged A

Index No 545 d/15.9-95.
vide. p. 35 file 1.
10/1/97

Where is the Memorial? I
cannot find it in the file

JG
4/9/97
It is flagged H. Please see p. 59
this note.
10/26
8/4/97

Draft approved
14/7/97
11/2/97

2/9/97

Read C. No 7138 of 97
For orders: In the current Read
above, the Board of Revenue for-
wards a memorial from
W. Jinnah Rao, late Gu-
mastah, Alur taluk, Bellary
Dt, appealing against the
order of the Board declining
to interfere in the matter
of his dismissal by the Divi-
sional Officer, Adoni, on
a charge of having tampered
with an office Register,
and made surreptitious
entries therein. The facts of
the case are briefly as
follows:—
On the 18th May 1895, an
appeal was preferred
before the Dy. Magistrate, Ado-
ni, on behalf of one Viru-
pamra Gowd who was con-
victed in Criminal Case
No 1 of 1895 on the file of the
Taluk Magistrate of Alur. The
appeal was admitted, but
subsequently, it was noticed
that certain dates on the

Copy
-longh

copy of the judgment filed,
material to the question of
the barring of the appeal
had been altered without
being attested, and the
appeal was in consequence
rejected as time-barred.
The date on which the copy
of the judgment was ready
was changed, from the
29th March to 30th April,
and that on which it was
"delivered or sent by post,"
to the applicant from
30th March to 4th May.
Inquiries as to how these
alterations were made
revealed that the Tappa
book in the Taluk office
had been tampered with,
a whole page containing
among others, entries of the
30th March having been
substituted, the entries re-
written, and a single addi-
tional entry made under
date 'April 4', relating to
the dispatch of the copy of
judgment.

The Memorialist who
was

vide p. 17. file 1.
Flagged C.

29. 4. 95 ?

30th in the entry is
an error. It should
be 29th April.
llll
8551

was in charge of the dis-
patching work admitted
having substituted a sheet
as the original was soiled
with ink. But he maintained
that the entry of dispatch
under April 4 was the cor-
rect one, and accounted
for its suspicious appearance
— it was written closely and
the other entries of April 4—
by explaining that the page
was given him for dispatch
only late in the afternoon
after he had closed his work
for the day. The ink used
for this entry resembled
very much that used for
the substituted sheet, and
gave room for strong sus-
picion. The District Officer
declined to accept
the explanation given. He was
of opinion that the Petitioner
substituted the sheet and
made the entries in order to
assist the party to the appeal
by making the dates correspond
to the altered dates in the
copy of the judgment,
though

Though inadvertently a mistake was committed in entering the date of despatch under 4th April, instead of under 4th May, and the Petri was accordingly dismissed. The Petri appealed to the Coln. producing in support of his contention that the records were actually sent by post on the 4th April, a postal cover, bearing postmarks of Alur, date stamps '4 April' and '8 April' and the 'Postage due' stamp with 'Fourteen annas' written underneath in red ink. The Coln. referred the matter to the Post Master, Bellary, and the Post Master, Bellary, and on being satisfied that the cover was a fabrication, declined to interfere on the Petri's behalf.

The Board of Rev. was next appealed to, and the Bd. referred the matter to the Coln. for report. On considering the report received, the

The Memorialist who was

Pro d/15-9-95. Index No 545
Vide page 35-9 of file 1.
flagged B.

Vide p 28. File 1
flagged E.

Pro of the Coln of Bellary
No 2443 d/6-7-96
vide p. 66. flagged E₂

Ref. on petri no 2765 of 96.
F.

Dis No 161 d/9-1-97

B.P 662 Mi
d/20-2-97
A.

Q flagged H.

the Board likewise dice of any to interfere. In the present point the Petri does not adduce that any fresh evidence is at favour. The following Post some of the conclusions grounds for believing that his defence is invalid. The substitution of a sheet, and the interpolations of the entry, both refer to the same subject, and their close similarity of ink used, warrant an inference that both were done by the Petri at one and the same time and for the same purpose. It was on the Jappal book on the custody of the Petri that was tampered with. The copy application Requiring also give the date was left intact. The grounds for suspecting the genuineness of the cover are many, though the Sub Post Master speaks to its genuineness, and acknowledges having received some

Though in mistake, due on it. He, however, re-entering not credit the amount under 4^{only} a full year, till after 11^{of unde} was called upon for and the Feb. explanation by the Post-
 - the dismission of Bellary. The correct accounts in the Col. the office books of the Post Office show that there was no mistake as sent. Post Master tries to make April. The figures in column 4 of the Sub Office Account stay on the days 1-13 of April 95 and tally exactly with those in Col. 14 of the Account Office Account for the same days. It would not have been the case if 14 as had been received from the Village Postman. The absence of an entry of 14 as in Col. 9 of the Sub Office Account between 27th March and 9th April proves that such an article was not posted or taxed. None of the articles given to the Postman for delivery between these dates belonged to the local

Letter from the Tahsildar of Alur to the Colr of Bellary page 62-3. of Capped J

Proc of the Colr of Bellary vide p. 68. (2). of Capped J

Letter from the Post Master Genl to the Colr of Bellary - d/19-12-96 vide p. 80.

Confdl. letter from the Colr to the Tahsildar of Alur. d/1st May 95. Ref on this Appeal vide p. 45 of Capped J

Tappal. The absence of any entry in the Error Book, as the Post Master Genl points out, definitely proves that the cover was not posted at Alur. That the Alur Post Office had 14 taxed articles to deliver in a day with Re 1-4-6 to be collected thereon seems highly improbable. Excluding the cover in question, which fetched 14 as by itself, this would leave 13 articles with 6 as 6 p due on them if each of the 13 was a service bearing cover. The addressee Bojjana Gowd and his father firmly deny having received the papers by post or having given the cover to the memorialist. The absence of any entry in the Tappal book relating to the despatch by post of certain other papers applied for by Bojjana Gowd, as the along with the copy of the judgment, gives room for a presumption that they were delivered to the applicant or some

The
 mi some messenger on the 28th
 March, as the entry in the
 Copy of the Register shows.
 There is, however, proof
 positive that the other papers
 were not sent by post: hence
 Boppana Gowda's assertion that
 he did not receive the record
 by post is strengthened, as
 the Petitioner's statement that
 the excessive postage of
 14 annas was probably due to
 another file of papers being
 sent in the same cover, has
 been proved erroneous. The
 20 sheets of stamp paper—the
 N^o. of the copy of judgments
 weighed less than 11 folios, while
 20+14 (the N^o in the other file
 alleged to have been sent
 along with them) weighed
 considerably more. In
 either case it was false.
 The Dy. Col. in his
 P.O. dismissing the Petition
 says "he had only been
 recently dismissed, but
 restored by the Bd. of Rev. on
 the ground that the charges
 against him had not
 been

p. 39. flapped N.

vide p. 80 C21. Letter from
the Post Master Genl.

flapped I.

been satisfactorily proved.
 The evidence is very
 strong against the Petitioner,
 and his prayer may, if it is
 submitted, be refused.

The P.O. Draft & Co. is submitted
 by approval
 P.O. no 4878 d/16 Sept-97
 The Govt declines to
 interfere on Petitioner's
 behalf

14/9/97
 27/8

11/9/97
 30/8/97

Some B.O. Res. & R.
 with encls. returned

21-9-97

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When given for copying _____
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BRAD 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 DUTTO.

PAPERS NOT FILED UP, BRING MEANT FOR DESPATCH
IN ORIGINAL.

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