

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 5277

DATED 9 Oct 97

[Despatch Abstract.]

Declining to interfere on behalf of
— Hari Rao, late Deputy Range Kanigera
Range, in the Nilgiri Dist in the matter of
his disavowal from the public
Service.

BACK PAPERS.

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

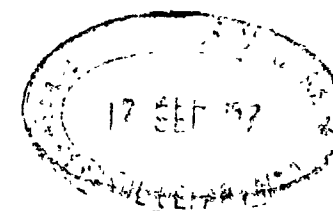
FURTHER PAPERS.

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

Revenue (1897) Department.

CURRENT No. 81241

The Honble Mr. J. P. G. V. E.



See

From

The Board of Revenue,
L.R. Madras

Order misc no 5277 d/ 9 oct 97

The Govt sees no reason to interfere on the pet's behalf. Fresh No. 926 Mb.

Dated 14 September 1897

Received 17.9.97.

Registered 21.9.97

Enclosures 8

Spare copies

To the pet.
To the Board (L.R.) with Encls.

Note This is a second appeal from an order of the Conservator Central circle dismissing the petr from the post of Dy. Ranger in the Nellore District. The facts of the case are briefly stated in the Board's resolution. It seems clear that the petr's conduct was fraudulent

Subject Submg to Government with remarks appeal petition from S. Hari Rao, late Deputy Ranger, Kanigiri Range in the Nellore Dt praying for restoration to his former appointment.

BACK PAPERS.

G.O.	No.	Department.	Date.
	880	Rev	7.5.97.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

and there are, it is submitted, ~~of~~ the grounds for the interference of Govt.

It seems quite clear, from the fact that the money, rec'd in Feb, has not entered in the Range Cash book, that the memorialist intends to appropriate it in can the D.F.O. grant the renewal of the permit without payment.

W.R.
8.x.97

To

HIS EXCELLENCY, THE RIGHT HONORABLE
The Governor-in-Council,

Fort St. George,

MADRAS.

The humble Memorial of S. HARI ROW,
late a Deputy Forest Ranger, Kanigiri
Range, in Nellore District.

MOST RESPECTFULLY SHOWETH,

That memorialist has been unjustly dismissed from the public service by the Conservator of Forests in his Proceedings No. 456 dated 20th September 1896 herewith submitted.

2. That he appealed to the Board of Revenue against the Conservator's orders, who, without going through all the papers, declined to interfere in a short Proceedings Forest No. 1613 Mis dated 12th December 1896 herewith submitted. Memorialist now begs to appeal to Your Excellency for justice against these orders.

3. The alleged charges against him are (1) Mis-appropriation of public money, (2) Furnishing false information to the District Forest Officer and (3) Submission of a fabricated document.

4. A brief history of the case is submitted below :—

In 1894, one Chillara Chenchuramiah applied for trees in a pond. They were valued and the grant of the trees was sanctioned by the District Forest Officer during memorialist's absence on leave. A permit was issued on 1-11-94 with 31-12-94 as the date of expiry of the Permit. After Petitioner re-joined, a report was received from Village Officers and the Permit holder, that owing to heavy rains in November, the permit-holder was not able to remove the wood within the permit time and requesting grant of extension of time. Petitioner in the usual course of business asked the permit holder in a post-card dated 1-2-95 to remit $\frac{1}{4}$ of the original value which is generally collected in cases of default by neglect.

He remitted Rs. 9-6-0 in February 1895. But in March 1895 and subsequently in April 1895, Memorialist recommended to the District Forest Officer to grant extension of time without collecting the $\frac{1}{4}$ seigniorage. The District Forest Officer wished to know in order dated 15th December 1895, Ref. Nos. 1625, 2100 FOR., whether the permit holder was willing to pay $\frac{1}{4}$ seigniorage. Memorialist then recommended grant of extension of time after collecting the $\frac{1}{4}$ seigniorage, saying that the permit holder having been asked in some previous correspondence to remit the $\frac{1}{4}$ seigniorage, agreed to do so. The District Forest Officer wished to have the correspondence referred to. Memorialist furnished a copy made from memory of the post-card dated 1-2-95 above referred to calling it a 'true copy'. The District Forest Officer then asked whether as per requisition the permit holder remitted the money. Memorialist replied that the money was received and was with him.

The pet'r admitted that he had received the money.

5. On these facts the District Forest Officer framed the charges first above quoted. The mis-appropriation is presumed from the fact of the memorialist having recommended the grant of extension free of $\frac{1}{4}$ seigniorage, though the amount was already received. The charge of giving false information is presumed probably from the fact of memorialist not having mentioned the receipt of the money and of recommending extension free. The 3rd charge of fabricating a false document is presumed from the fact of memorialist sending a copy made from memory of the communication sent to the permit holder (Post-card) 1st February 1895 calling it a "true copy" and dating 1st July 1895.

6. These charges have been fully refuted in the Memorialist's explanation to the District Forest Officer and in the appeal petition submitted to the Board, but to the misfortune of the petitioner the District Forest Officer came to a foregone conclusion, and was further animated by a strong ill-feeling against the memorialist which he had been cherishing for the past three years for reasons best known to himself. The Conservator and the Board did not give weight to the probabilities of the case, and were apparently swayed by the one-sided representation of the District Forest Officer.

7. Memorialist now takes the liberty of requesting your Excellency to give full consideration to the probabilities of his case, after perusing the following explanation and that previously submitted and to restore him to his appointment.

8. As regards the first charge of mis-appropriation memorialist begs to submit that when he wrote the Post-card dated 1/2/95 to remit the $\frac{1}{4}$ seigniorage, he had no opportunity to refer to previous correspondence, the memorialist having been on tour and the records not having been available; nor did he make note of the issue of the Post-card on the report of the permit holder and the village officers through oversight. This mistake has led petitioner to all this trouble and has given a colour of dishonesty to his subsequent proceedings. If one realizes that however careful he may be, his memory may one day become treacherous, and that he will be unwittingly led to commit mistakes, Memorialist's case is very easy of explanation. The question will then be, whether there are any other circumstances apart from the alleged failure of memory to raise a presumption of dishonesty. In the Memorialist's case, should it be granted that the failure to note the issue of a post-card dated 1-2-95 in the terms already stated was one due to an oversight, Memorialist's subsequent recommendation to the District Forest Officer to grant extension without collecting the $\frac{1}{4}$ seigniorage, is nothing strange. The report of the permit holder and the Village-officers was to all intents pending disposal, as no note was made of the issue of the post-card dated 1st February 1895. On reaching head quarters, he referred to previous correspondence and not remembering the issue of the post-card dated 1st February 1895, recommended to the District Forest Officer extension of the permit time free of charge, because on referring to the previous correspondence, he was convinced that between the date of issue of the permit and the expiry date there was much rainfall which prevented the cutting of wood. At the time memorialist made the above recommendation he was not aware that the permit holder in pursuance of the post-card dated 1st February 1895 remitted the money. Memorialist received by money order Rs. 9-6-0 in February 1895, but when he made the above recommendation, he was not aware of the identity of the money, with the case under question.

In the Range of which Memorialist was in charge, remitting money by money-order is the rule and Memorialist used to receive scores of money orders. These were generally accompanied by arjees or petitions stating the purpose for which each was remitted and by whom. Thus practically there was no difficulty in identifying the money received. In the present case, unfortunately the remittance was not accompanied by any separate letter, nor was the coupon itself filled up to give any information. Memorialist did not note the name of the remitter in the present case, because it was not usual to do so and because he was certain that a separate letter would follow as in other cases. He was thus not aware of the name of the remitter nor of the purpose.

Thus not knowing the identity of the money with the case under question, he made the recommendation to grant extension without collecting the extra seigniorage. In fact Memorialist was not aware of the identity of the money until the District Forest Officer asked him in December 1895 whether the permit holder was willing to pay the $\frac{1}{4}$ seigniorage. Memorialist then sent a man to permit-holder to ascertain from him whether he was willing to pay, and he then brought word that the money was already remitted as per post-card dated 1st February 1895. Then for the first time memorialist became aware that a grave mistake was unwittingly committed through forgetfulness. From the above, Your Excellency will be pleased to find that there was not the slightest intention to mis-appropriate the money, that the original recommendation to grant extension without collecting the extra seigniorage was made not knowing the identity of the money, and when the identity of the money was known, memorialist recommended grant after collecting the extra seigniorage. One other fact in favor of the memorialist's contention that he proceeded honestly throughout is that if wished to misappropriate the money, he could have done so without opening any correspondence with the District Forest Officer. He could have after receipt of the money given permission to the permit holder to cut and take away the wood. There were absolutely no checks against this. The District Forest Officer even if he happened to come to the Range, of which there was then no likelihood, would not have gone to the particular village. The chances of detection were almost nil. If fraud was intended this was the easiest course to consummate it. Instead of doing this petitioner proceeded honestly, but became a prey to a treacherous memory.

9. As regards the 2nd charge, petitioner begs the favor of your Excellency's perusal of para 4 of the petition submitted to the Board. There was no submission of false information. The contrary recommendations and the omission to state receipt of the money were, as already explained under the 1st head of charge, due to petitioner not having been aware of the identity of the money.

10. The 3rd charge is fully replied to in para 5 of the petition submitted to the Board. Copies are not kept of small Takids or orders sent on post-cards to villagers. In the present case no copy was kept of the post-card dated 1st February 1895, and when the District Forest Officer asked for the office copy of this Takid, memorialist made one from memory and called it "true copy" and in dating it 1st July 1895 was wrongly put down, instead of 1st February 1895. It was at best a hand-slip. It is therefore unfair to make this a serious charge against the memorialist.

11. A short account of the Memorialist's services is given in para 15 of the Board's petition of which a perusal is solicited. Memorialist had done hard work during the past 11 years. He has been dealt with unduly severely for no fault of his own or for a fault which no public servant is free, a treacherous memory. The amount involved is but Rs. 9-6-0 and surely petitioner could not have stooped to defraud the Government of this small sum in the way he did, when there were other easier courses open to him, if he really wished to practice a fraud.

12. In the above circumstances, memorialist prays that Your Excellency in Council may be pleased to restore memorialist to his appointment. Memorialist has been most unfairly treated. Every sort of presumption was made against him and due weight was not given to the probabilities of the case. Memorialist trusts that he will have his due at Your Excellency's hands.

Memorialist begs to remain

Your Excellency's most obedient and humble Servant.

S. Narinder

5-8-97

*The pet. card
has said sub
mitted to the
District Forest
Officer. The
District Forest
Officer has
not mentioned
a word about the
receipt of the
money. So the
District Forest
Officer is
not a party
to the fraud
dated 1-7-95.*

*and the
ground
you*

*alk
7/10*



Proceedings of the Board of Revenue

(Land Revenue),

Dated 14th September 1897.

Forest No. 926 ——— Miscellaneous

READ Letter from the Conservator of Forests, Central Circle,
dated 31st August 1897, No. 457.

Resolution.

Submitted to Government.

2. On 1st November 1894 one Chikara Chanchu-
ramiah was granted a permit to cut 40 tamma
trees within two months from the date of the permit.
The permit holder was unable to cut the trees
within the prescribed period and asked for an
extension of time. The Memorialist who was
in charge of the Range, informed the permit
holder that if he remitted $\frac{1}{4}$ th of the assignance
his permit would be renewed. The permit-
holder accordingly sent a money order for
Rs 9-6-0 which the Memorialist acknowledged
on the 26th February 1895. In addressing the
S. F. O. on the subject on the 3rd March 1895,
the Memorialist made no mention of the receipt
of this money, and merely asked for permission to
grant

On 1.2.95

grant the permit holder an extension of time to cut the trees, either after recovery from him of $\frac{1}{4}$ the seigniorage or without it as the D.F.O might deem fit. Some correspondence then passed between the D.F.O and the Memorialist which necessarily caused delay, and the permit holder in the meantime complained to the D.F.O that although he had remitted the $\frac{1}{4}$ seigniorage to the Memorialist, so long ago as in February 95, he had not been granted the required extension of time to cut the trees.

This having aroused the suspicion of the D.F.O against the Memorialist, the latter was requested to report if the permit holder was willing to pay the renewal fee. To this the Memorialist replied evasively, by saying that the permit holder had in reply to a takeed expressed his willingness to pay the renewal fee. This takeed is dated the 1st July 1895, whereas the permit holder's renewal fee was acknowledged by the Memorialist on the 26 February 95. The takeed was evidently a false document manufactured by the Memorialist for the purpose of justifying his action.

3. The Memorialist was not only guilty of the omission to report to the D.F.O the fact of having received the renewal fee, but also omitting to enter the amount in the Range Cash book.

When taken to task he manufactured a document to support his case. The Conservator found him guilty of (1) Misappropriation of public money (2) furnishing false information to the D.F.O and (3) submission of a fabricated document, and dismissed him from service.

4. The Memorialist's appeal to the Board was dismissed in Proceedings Forest No. 1613 of 12 December 1896. Against this order the Memorialist now appeals

but

but adduces no fresh arguments in support of his plea of innocence and the Board has no recommendation to make on his behalf.

(True Extract)

Receives
Secretary.

No.

The Secretary to Government R.D. ✓
with Conservator's letter & its encs.
in original.