Revenue (189/) Department.

ROUTINE SERIES.

G.O., No. 588

DATED 22nd March 97

[Despatch Abstract.]

Petn from Kesavan Nair labourer
Salt + Abkari Dept. Ponani circle praying
for restoration disposed of under Para X
of C. Petn Rules.

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. 2508

bcsp 2-2/3

From
Kesaven Nair,
Late First Grade peon, No 861,
Salt and Abkari Departt,
Ponani Circle, Malabar Dt.
(Address within)

Order R. No. 588 dy 22nd March 97

Para X of C Petition

Rules

No.

D 7.97
22

Dated 16-3-97

Received 19-3-97

Registered 20-3-97

Enclosures 10

Spare copies

To the Petitioner with Enc } dy. 24-3-97

Q&P
20/3/97

SUBJECT.

Praying that he may be restored to his post.

A&P
20/3/97

BACK PAPERS.

G.O.	No	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PETITION

0261

REVENUE DEPT

GOVERNMENT OF MADRAS
19 MAR 97

To

His Excellency,

THE GOVERNOR IN COUNCIL,

CHIEF SECRETARY GOVERNMENT OF MADRAS
19 MAR. 1897

Fort St. George,

MADRAS.

The humble appeal of KESAVEN NAIR, late First Grade Peon, No. 861, Salt and Abkari Department, Ponani Circle, Malabar District.

RESPECTFULLY SHEWETH,

That Petitioner humbly appeals against the Proceedings of the Board of Revenue, Separate Revenue, Mis. No. 4976, dated 19th November 1896. That the order of the Board reached Petitioner only on 18th December 1896.

That Petitioner was dismissed, along with two others, by the Assistant Commissioner, Calicut Sub-Division, in his Order No. 2292, dated 25th May 1895, and it was against that order that Petitioner unsuccessfully appealed first to the Deputy Commissioner and then to the Honourable Board. That the dismissal was based on the following circumstances.

That Petitioner, along with the two others above referred to, was convicted on the 13th March 1895 by the Head Assistant Magistrate of Malabar of alleged cheating under Section 420, I. P. C. That on appeal to the Sessions Court, the sentences were quashed, but the Sessions Court remarked in its judgment, that Petitioner and the others were liable to departmental punishment. That the following circumstances, which briefly set forth a history of the case, will convence Your Excellency that the remarks of the Sessions Court were not justified :—

Some toddy tappers of Mullasheri Amshom who had been arrested for illicitly tapping for sour toddy complained on 16th May 1894 to the Chowghat Sub-Magistrate that Petitioner and others had on 4th April 1894 cheated them out of some money on the pretext of permitting them to tap for jaggery toddy before formally obtaining the necessary permits. This charge was, it will be seen, brought subsequent to the arrests. Full one and half months had elapsed before the tappers thought of complaining. It is significant that no complaint was made until

the tappers found themselves arrested for a serious Abkari offence. The tappers made no mention of day or week. They merely said the cheating took place about the end of (Meenom) April.

That the first Complainant tapper stated that he was among those who had applied for tapping sweet toddy. When the records of the Circle Office were produced in Court, it was discovered that this tapper had not submitted any application at all. How then could he have been induced to pay any money to Petitioner? The complaint of the tapper was clearly that money had been taken from him to enable him to tap for sweet toddy. Since he was not applying for any permits, there was absolutely no necessity for him to pay any money to the Petitioner or any one else.

That the tappers stated that the cheating took place in Mullasheri Amshom in a public shop in presence of several people. The first Complainant tapper told the Chawghat Magistrate that the money had been paid into the hands of Petitioner. Subsequently he told the Head Assistant Magistrate that the money was paid into the hands of one of Petitioner's companions (3rd accused). Now, this was a very material contradiction, for while Petitioner is grey-eyed—a rare thing among Malayalies—the other accused happens to be black-eyed. Petitioner and the other have two clearly distinct casts of countenance. The contradiction is all the more significant when it is remembered that Petitioner and the others had been working in the locality for about two years and were intimately known to all the people there.

That the Subordinate Court itself rejected the first Complainant's story as false, and only convicted Petitioner and the others accused on the charges of the other tappers. But the false nature of one tapper's charge combined with the other circumstances already detailed are only short of direct proof that the whole case was cooked up to avert disaster in the charge the tappers were arrested for. That it is noteworthy that of this latter charge they were all convicted.

That had there been such gross cheating as alleged, opportunities daily offered themselves for the aggrieved to complain, inasmuch as superior officers of the Department were on the scene of the alleged offence between the date of offence and that on which the tappers had been arrested. Had there really been a grievance, why not use the many opportunities that offered for redressing it? The fact remains that the officers of the Department when examined as witnesses deposed that no complaints whatever reached them.

That the positive evidence given in Petitioner's favor by his superiors ought to carry great weight. The Petty Officer in whose party Petitioner was working about the time of the alleged offence clearly deposed that on the day of the supposed cheating Petitioner was with him in Venkadanga Amshom—a distance of 4 miles from Mullasheri. Petitioner's diary also bears this out. That the Court believed the evidence of the Petty Officer, but unhappily failed to act on its belief, for a conviction that the Petty Officer spoke the truth should not surely have led to Petitioner's conviction.

That another strong circumstance in Petitioner's favour is that even while the tappers were arrested, they breathed no word about the cheating. It was only a couple of days after they were enlarged on bail, that they brought their charge. Is it not clear that their charge was the convenient result of an after thought.

That Petitioner and his comrades contended from the begining that if they were to be tried at all it should be on a charge of bribery and this contention was brone out by what the Sessions Judge has said in his judgment when he tried them and released them.

That the best judges of Petitioner's guilt or innocence were his superiors and it is noteworthy that immediately after the case, Petitioner was reinstated by the Circle Inspector and actually worked for two months until the Assistant Commissioner deemed it fit to dismiss him. Not until Petitioner was convicted, was his uniform removed—clear evidence that his superiors, who were best in a position to know, held him all along innocent.

That Petitioner had the misfortune to belong to a much-maligned Department, and perhaps that went against him and clouded the merits of his case. He humbly appeals to Your Excellency for the justice of reinstatement, for which Your Excellency's humble Petitioner shall as in duty bound,

EVER PRAY.

P. Kesavan Nair,
C/o Menon
Kantheramook Amshom
Ponani Taluk
Ponani
Calicut 16th March 97

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

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.							

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