

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 638

DATED 25th March 1897

[Despatch Abstract.]

INFORMING Muthuswamy Pillai, late Ex-Hammam,
of Nanjikuppam Village, Cuddalore Taluk, South Arcot
District, that, under section 23 of Madras Act III of 1895, as amended by Act II of 1897, no appeal lies
to Government.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
CR 94	31	2018 R	5-11-97				

Revenue (1896) Department.

CURRENT No.

8337

To be over

2018 R

Order

From

Muthuswamy Pillai
 M. Nathan of Mayakuppam
 Village of the Cuddalore
 Taluk, S. Arcot Dt.
 No.

Dated No date

Received 13th November 1896

Registered 18th November 1896

Enclosures 6

Spare copies

SUBJECT.

Pragun for restoration
 to his former post.

Recd 18/11

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.
	2018 5-11-97		

PETITION

To

INDE DEPT

HIS EXCELLENCY

THE GOVERNOR OF FORT ST. GEORGE and

President in Council,

MADRAS.

CHIEF SECRETARY
12 NOV. 1896
GOVERNMENT OF MADRAS

The humble Petition of MUTHOOSAWMY PILLAI,
Ex-Karnam of Munjakuppam village of the Cuddalore Taluk, South Arcot District.

MAY IT PLEASE YOUR EXCELLENCY,

That your Excellency's Petitioner most respectfully begs to submit the following particulars earnestly hoping that they will receive your Excellency's kind and favorable consideration.

2. That your Excellency's Petitioner was the Karnam of the village of Munjakuppam in the Cuddalore Taluk, South Arcot District on a salary of Rs. 7 per mensem and was dismissed from duty by the Deputy Collector on the allegation that he demanded a bribe from a Darkhastdar.

3. **The occasion:** That one Dorasamy Naick, a Police constable at Chidambaram, tendered a Darkhast in December 1891 for a piece of land in the village of Vudaramanikam. But the land was made over to another by the Tahsildar of the taluk. On appeal preferred by a Vakil on behalf of the constable, the original assignment was reversed by the Deputy Collector and the land reassigned to the constable. In this connection the Vakil produced before the Deputy Collector a letter addressed to the constable by the Petitioner in support of the superior claims he possessed. This letter stated that the land would be assigned at Jamabandy, and if he sends tree value Rs. 3-4-0 and also Rs. 3 he would have the patta soon after Jamabandy. (Vide Enclosure A.) This is the pivot on which the entire case revolved.

4. **The mistake of fact:** The Deputy Collector on reading the letter misunderstood the contents and thought it to be highly suspicious and doubtful, without taking into consideration the collateral events that attended the occasion. He began to enquire privately and it was, to the misfortune of your Excellency's Petitioner, represented to him by persons ill-disposed towards him in such an ingenious way as to produce an unfavorable impression in his mind in regard to the Petitioner, which misled him althrough. The man who succeeded the Petitioner as Karnam was a dead enemy to the Petitioner and the Deputy Collector's interest in this person, who is also of the same caste as himself might have had something to do with the wrong opinion formed by him.

5. **The misrepresentation:** That the Deputy Collector, swayed by the first impulse, which is not unnatural, and laboring under the misapprehension that the letter was written with fraudulent intension, which had already been impressed in his mind, asserted in order to maintain his assumption. (Vide Enclosure D.)

First. That Dorasamy Naick in his appeal complained that the Petitioner demanded a bribe of Rs. 3-8-0, for assigning the land to him and produced the letter to establish his statement.

Refutation: What the Deputy Collector says that a complaint was made in the appeal is not a fact. A perusal of Enclosure B—the appeal petition—will clearly show that no mention is made in it of the letter in question and that no complaint of the kind mentioned by the Deputy Collector had been preferred by the constable. The so called complaint is one of the Deputy Collector's own making and probably invented to maintain his own stand point. The constable it may be added, did not at all appear before the Divisional officer, nor was he sent for for a deposition.

Second. That (a) the sum of Rs. 3-4-0. demanded by the Petitioner as the value of the standing trees on darkhast land was excessive and (b) the object of the Petitioner in having fixed a higher rate of value was to appropriate a portion of it to himself.

Refutation: Here if the assertion (a) that the value was excessive be incorrect, the remark (b) that it was done with a fraudulent intention is uncalled for and untrue. The Petitioner submits that the estimated value of Rs. 3-4-0 was arrived at by the Petitioner as detailed in the margin. This was the first of the amounts mentioned in the letter written by the Petitioner to Dorasamy Naick. The Petitioner here earnestly begs a careful consideration. Subsequent to the letter, the Revenue Inspector of the Range, as usual, measured the said land and found out that the first big Palmyra was not in the land in question but in the border of the one adjoining it.

1 Big Palmyra ...	Rs. 1-4-0.
2 Small Palmyras ...	1-0-0.
1 Authi Pavarasa tree ...	1-0-0.
Rs....	3-4-0.

The big palmyra was consequently excluded and the value of the remaining trees was taken into account—i.e. deducting the value of Rs. 1-4-0 for the big palmyra tree, the value to be recovered would be Rs. 2, which was recovered from Dorasamy Naick. It will thus be seen that the value fixed by the Petitioner was no other than that recovered from Darkhastdar and the remark of the Deputy Collector that the value was excessive is not borne out by facts.

Third. That in regard to the other amount of Rs. 3, the Deputy Collector stated that Dorasamy Naick's patta amounted in all to only Rs. 3-9-0, and that January kist alone was due when the letter was written and as nothing was said in the letter itself regarding arrears due, he had no doubt that the amount of Rs. 3 mentioned in the letter was a bribe the Petitioner demanded.

Refutation: The Petitioner begs to submit that the amount due by Dorasamy Naick on his land up to 5th February 1892, the date on which the letter was written by the Petitioner, was Rs. 2-4-6. This was kist payable by him for January and February. The fact is that at the time the Petitioner wrote the letter in question to Dorasamy Naick in regard to the value of trees on the land he had Darkhasted, the Monegar of the village requested him to add a line in it about the kist, which was also inserted. The Monegar also deposed before the Deputy Collector that he did desire the Petitioner to do so. (Vide Enclosure C.)

6. The improbability: i. That the Petitioner submits for your Excellency's consideration, if, after a careful overhauling of the above facts, it can be reasonably supposed that the Petitioner might have had any fraudulent intention to misappropriate a portion of the tree value as asserted by the Deputy Collector on the single evidence of his first impulse. It was all a matter of presumption. The value of the trees, it may be added, was never sent to the Petitioner, nor was there any

money transaction whatever in order that it may at least be suspected that the Petitioner might have intended to misappropriate any portion of it. The decision was after all a result of conjecture and assumption. A poor Karnam to be made to fall a victim to the accidental eccentricity of a Deputy Collector!

ii. That it may be imagined how improbable it is to surmise that a Karnam and Revenue officer of the Petitioner's service and experience would be so blind as to mar his prospects by openly writing a letter to a Darkhastdar, and that, to a Police officer asking a bribe in matters affecting public service. This is really, if judged aright, impossible and could not have existed.

7. Punishment too severe: That the Petitioner was found fault with and incriminated with a charge of attempt to take bribe, by the writing of a letter which was misunderstood, misrepresented and assumed to have been written with a fraudulent intention. For this a dismissal! Is it not too severe? Is it commensurate with a charge of assumption? A letter of alleged attempt to take bribe should bring on an innocent public servant the punishment of the highest kind—dismissal! Such trivial mistakes, if mistakes they be, be made to visit with the punishment of dismissal from service, which is set aside for extreme cases!

8. The usual appeals were preferred to the Collector and the Board of Revenue, who in their uniform language would not interfere with the orders of the Deputy Collector as the case was viewed by them in the light thrown by him. Their orders are enclosed. (Vide Enclosures E. and F.)

9. That the Petitioner is doubtlessly aware that in instances of the kind your Excellency has been "the poor man's friend" and has shown liberal consideration, and earnestly prays that, on a consideration of the trivial nature of the exaggerated mistake and the severity of the punishment, your Excellency's Petitioner has been made to suffer, justice may be done by ordering his restoration to his former post.

For which act of generosity your Excellency's Petitioner shall ever pray.

LIST OF DOCUMENTS ENCLOSED.

- A.—Copy of letter written by the Petitioner to Dorasami Naick.
- B.—Copy of petition by Dorasami Naick appealing against the original assignment of the Darkhast land.
- C.—Copy of deposition by the Monegar of the village.
- D.—Proceedings of the Deputy Collector of South Arcot dated 2nd August 1893, dismissing the Petitioner.
- E.—Proceedings of the Collector of South Arcot No. 22 dated 15th February 1896, on the appeal of the Petitioner.
- F.—Proceedings of the Board of Revenue (Land Revenue) dated 13th May 1896, No. 2205 Mis. dismissing the appeal of the Petitioner.

(Signature)

MUTHOSAWMY PILLAI,
Ex-Karnam, Manjakuppam,
CUDDALORE.

MADRAS,
November 1896.

Address

Muthosawmy Pillai

H. Dorasawmy Modellian

No. 3 Parumalnaicken Street

Parasawalkun

Madras

Government of Madras.

Read no. 8337 of 96.

REVENUE DEPARTMENT.

Endorsement No. 638R of 25-3-97

THE petitioner is informed that no appeal lies to Government under Section 23 (1) of Madras Act III of 1895. as amended by act II of 1897.

(By Order.)

(cc)
W. S. P. S.

Under Secretary to Government.

FORT ST. GEORGE,

189

To the petrs
with Encls

600.29-8.97

EW/24/3/97

25/3/97

Note

The petition was filed in November 1896.

A.P.
24 March

Read the 23rd of 1899

1899/10/23

as amended
by Act II of 1899

The following
is a list of the
1899

1899/10/23

A A A A A A A

1899/10/23

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

LETTERS OF GOVERNMENT

STATEMENTS WITH DITTO

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

B.E.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.