

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 802

DATED 26th April

[Despatch Abstract.]

Disposing of petition from P. Krishna Rao
late Sub Inspector of the Salt, Abkari and
Customs Department under par II of
C. Petition 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.
Cto 3975/97	2789	Revenue	2-6-97				

Revenue (1897) Department.

CURRENT No. 3287

From

The Secretary to the Commissioner of
Salt Akhain and Separate Revenue

Memos

No. 1442

R.
Order R no 802 of 26th April 97.

Para II of C. Petition

Rules.

Wt
26/4/97

Dated 8th April 1897

Received 19-4-97

Registered 21-4-97

Enclosures /

Spare copies

SUBJECT.

Submitting to Government with remarks
the petition of P. Krishna Rao late Sub Deputy
of the Salt Akhain and Customs Department
appealing against the order of dismissal
passed on him by the Deputy Commissioner
Central Division and upheld by the Board.

To the Petr. No. 29-4-97

Wt
23/4

Wt
21-4-97

BACK PAPERS.

G.O.	No.	Department.	Date.
Cm	2226	97 op. 521 R	15-3-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

TO

HIS EXCELLENCY THE RIGHT HONOURABLE

The Governor in Council,

FORT ST. GEORGE,

MADRAS.

MAY IT PLEASE YOUR EXCELLENCY,

AN HUMBLE APPEAL.

P. Krishna Rau, late Salt and Abkari Sub-Inspector, Kurnool circle, most respectfully begs leave to be allowed to approach your Excellency in Council with this appeal against Resolution Mis. No. 83/10-1-97 of the Board of Separate Revenue Madras.

That your Excellency's humble petitioner begs to state that he, on 11-12-96 had preferred an appeal to the Board of Revenue, Madras, against Proceedings No. 5015/13-10-96, of the Deputy Commissioner Salt and Abkari, Central Division, in which an order of *dismissal* was passed on your Excellency's petitioner. The Board in its above Resolution has very summarily disposed of the petitioner's case by declining to interfere on the petitioner's behalf.

SUMMARY OF THE CASE.

2. The origin of the unfortunate charge against your Excellency's petitioner which eventually resulted in his dismissal, is after all very simple.

3. Your Excellency's humble petitioner begs to submit that he was appointed a permanent Salt Sub Inspector by the then Deputy Commissioner of Salt and Abkari in his Proceedings No. 4234/1-9-96. Before he got this appointment the petitioner was acting as Assistant Jailor in Bellary. Being relieved of his duties at Bellary on the 23rd of September 1896 the petitioner proceeded to Kurnool and reported himself to the Circle Inspector there on the afternoon of the 28th September 96. After remaining in the office for only a few hours till sunset he, along with the other establishment of the office, repaired to his lodging. Again on the following morning the petitioner went to the office where he was informed by the office Head clerk that he was posted to *Chowkie* duty at Mudumalam a village 30 miles off from Kurnool.

4. Your Excellency's petitioner implicitly obeyed the direction and started on the journey to Mudumalam. Hardly could he go a distance of 3 miles in that direction he was overtaken by a very heavy shower of rain and was completely drenched. Feeling quite uneasy to make any further march at the time, as he was already ill, he directly returned to the office and represented to the Circle

Inspector what all happened in the way. The petitioner entreated the Inspector with all humiliation to keep him in the office for a few days at least so that he may recruit his health and have benefit of some instructions about the duty to which he was posted. The Inspector relentlessly refused to comply with the petitioner's prayer and even further ordered that your Excellency's humble petitioner had better resign and go away. The petitioner who at the time had high fever on, chose to tender his resignation not being aware of the consequences likely to ensue. Your Excellency may be pleased to consider, what else if not compulsion, ill-health, and other peculiar circumstances would have actuated your Excellency's petitioner to risk the extreme step of resigning. The petitioner who had on the outset fortunately secured an appointment carrying a decent salary of Rs. 30 was cognizant of the fact that by his resignation he would lose it by the next moment after having had hardly a day's service if that can be called so. The petitioner was only aware that the highest that would be done in his case was a mere acceptance of the resignation which itself was even hard on the petitioner. Nothing short of a regular external constraint would have induced your Excellency's petitioner to adopt this step.

5 The Inspector first made a report to the Assistant Commissioner of Salt and Abkari, Bellary Sub Division, against your petitioner. The latter officer without any explanation whatever from the petitioner very strongly wrote to the Deputy Commissioner making much, after all, out of nothing. And hence the order of dismissal.

6 This is all the fault, remissness or disobedience which is supposed to have merited his dismissal.

7 Your Excellency's petitioner begs to submit that to begin with, the Assistant Commissioner in his No. 1781/1-10-96 recommended the prosecution of the petitioner under Section 62 of the Abkari Act and then later on in the course of the same letter observed "*In any case his resignation should not be accepted and if not prosecuted he should at least be dismissed, I have suspended him pending your orders*". The petitioner begs to point out that all this was done without a word in the shape of explanation from him. The Assistant Commissioner seems to have had his own misgivings about the correctness or legality of such a punishment as prosecution for the trivial case before him. It is no doubt to deal with the petitioner more leniently, according to the view the Assistant Commissioner has taken of the case, that he recommended him for a dismissal.

8 Meanwhile your Excellency's humble petitioner had, on the 4th October 1896 directly petitioned the Deputy Commissioner in which he had made a clean breast of all the incidents connected with his sad case and which led to his resignation. That petition was forwarded to the Assistant Commissioner for remarks. That thereupon the Assistant Commissioner in his No. C/46 dated 11-10-96 reports "*That putting aside all extraneous matter, i. e. heavy rain, wild animals, fever etc., the fact remains that being ordered to go to take charge of Mudimala he did not go. He states what I was not aware of that he actually proceeded three miles or so towards his destination and returned. Whether he did actually make a start, I am unable to say, but I clearly understand from the Inspector's report that he simply refused to go*".

9 It will be seen from the above quotation that the Inspector had only written to him that the petitioner simply refused to go. The petitioner begs to point out to your Excellency that the Assistant Commissioner would have done better if he had

only obtained a report from the Inspector on the several facts stated in the petition of your Excellency's petitioner. It is obvious that he considers it true so far that there were extraneous circumstances in the case but he had put them aside for the reasons best known to him. The fact that the petitioner did actually start would have been thoroughly proved if only the peons who had accompanied the petitioner were examined either by the Inspector or by the Assistant Commissioner. The Assistant Commissioner would not consider any collateral circumstances in the petitioner's case but only emphasized the urgency of the business and the disappointment the Inspector had on that score. It will be observed from para 3 of the Assistant Commissioner's letter that the urgency of the business was answered with only but slight changes which the Inspector had to make. The duty was not let to suffer in the least.

10 "Para 3:—*I may add that on the petitioner refusing to go Mr. Connor sent for Sub Inspector Bradbury and directed him to go and said that he would take charge of Tandrapad chowkie himself. Sub Inspector Bradbury thereupon at once made arrangements and was on the eve of starting when a Sub Inspector arrived and was at once sent off to Mudimala*". If the Inspector had himself only condescended to allow the petitioner's prayer the matter would have been quite at rest. In para 4 of the above letter, the Assistant Commissioner alludes to the common practice prevalent in the Department but in doing so pitches upon your Excellency's poor petitioner to be made an example of. "*Para 4:—Nothing is more pernicious than the common practice of expressing inability to go where, or do as ordered; it is tantamount to refusing in as much as the individual does not go or do*". The words 'does not go or do' are strong expressions often pressed to the notice of the higher authorities for the purpose of creating unfavourable impressions. Further the Assistant Commissioner has rightly expressed that '*it is tantamount to refusing in as much as the individual does not go or do*'. The mere meaning which the words 'does not go or do' convey is not a refusal. In his opinion he says, it amounts to that, but the petitioner trusts that in the opinion of your Excellency in Council it will not be construed to amount to that. Under what circumstances the petitioner resigned his appointment, the Assistant Commissioner did not want to consider as will be seen from para 6 of his letter. "*Whether the Sub Inspector resigned willingly or after compulsion is immaterial, as he did not go where ordered. Hence his suspension by me and my recommendation for dismissal at least*". In para 7 of the above letter the Assistant Commissioner dwells upon the feebleness of the petitioner—"*That the Sub Inspector is hopelessly feeble and would never have lasted in the Department is evident in almost every line of the petition but I think that some sort of an example should be made to encourage others similarly inclined not to do likewise*". The circumstances under which your Excellency's humble petitioner pleaded his inability and the conclusions arrived at by the Assistant Commissioner on them read together will only suggest a physical feebleness on the part of the petitioner as opined by the Assistant Commissioner. Certainly it cannot be taken as anything in connection with mind.

11 The Deputy Commissioner also in his Proceedings No. 5015/13-10-96 has made a strong note of the feebleness of the petitioner and says '*it is enough that he has left the department*'. The word feebleness as used in his Proceedings should only mean physical unfitness to be an employe in the Salt Department. It would not admit of any other construction beyond that. Because all that the petitioner adduced before the Inspector for his not being able to proceed thither were, fever, heavy rain, and being drenched. These inconveniences would not in the least effect any mental condition of the petitioner.

12 Although the serious duty of certifying about one's fitness or otherwise to any particular service legally devolves upon a body of medical officers, in this case, the Assistant and Deputy Commissioners have taken the responsibility on themselves in pronouncing an opinion of feebleness on your Excellency's petitioner. The petitioner therefore begs to submit that on the presumption that he pleaded inability to go under certain circumstances he was taken to have refused duty; and the fact of his having done so was attributed to the feebleness on the part of the petitioner and because he was feeble he was found unfit and dismissed.

13 Further in para 2 of B. P. No. 273—3rd August 1895 it is clearly laid down that:—

Removal from office for such a cause as unfitness for the duties of the office need not usually entail any further consequences. It ought not to bar re-appointment to another office for the duties of which the person may be suited, and it should not be accompanied by any subsidiary orders which would operate as such a bar or otherwise prejudice the person in question. Removal should be the penalty in all cases where it is not thought necessary to bar future re-employment under Government.

14 Your Excellency's humble petitioner who has had only 6 months acting service as an Assistant Jailor and hardly one full day's service as salt Sub-Inspector Matriculated himself during the year 1892. He studied for F. A. and also appeared once. But unfortunately did not succeed. Not being able to receive any further collegiate course on account of poverty Your Excellency's petitioner was put to the necessity of joining the Public service. Up to date the petitioner is only of 21 years of age and has been placed in such a predicament.

15 The petitioner most respectfully begs to appeal to Your Excellency to make his case a special one for Your Excellency's consideration. The petitioner has been rendered a ruined man and a man despised at everywhere by the over-zealousness on the part of the officials of the Salt and Abkari Department in having made the petitioner an example of for maintenance of strict discipline in the department.

16 Your Excellency's humble petitioner most respectfully begs to submit that the dismissal is a very cruel punishment beyond all proportion to the charge of feebleness. It may be that the petitioner was found unfit to serve in the Salt Department. It does not necessarily follow that he is an incapacitated limb useless to every other branch of service.

17 The petitioner therefore humbly appeals to Your Excellency in Council and prays that the order of dismissal may be cancelled. In conclusion Your Excellency's humble petitioner begs to make the alternative prayer that the sentence of dismissal passed by the Deputy Commissioner in his Proceedings. No. 5015/13-10-96 may at least be modified into one of 'Removal from service' so that Your Excellency's petitioner may not be entailed with any restrictions in securing an appointment in any other branch of service under the auspices of Your Excellency in Council and that the Resolution of the Board of Revenue may be reversed.

For this act of justice.

Your Excellency's humble petitioner
Respectfully begs to remain,

P. Krishnakau
Late Sub Inspector, Kurnool.
now at Tadpatri
Anantapur Dist.



Proceedings of the Board of Revenue

(Separate Revenue.)

Dated 8th April, 1897.

His No. 1442.

Read letter from the Deputy Commissioner, Central Division, No. 1314 dated 16th March 1897 submitting an appeal to government against the Board's order confirming the dismissal of one P. Krishnakau.

Resolution.

Submitted to government

2. In connection with the introduction of the New Tax System in the Kurnool circle with effect from the 1st October last and the establishment of Chowkies along the Kurnool Hyderabad frontier for the collection of duty on the toddy, unposted additional Sub Inspectors were appointed for the circle of whom the appellant was one. He reported himself to the Inspector for

for duty on the afternoon of the 28th September.
As none of the Sub Inspectors who had been
transferred to the circle from other Sub divisions
had then joined it, the Inspector who was
hard pressed for men for Chowki work -
which was to be started from the 1st October
ordered the appellant, as a temporary
measure, to take charge of the Chowki
at Mudamala. The appellant disobeyed
the orders of his superior, did not go to the
place where he was ordered to go and tendered
his resignation at a time when his services
were much needed. It was for this act
of insubordination that he was dismissed
by the Deputy Commissioner. The appellant's
explanation is contained in para 3 of his memorial
but the statements made therein are denied
by the local officers.

3. The petitioner had only joined his
appointment a few days previously and
immediately

immediately commenced his career by
a gross act of disobedience in an emergency
when his services were badly wanted.
The Board considered that he has no
claim to be treated with indulgence.
The fact was that he was disgusted
at being posted to the Kurnool frontier
and did not care to remain in the
Department. He tendered his resignation
on the day after he joined it and the
Board does not think that he should
be allowed to escape the consequences.

Para 4 of petition

4. The appellant has not annexed
to his petition copies of his petition to
the Board and its order thereon
(True Extract)

Resubmitted
Assistant Secretary

To
The Secretary to Government
Revenue Department
with petition.

15/4/97