

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 844

DATED 3rd May.

[Despatch Abstract.]

Recording ptn from Desikachari (appearing against ^{his} dismissal) pending receipt of the original ptn & sent through the proper channel.

BACK PAPERS.

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

FURTHER PAPERS.

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

^{Duplicate}
Revenue (1897) Department.

CURRENT No. 3475

From

C. Desikachari.

Late Sub-Inspector.

Salt, Mubari Dept

Tanjore St

No.

R
Order R. No. 844 of 32d May 1897.

Recorded pending
receipt of the original
petition stated to have been
submitted thro' the proper
Channel.

1.5.97

Dated 19th April 1897

Received 26-4-97

Registered 25-4-97

Enclosures

Spare copies

SUBJECT.

Appealing against the
order of dismissal passed by
the Dy. Commr. Southern
Divn. and confirmed by
the Board.

M
30/4

R. 2. 26/4/97

BACK PAPERS.

G.O.	No	Department.	Date.
	Pr 4874	S. Rev	23-11-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

BACK PAPERS. PETITION Duplicate



To REVENUE DEPT

His Excellency the Right Honorable

SIR A. E. HAVELOCK, G.C.M.G., G.C.I.E.,

Governor of Fort St. George.

The humble Petition of C. DESIKACHARI, Late
Sub-Inspector of Salt and Abkari Revenue
Department, Adirampatnam Circle,
Tanjore District.

MOST RESPECTFULLY SHEWETH THAT :

The petitioner begs to appeal against the Proceedings of the Board of Revenue, Separate Revenue Department, No. 4874, Miscellaneous, dated 23rd November 1896, confirming the order of dismissal passed by the Deputy Commissioner, Southern Division, in his Proceedings, No. 384, dated 26th January 1896. N.C

2. The charges framed by the Inspector and Deputy Commissioner against the petitioner and on the strength of which he has been dismissed are as follows :—

- Overstayal of casual leave granted to him from 17th to 21st May 1895.
- Reporting falsely that he returned to duty before the forenoon of the 22nd May 1895.
- Leaving his Range to go to Chidambaram without the previous permission of the Inspector.
- Falsely reporting that he put in a petition for casual leave for 24th and 25th May, when he did not do so.
- Reporting that he left his Range on the 24th May, when he really left it on the 23rd.

3. Before answering these charges, petitioner begs to refer briefly to the circumstances which led to the enquiry.

4. The petitioner's father fell dangerously ill at Chidambaram in May 1895 and he had to settle his family affairs. The petitioner being his eldest son had to go thence (Chidambaram) to see him. He accordingly applied for, and obtained, casual leave for 5 days from the 17th to 21st May 1895. On seeing his father, he found that he could not live long and your petitioner therefore despatched an application for a month's privilege leave by the early morning train of the 20th idem with a request to wire its sanction. The petitioner expected to receive the telegram by 7-30 A.M., on the 21st. As it was not received, he left Chidambaram by the 8 A.M. train with a ticket to Mayavaram, leaving behind instructions to his people at Chidambaram to redirect the telegram to Mayavaram or to Tiruvalur, so that he may return to his father at once. Having received no telegram at Mayavaram, he went to Tiruvalur with another ticket. Receiving no message there too, he took a third ticket to Muthupet and arrived there at 8-45 P.M., on the same day (21st May 1895), and punctually joined duty on the morning of the 22nd idem. He was making enquiries about the Inspector's whereabouts,

to see him and personally request him about his privilege leave. But early on the morning of the 24th idem, a messenger brought a letter to petitioner at Jambuvanoday, in which his brother requested his presence at Chidambaram that very night for the settlement of family affairs, as his father frequently lost his consciousness and was sinking fast and was not expected to live for more than a day or two. His brother also requested the petitioner to collect an amount due to his father at Tiruvalur to meet the expences connected with his father's illness and anticipated decease and funeral. Thereupon, petitioner went from Jambuvanoday to Muthupet Railway station at once, and despatched an application for two days' casual leave for the 24th and 25th idem, and left Muthupet by the 8 A.M. train on the 24th. He broke journey at Tiruvalur for the purpose above referred to and after finishing his business there, took the next train to Chidambaram and arrived there the same night, i.e., the night of the 24th May 1895.

5. The grounds on which the several charges were framed are set forth in the Deputy Commissioner's Proceedings, No. 384, dated 26th January 1896, and your petitioner humbly begs to submit below such brief explanations as are called for. *The Deputy Commissioner's charges and remarks are printed in small * types and petitioner's replies in bolder † types.*

6. The first and second charges stand or fall together and they will, therefore, be dealt with together.

CHARGE (a):—Overstay of casual leave granted to him from 17th to 21st May 1895.

CHARGE (b):—Reporting falsely that he returned to duty before the forenoon of the 22nd May 1895.

7. The first charge against the petitioner is that instead of rejoining in the forenoon of the 22nd May 1895, he did so in the afternoon of that day.

8. * "In his application for further casual leave, dated 25th May, and given to the Inspector in person (Exhibit C) the Sub-Inspector has clearly stated that he joined duty on the 22nd May, but does not say whether it was on the forenoon or afternoon. Again, in his explanation, dated 22nd May, (Exhibit W), he clearly states that he returned from leave to-day in the forenoon, viz., 22nd morning. In his explanation, dated 5th June 1895 (Exhibit D) however, the Sub-Inspector says that he returned from leave on the 21st night about half past eight and it appears that there is no train which would enable him to reach Muthupet in the morning."

9. † The Deputy Commissioner tries to make out that the petitioner's statements are incorrect, but your petitioner most respectfully begs to submit that it is not so. In Exhibit C, which is a second application for 2 days' casual leave submitted on the 25th May under the orders of the Inspector, the petitioner stated that he "joined duty on the 22nd." He did not mention whether it was on the forenoon or afternoon, nor did he make any statement as to the time when he arrived at Muthupet as there was no necessity for it, nor is it usual to do so, seeing that he joined duty on the due date and at the proper time and that the fact ^{of his arrival at Muthupet on the previous day is proved by Exhibit D.} In Exhibit W, the petitioner reiterated his former statement, viz., that he "returned from leave to-day in the forenoon, i.e., 22nd morning," meaning thereby that he returned to duty from leave on the forenoon of the 22nd. This statement is not, your petitioner humbly begs to submit, capable of any other interpretation and his meaning receives confirmation from the fact that at that time there was no train

that reached Muthupet earlier than 2-30 P.M. In the course of the Departmental enquiry conducted by the Inspector (Exhibit D), the petitioner stated, *in reply to a specific question*, the time of his arrival at the Muthupet station, which was on the 21st night. In his connection, the petitioner begs to point out that it is *extraordinary* that the Deputy Commissioner does not refer to the petitioner's report which he submitted no sooner he returned to duty in which he stated that he "joined duty on 22nd forenoon" (Exhibit OO). All the above facts clearly show that your petitioner returned to Muthupet on the 21st night and joined duty on 22nd forenoon. It is respectfully submitted that this statement is in no way inconsistent (as the Deputy Commissioner assumes) with the statements he has previously made in Exhibits C and W. The time of his arrival at Muthupet was not mentioned in the latter as it was needless and unusual to do so, in as much as he had joined his duty at the proper time and this was stated when the Inspector had asked him about it.

10. "There is the evidence of the Station Master of Muthupet given to the Assistant Inspector on the 21st June 1895 (Exhibit P), that the petitioner arrived *one afternoon* and that they went together to inspect certain Toddy shops, licenses of which were initialled by the Sub-Inspector in the Station Master's presence. The licenses (Exhibits N and O) were seized at once and found to bear the date, 22nd May 1895. I see no reason to discredit the Assistant Inspector's report, because the Station Master subsequently on the 27th August 1895 (Exhibit Q) gave a different account of the matter. There is no reason why the Assistant Inspector should have reported falsely and seized the licenses (Exhibits N and O) if the Station Master had not given him the information necessary."

11. The Deputy Commissioner here refers to an oral evidence supposed to have been given by the Station Master to the Assistant Inspector. The petitioner is not aware that any such evidence was given, but it would appear that it is unlikely that he (Station Master) gave any such evidence; for in his written statement before the Inspector (Exhibit Q quoted below *), he distinctly stated that the petitioner *arrived at Muthupet one day by the evening train arriving at 8-45 P.M.*, and that he (petitioner) examined the Toddy and Arrack shops the next morning, i.e., morning of the 22nd May 1895.

12. * "I remember his coming to Muthupet by the evening train arriving at 8-45 P.M. one day in the month of May last. The following morning he came to the Station and I then accompanied him from there to the Hospital. We left the station sometime after the 8-10 A.M. train had started. When we got near the Hospital, he said he would go on and examine the Toddy shop and return in a few minutes and that I should wait for him at the Hospital. I accordingly went into the Hospital and was speaking to the Apothecary, who is a friend of mine. A short time afterwards, the Sub-Inspector joined. It would be about 10 or 15 minutes afterwards. The Toddy shop is situated close to the Hospital. On the night of the Sub-Inspector's arrival alluded to above, I did not walk home with him after the arrival of the train."

13. This statement of the Station Master receives confirmation from the report of the Hospital Assistant (Exhibit S quoted in the margin) who states that he (petitioner) *arrived from leave by one evening train.*

In this connection, it may not be out of place here to state that the petitioner's diary (Exhibit A) clearly shows that he arrived at Muthupet on the 21st night and inspected the shops the next day, the 22nd May.

14. If any further evidence was wanted to substantiate the petitioner's state-

GG. 21-5-95. Duty in No. 7 party. At night met the Sub-Inspector at Muthupet Railway station. Halt-Muthupet.

HH. 21-5-95. Duty with No. 7 party. At night met the Sub-Inspector at Muthupet Railway station. Halt-Muthupet.

II. 21-5-95. Duty with No. 7 party. At night met the Sub-Inspector at Muthupet Railway station. Halt-Muthupet.

ment that he arrived at Muthupet on the night of the 21st May, it will be found in Exhibits GG, HH, and II, (true translation quoted in the margin) the note books of peons, Nos. 103, (Vythilingam), 757 (Doraisawmy), and 301 (Mariappan), respectively, in which they have all noted that they met the Sub-Inspector (petitioner) at the Muthupet Railway station on the 21st night and that on the next day, i.e., the 22nd, they worked with the petitioner in the villages mentioned by him. It is also submitted that both the petitioner's diary and the note books of the peons which are kept in the ordinary course of business were written up long before it was known that any enquiry would be made against him. It is really very strange that the Hospital Assistant's report (Exhibit S) and the peons' note books (Exhibits GG, HH and II) which are very important records in the petitioner's case were altogether ignored by the Deputy Commissioner and that not a word is said anent the entries in these documents either in the Inspector's report, or in the Deputy Commissioner's Proceedings. The Deputy Commissioner states that there is no reason why the Assistant Inspector should have seized the licenses (Exhibits N and O) if the Station Master had not given the necessary information. In the first place, the petitioner humbly submits that it is unlikely that the licenses were seized as alleged. They were inspected and initialled by the Assistant Inspector, N on the 13th and O on the 14th June 1895. The date of the alleged seizure by him was 21st June, but a perusal of the same licenses shows that they were inspected and initialled by another Sub-Inspector, M. K. Gopalakrishnier, on the 2nd July, on which date they must have been with the shopkeepers. As the petitioner's case was not closed till the 17th September following, it is quite unlikely that they were returned to the shopkeepers no sooner they were seized. Secondly, though the Deputy Commissioner states that the licenses were seized by the Assistant Inspector, the Inspector in his report states that it was he that seized them (vide portion

"I seized the licenses which are initialled on the 22nd May 1895 and are filed as Exhibits N and O."

quoted in the margin). In these circumstances, the petitioner humbly submits that the statement of the Deputy Commissioner that the Assistant Inspector seized the licences, on information from the Station Master, is contradictory and is not borne out by the facts proved or capable of proof.

15. "It appears that there is a train which arrives at Muthupet from Chidambaram in the afternoon. The one which arrives in the evening starts from Chidambaram in the morning. Now in his explanation, dated 28th August 1895 (Exhibit E), the Sub-Inspector states that he left Chidambaram on the morning of the 21st and arrived at Muthupet at about 8-30 P.M. He says nothing about having stopped anywhere *en-route*. It seems from the ticket registers of Chidambaram and Muthupet that no ticket from the former to the latter was issued from Chidambaram or received at Muthupet on the 21st May 1895."

16. The petitioner stated that he started from Chidambaram on the 21st morning and arrived at Muthupet in the evening. As the ticket registers do not

(vide translation quoted in the margin of Para 25 *infra* page 8) etc.

show that any ticket was issued from Chidambaram to Muthupet on the 21st and as the petitioner did not state that he stopped anywhere *en-route*, the Deputy Commissioner assumes that the petitioner's statement is false. It is respectfully submitted that this assumption is incorrect. During the Departmental enquiry held by the Inspector, the petitioner was strictly enjoined to confine himself to answering to questions put to him and not to give any explanation of the matter. He was asked to state *when* he left Chidambaram and *when* he arrived at Muthupet and he gave therefore specific answers to these questions as ordered. No question was put to him as to whether he stopped anywhere *en-route*, nor was he asked to explain the reason for the absence of a ticket from Chidambaram to Muthupet on the 21st. No opportunity was allowed him to explain these facts. Indeed, an explanation on the first point is hardly necessary. According to the rules of the S. I. R. service then in force, the local train leaving Chidambaram in the morning did not go direct to Muthupet. The passengers travelling by that train had to break their journey at Mayavaram and Tiruvalur, waiting four and two hours, respectively, and then change trains at these two junctions to go to Muthupet which they reach at 8-45 P.M. As the petitioner had stated that he took the morning train from Chidambaram, it ought to have been presumed that he should necessarily have stopped *en-route* at these two stations, and he was not asked about it and further no specific statement to this effect was, in the above circumstances, necessary. In the case of mail trains also, they had then to wait at these junctions one and six hours, respectively. As regards the second point, the petitioner begs to state that he had on the 20th May applied, from Chidambaram, for a month's privilege leave to enable him to attend on his dying father and settle his family affairs and that he had requested the Inspector to wire its sanction. As he did not receive the telegram before he left Chidambaram, he had left instructions for its being re-directed either to Mayavaram or to Tiruvalur, where he had to wait 4 and 2 hours, respectively. And as he thus hoped on receipt of telegraphic sanction of leave to return to Chidambaram without going to Muthupet, he did not take one ticket for the whole journey, but took a ticket to Mayavaram and thence to Tiruvalur; and as he did not get the expected telegram at either of these stations, he took a third ticket at the latter station to Muthupet. Further, if the Deputy Commissioner's surmise that the petitioner travelled from Chidambaram to Muthupet on the 22nd and joined duty on the afternoon were correct, there ought to be a through-ticket issued from Chidambaram to Muthupet on that date (22nd) according to his (Deputy Commissioner's) theory. But the fact is that no such ticket was issued on that day (22nd). This circumstance absolutely negatives the Deputy Commissioner's surmise and reasoning based thereon, and strongly supports the petitioner's statement that he took piece-meal tickets in the course of his journey from Chidambaram to Muthupet on the previous day (21st) for the reasons stated in para. 4 *supra*.

17. It is therefore not surprising that ^{through-}ticket was taken by petitioner from Chidambaram to Muthupet on the 21st, and this point would have been made clear if the Departmental officers had either called upon him to explain the circumstances, or framed formal charges against him and had taken a written explanation from him as required by the standing orders of Government, or given him an opportunity or leave to explain facts fully. This your petitioner begs to submit has not been done to this

date, though repeatedly prayed for by petitioner. He was not also allowed access to the records at any time though prayed for.

18. "A ticket from Chidambaram to Ponnerai was issued on the 22nd by 1-15 A.M. train (Exhibit KK), and it seems probable that this was the one taken by the Sub-Inspector, although the Inspector's arguments in the second letter read above are not conclusive on this point."

19. The petitioner humbly begs to submit that this ground is untenable. Ponnerai is neither in his Range, nor near it being over 25 miles off his range and the petitioner could, therefore, have had no object in going to Pennerai. No evidence is referred to show that the petitioner took a ticket to that station, and your petitioner begs respectfully to submit that the theory is altogether unfounded. It is admitted that the petitioner inspected the shops at Muthupet on the 22nd May and if he had cut at Ponnerai, where the train stops only for a few minutes and the Station Master being the only Railway servant, having multifarious duties including the issue and collection of tickets and also starting of trains, petitioner would not have been able to alight from the train and obtain a ticket and get back into the same train in time before the starting of the train. Thus from the above, it would be evident that if the petitioner had taken a ticket to Ponnerai, as surmised without any evidence, he could then have gone to Muthupet only by the next train that left Ponnerai then at about 6-30 P.M. and could not have reached Muthupet before 8-45 P.M., on the 22nd, by which time the shops admittedly inspected that day would have been closed and the inspection admitted could not have taken place. It will be seen that the whole of this argument is based on assumptions not supported by any facts, and the Deputy Commissioner himself admits that the Inspector's arguments are not conclusive on this point. The petitioner's statement is true, reasonable and natural and has not been disproved by any truthful testimony.

20. "The Sub-Inspector nowhere states that he took a ticket from Tiruvalur on the 21st and he did not write to Petty officer, Krishnier, to meet him at Ponnerai, but at Muthupet."

21. As already pointed out, the petitioner did not state that he took a ticket from Tiruvalur to Muthupet, ^{as} no enquiry was made of him on this point and as there was no necessity then for him to make the statement voluntarily, especially when he had been enjoined to confine himself to answering specific questions put to him. Attention is respectfully solicited to the Inspector's examination of your petitioner, ^(Exhibits D & E) from which it will be seen that nowhere was the petitioner asked to state whether he took a ticket from Tiruvalur and it is, therefore, not surprising that the petitioner did not give an answer to a question not put to him. The fact that he wrote to the Petty officer, Krishnier, to meet him ^{at Muthupet} instead of being against your petitioner as presumed by the Deputy Commissioner, is completely and conclusively in petitioner's favour. It proves against the Deputy Commissioner's surmise that petitioner had no intention of cutting at Ponnerai, as, in fact, he did not do so. Moreover, even if your petitioner had travelled by the 1-15 A.M. train of the 22nd according to the unsupported theory of the Deputy Commissioner, the petitioner ought to have cut at Tiruvalur seeing that no through-ticket had, in fact, been issued from Chidambaram to Muthupet that day; and if this can be presumed without any ^{evidence} statement to that effect from the petitioner, it is not clear why a

similar presumption cannot be made in respect to the 8 A.M. train of the 21st, which presumption would be in accordance with the facts of the case.

22. "There is one other point of importance. Exhibit V is an application for privilege leave for one month sent by the Sub-Inspector on the 20th May from Chidambaram. In it, he requests that an answer may be wired to him at his address at Chidambaram. The application could not have reached the Inspector before the morning of the 21st as the Sub-Inspector well knew, and the return telegram could not reach him before 8 A.M. on the 21st, the hour at which the train for Muthupet started. The Sub-Inspector would not have given his address at Chidambaram if it had been his intention to start before the telegram could arrive, and I have no doubt that he had no such intention. The next train would be the 1-15 A.M. train on the 22nd, which the documentary evidence discussed above all points to as the train actually taken."

23. The Deputy Commissioner presumes that the fact that the petitioner had given his address at Chidambaram shows that he had no intention of starting on the 21st. In the ordinary course of business the petitioner's application for privilege leave, which was posted by the 1-15 A.M. train of the 20th May, would reach Nega-patam by 6 A.M. and Vedarniem (the Head Quarters of the Inspector) by the mail boat before 3 P.M. The cover having been marked urgent, the petitioner ^{is having undertaken to bear the full cost of telegraphic reply} expected to receive the sanction for the leave through wire before 7-30 A.M., at the latest, on the next day, i.e., 21st, and this expectation, it is submitted, is only natural. As the telegram was not received, ^{as expected} he left Chidambaram by the 8 A.M. train on the 21st, ^{with the intention of joining duty in time} leaving behind instructions at Chidambaram to re-direct the telegram to Mayavaram or to Tiruvalur, so that he might return to Chidambaram if the leave was sanctioned. There was nothing improbable in the sequence of events in the matter, whereas the Deputy Commissioner's presumptions are far fetched and not borne out by facts.

24. "There is finally the oral evidence of the Orderly Peons' (Exhibits F, G and H), that the Sub-Inspector arrived and met them at Tiruturaipundy at 1-30 P.M. on the 22nd, i.e., by the afternoon train above referred to. Their evidence is, indeed, contradicted by that of Petty officer, Woodagu Party, who states that they were not relieved by him until 10 or 11 A.M.; but as pointed out by the Inspector, the Petty officer's statement is contradicted by his own diary.

25. Exhibits F, G and H are statements of peons Nos. 757 (Dorasawmy), 103 (Vithilingam) and 301 (Mariappan), respectively, recorded by the Inspector after the petitioner was transferred from Vedarniem to the Adirampatnam Circle. These peons ^{contradict one another in material particulars}. Peons Nos. 757 and 301 stated that they were relieved by the Petty officer, Woodagu Party, at about 7 A.M. for the purpose of meeting the petitioner at Tiruturaipundy at 1-30 P.M. on the 22nd; ^{whereas} and peon No. 103 ^{is said that the hour of relief was 8 A.M.} at 8 A.M. The place of relief was stated to be "Muthupet pettah" by peon No. 757 and "Muthupet" (2 miles away from the former place) by No. 301 while No. 103 is not sure whether it was "in the village or in the Woodagu" (18 miles from Muthupet). Their statements are therefore utterly worthless and are gross perjuries, as will be evident from the fact that they are at variance with what they themselves recorded originally in their note books, (Exhibits GG, HH and II) at the time the event had occurred, ^(a translation of which is given in para. 14 supra) which is to the effect that they met the petitioner at the Muthupet Railway station on the 21st night. It is most respectfully submitted that it is rather strange that the written statements of the peons, which is the 1st record made by themselves, in

the ordinary course of business, should have been altogether ignored by the Deputy Commissioner (indeed, he had made no mention of them in his proceedings), and that he should have thought it fit to give credence to their *subsequent contradictory statements* made before the Inspector. The peon's statements before the Inspector not only contradicted one another and opposed to their statements originally recorded in their note books, but are also shown to be completely false by the Woodagu Party Petty officer's statement before the Inspector. If the peon's statements that they saw the petitioner at Tiruturaipundi at 1-30 P.M. on the 22nd May were true, they must have taken the 8 A.M. train at Muthupet for Tiruturaipundi on the 22nd, as the distance between the places is about 20 miles. But the Petty officer, Woodagu Party, (referred to above) states that he relieved these peons only at 11 A.M. on that

day; and it is, therefore, impossible for the peons to have met the petitioner at Tiruturaipundi at 1-30 P.M. on the 22nd. If any further evidence is wanted to prove that the peons' statements before the Inspector are false, it will be found in the fact that their note books (Exhibits GG, HH, and II) make no mention of their having

True translation of Exhibits.

GG. 22-5-95. Maruthangavaly, Therkukadu. Halt-Muthupet.

HH. 22-5-95. (1) Maruthangavaly, (2) Therkukadu. Halt-Muthupet.

II. 22-5-95. (1) Maruthangavaly, (2) Therkukadu. Halt-Muthupet.

On the other hand, the entries in them ^{travelling by train} (vide translation in the margin) go strongly to support the petitioner's assertion that the peons met him at Muthupet Railway station on the 21st night, that they never saw him at Tiruturaipundi on the 22nd, and that they worked with him on the 22nd in Maruthangavaly and Therkukadu villages (a fact corroborated by the petitioner's diary—Exhibit A—of that day), seeing that the two last mentioned villages are within a mile and a half from Muthupet but are at a distance of over 20 miles from Tiruturaipundi.

26. The 1st and 2nd charges the petitioner humbly begs to submit are not, it will be seen from the above, supported by the facts of the case and by any documentary evidence. They are based wholly on presumptions which are altogether unwarranted and most unfair to the aggrieved party. The documentary evidence available have altogether been ignored and the petitioner had been adjudged guilty on perjured oral evidence and one-sided reports. The petitioner, therefore, humbly begs that in these circumstances the Government will be pleased to exonerate him from these charges.

27. CHARGE C. "Leaving his Range to go to Chidambaram without obtaining the previous permission of the Inspector."

28. The Deputy Commissioner in para. 3 of his proceedings observes:—"The 3rd charge is admitted and no reasonable excuse has been put forward by the Sub-Inspector for not obtaining the Inspector's orders considering that that officer was encamped close by."

29. The petitioner humbly submits that his father was on his death-bed and frequently lost his consciousness. Early on the morning of the 24th May, a messenger brought a letter to him at Jambuvanody, in which his brother requested his presence at Chidambaram that very night as his father was not expected to live for more than a day or two and as the settlement of family affairs had to be completed before then. The distance between Jambuvanody to Muthupet Railway station is two miles and the train leaves the latter at 8-10 A.M. The petitioner had thus only two hours before him. He despatched at once an application to the Inspector for 2

which they would certainly have done to get their travelling allowance (Railway fare & they are entitled to) and that they neither claimed nor were given any travelling allowance for this alleged journey to Tiruturaipundi, while they have drawn travelling allowance (Railway fare and daily bathe to which they are entitled to) for similar journeys on ^{all} previous occasions, as Tiruturaipundi is beyond the jurisdiction of Swamp Range (Petitioner's Range) to which they are attached. No reason has been assigned why, if they had really incurred this expense, they did not claim or get it, and also why they did not think it fit even to make an entry or refer to the journey in the books, above referred to (Exhibits GG, HH & II) kept by them in the usual course of business.

day's casual leave for the 24th and 25th idem, explaining the urgency for the leave and requesting that his action in awaiting himself of the leave in anticipation of his sanction may be approved. The very peculiar circumstances of the case—the duty of the eldest son to see his dying father, apart from the fact that his family affairs had to be settled before his father's demise,—would, the petitioner hoped, be considered a sufficient excuse for leaving the place without formal permission. In reply to the Deputy Commissioner's remark that the Inspector was encamped close by, the petitioner respectfully states that he returned from casual leave on the 21st night, and was at Muthupet and its neighbourhood on the 22nd and 23rd. He was not able to ascertain the whereabouts of the Inspector, whose Head Quarters is Vedarniem—27 miles away from Muthupet—; and even if he had known the Inspector's camp on the 24th, i.e., the date on which he received intimation of his being wanted at Chidambaram that very night for the settlement of family affairs owing to his father's serious illness, it would not have been possible for the petitioner either to have seen him, or to have obtained sanction of leave, as he had only two hours before him to catch the morning train leaving Muthupet, and the Railway station was two miles distant from Jambuvanoday, where the petitioner had encamped then, and the Inspector's Head Quarters is 25 miles from the place of the petitioner's halt. The petitioner begs to add that a few days after, his father breathed his last. In consideration of the extraordinary circumstances of the case, the petitioner prays that the Government will be pleased to condone this slight error of judgment committed in the impulse of overpowering filial affection.

30. CHARGE D. "Falsely reporting that he put in a petition for casual leave for 24th and 25th May when he did not do so."

"The application for casual leave is said to have been sent on the morning of the 24th May and it finds a place in the Sub-Inspector's Despatch Register (Exhibit Z) as No. 226. The mysterious disappearance of this application has not been accounted for."

31. As already stated the petitioner did put in an application for casual leave on the 24th May 1895. This was numbered 226 and his Register (Exhibit Z) shows that the paper was despatched on the 24th May. The cover containing this number was sent on the morning of the 24th May to a Petty officer named Krishnier with instructions to forward it by a special peon to the circle office (vide Exhibit DD) a translation of which is given in the margin. The Petty officer in his arzi also of the 24th May (vide paper marked A1) a translation of which is also given in the margin, stated that the cover containing the application

for casual leave was despatched to the Inspector by 7 P.M. on that date (24th May). The application should therefore have reached the circle office in the usual course, and this inference is strengthened by the registry (No. 1203), in the Received Register of the Inspector's office (vide Exhibit marked B1), of the petitioner's application referred to above. On his way back to Muthupet on the 25th May, the petitioner came to know, at Tiruturaipundi Railway station, that the Inspector had

Order to Petty officer or the first grade peon of Party No. VI.

The enclosed two covers that are to go to Inspector must be sent to the circle office by a special peon; your having complied with the order must be stated and this order returned.

24-5-95] Sd. C. DESIKACHARI,
Sub-Inspector.

N. B. The entry of two covers instead of one cover to Inspector is a clerical error.

Translation of A 1.

RESPECTED SIR,

Veeran of Party No. 7 brought six covers with an order stating that two

To Inspector cover	1	covers were ad-
To Petty officer, }	1	dressed to the Ins-
No. 7 Party cover }	1	pector and that
" 6 "	1	they should be des-
" 5 "	1	patched by a spe-
" 4 "	1	cial peon to circle
" 3 "	1	office. The covers were received as noted

in the margin. Therefore, according to orders, I have despatched by a special peon the one cover addressed to the Inspector. As stated in the order, two covers addressed to Inspector were not received. I beg to inform this.

Sd. V. KRISHNIEP,

Petty officer No. 455.

24-5-95,

7 P.M.

application had disappeared. Thus there is positive proof to show that your petitioner despatched his first application on the 24th May and the Inspector's office Received Register shows that it was received there. The mysterious disappearance of the application is therefore a matter for which the Inspector's office alone is responsible and not the poor petitioner.

32. "The entries in this Exhibit Z, from Nos. 214 to 226, bear dates varying from 22nd to 24th May 1895, but they certainly appear to have been written all at one time."

33. Exhibit Z is the petitioner's Despatch Register. As this Register was written up by the petitioner himself with the same pen and ink, it is respectfully submitted that it is not surprising that they look alike.

34. "It is a significant fact that of the Number, Nos. 214, 215, 216, 217 and 221 were only received on the 29th May, No. 222 on the 30th, No. 224 on the 27th and Nos. 225 and 226 not at all. None of these were received by Inspector until long after the Sub-Inspector's return from Chidambaram on the 25th, and the only proper inference seems to be that they were not written until then and were all antedated in order to give colour to the Sub-Inspector's story."

35. From the petitioner's Despatch Register (Exhibit Z), it will be observed that Nos. 216, 217, 221, 222, 224 and 225, all addressed to the Inspector were despatched on one and the same day, viz., 23rd May. According to the rules of the Department, all such papers should be put in *one cover* and this was done on the present occasion. It is not therefore understood how one of them (No. 225) was lost and the rest happened to be received at different dates as stated by the Deputy Commissioner. This may probably be due to the fact that the Inspector's Received Register was not being properly maintained at the time. This surmise is borne out by the fact that Nos. 217, 222 and 224, though admitted by the Inspector to have been received (vide paper marked C1—Inspector's letter No. 2830, dated 23rd December 1895), do not find any entries in the Received

encamped there and so he got down at that station though he had his ticket to Muthupet to personally explain to the Inspector the urgent nature of the circumstances under which he availed himself of the two days' leave in anticipation of sanction, and as that officer said he had not seen his leave application, he presented to him another application numbered 227 (Exhibit C) in accordance with his instructions. It is respectfully submitted that the entry in the Received Register alluded to above could not refer to the second application, seeing that the Inspector had in his report (vide paper marked Exhibit C1) to the Assistant Commissioner, dated the 23rd December 1895, No. 2830 (in reply to the Deputy Commissioner's Proceedings No. 5388, dated 13-12-95), stated that the second application (No. 227) was not registered in his office. It is not at all clear how the first leave

Register. N. B.—*The petitioner's Range was Swamp Range.* Further, the petitioner submits in this connection that Nos. 218, 219, 220, 223 which were despatched with the letters addressed to the Inspector on the 23rd had reached their destination on the due dates and it is not understood why the letters addressed to the Inspector alone came to be received by him on different dates and one of them altogether missing. In these circumstances, it is submitted that it is rather hard on the poor petitioner that *reliable documentary evidence* should be discarded and that he should be condemned on the strength of such an *incorrect and misleading* ~~untrustworthy~~ record as the Inspector's Received Register appears to be.

36. "The explanations connected therewith (disappearance of the leave application) Exhibits AA, BB, DD, and EE, shew that there has been some tampering with the evidence on the part of the Sub-Inspector which is in itself very suspicious."

37. It is not clear what is meant by "tampering with the evidence." If it is meant that the petitioner induced the witnesses to give a version of the facts favourable to himself, but incorrect, the petitioner humbly begs to submit that not a particle of evidence has been adduced to support the charge. In Exhibit AA, which is a statement taken by the Petty officer, Krishnier, from Peon No. 726 (Pothiyan) on the 3rd June 1895, the peon explained the delay in the delivery of a cover entrusted to him on the 23rd May 1895. On the other hand, in Exhibit BB, (the statement of the same peon before Assistant Inspector), he stated that no cover was entrusted to him on the 23rd May 1895, and that he did not make any such statement before the Petty officer. It is in the first place not understood why these two Exhibits should have been brought forward in connection with the disappearance of *leave application which was despatched on the 24th May 1895*. However this may be, the petitioner cannot be held responsible for the contradictory statements made by the peon. The first of the statements, it will be remembered, was made on the 3rd June, i.e., before it was known that any enquiry would be made against the petitioner, while on the other hand, the second statement was got out from the peon under peculiar circumstances. Attention is respectfully solicited to Exhibit P, in which the Inspector gave directions to the Assistant Inspector as follows:—

38. * "Next get hold of peon No. 726 and ask him about his explanation, and how it is true, and promise him I won't punish him if he will speak the truth, &c.; also enquire of his men (peons) at Muthupet."

39. The petitioner need not say how this will be understood by the subordinates of the Department, and it is not a matter of surprise that the peon was made to contradict his own statement. Any way, as these Exhibits do not have any bearing on the petitioner's case, he could possibly have had no motive in tampering with this evidence, and he will not therefore dwell upon it any further. Exhibit DD is the order, dated 24th May 1895, of the petitioner to Petty officer, Krishnier, directing him to send the cover containing the casual leave application No. 226, by a special peon to the Inspector on the morning of the 24th May 1895. In Exhibit EE, (the statement made by Petty officer, Krishnier, before the Assistant Inspector on the 22nd June 1895) the Petty officer stated that the petitioner sent him a cover for despatch to the Inspector by a special peon on the 26th May 1895. This statement obviously refers to a different cover (which has no relevancy

in the petitioner's case) and not to the one containing the leave application, seeing that the Petty officer had already admitted (in Exhibit A1) having received and despatched the cover containing the leave application to the Inspector on the 24th May at 7 P.M. It is therefore not understood why this Exhibit (EE) should be brought in here at all. If the petitioner had been given an opportunity of cross-examining the witnesses, *as should have been done under the Standing Orders of Government*, he would have pointed out then and there the irrelavency of this evidence. As it was, these statements were taken when the petitioner was on two month's leave at Chidambaram and the whole enquiry was conducted in his absence.

40. CHARGE E. "Reporting that he left his Range on the 24th May when he really left it on the 23rd."

41. The petitioner submits that at the end of para. 5 of his Proceedings the

The Station Master's statement in Exhibit Q:—

"I saw him again after that on the Amavasai day. He came to the station and left by the 8-10 A.M. train. I recollect this occasion and fact, because being the New Moon day and a Hindu feast day, I asked him why he was leaving on that day without performing his ceremonies. Had he left by the afternoon train, I would have had no reason to make the remark about the ceremonies to be performed, as they have to be performed only between 10 A.M., and 12 A.M."

The Hospital Assistant's statement in Exhibit S:—

"I recollect that the S. I. saw me one morning at about 7 or so in a short time after his return and told me that he was going back as his father was hopelessly ill. On this occasion, I asked him Rs. 5 due to me from him, as I was in need of money then which he paid. I do not remember the date, but as he said, it was a special day for the Hindus."

quotation in margin). Moreover, the ticket register (Exhibit MM) shows that two tickets (and only two) were issued on the 24th May 1895 from Tiruvalur to Chidambaram (and not seven as incorrectly stated by the Inspector in his report) and this shows that the petitioner and the messenger travelled on that day.

42. Further, the absence of a through-ticket from Muthupet to Chidambaram on the 23rd, which according to the theory of the Deputy Commissioner there ought to be (had the petitioner really travelled on the 23rd), corroborates the petitioner's statement that he did not leave Muthupet on the 23rd, but that he (accompanied by messenger) travelled on the 24th alone.

43. In addition to the above charges which have been framed against him, the petitioner has been accused of falsifying records and telling deliberate falsehoods

in connection with all the charges. It seems to be unnecessary to deal separately with these vague accusations, seeing that they stand or fall with the 5 formal charges framed against him. The petitioner believes that in the preceding paras. he has succeeded in showing these charges to be untenable and unfounded, and if this is so, the charge of falsifying records and of making false statements necessarily falls to the ground.

44. In conclusion, the petitioner would respectfully solicit the attention of Government to his petition to the Board of Revenue in which he has dealt with in detail on the several charges framed against him. The charges virtually are three in number—(1) overstaying of casual leave, (2) falsely reporting that he put in an application for casual leave, and (3) leaving jurisdiction without permission. As regards the first charge, the petitioner's own diary (Exhibit A) and his report (Exhibit OO) of taking over charge on return from leave, corroborated as they are with the entry in the peons' note books (Exhibits GG, HH and II) and the written statements of the Station Master, (Exhibit Q) and the Hospital Assistant, (Exhibit S) conclusively prove that the petitioner did join duty on the forenoon of the 22nd May 1895. When such independent documentary evidence was available to bear out the truth of the petitioner's statement, it is respectfully submitted that it is unfair to reject them and frame a charge against the petitioner on the uncorroborated oral testimony which have all of them been shown to be utterly contradictory. The second charge is based entirely on the authority of the Received Register of the Inspector's Office which, on an examination, is not only found to be ~~untrustworthy~~ ^{unreliable and inconclusive} as a piece of evidence but also does not bear out the charge; on the contrary that the petitioner did put in a leave application is clear from the petitioner's Despatch Register, corroborated as it is by the Petty officer's arzi to him of the 24th May, advising despatch of the application to circle office. As regards the last charge the petitioner begs to submit that in leaving his jurisdiction in anticipation of sanction of the leave he had applied for, a procedure adopted in urgent cases, he had counted on the support of his superiors in view of the extraordinary circumstances, which necessitated him to leave the station, *viz.*, his father being in his death-bed in a totally unconscious state and the consequent necessity there was for the petitioner, being the eldest son, to see him without delay, to settle the family affairs, and to perform the necessary ceremonies before and after his father's demise. The Board states that though "the original offence might have been met with by a less severe punishment, the manner in which he tried to evade its consequence shows him to be utterly unworthy and unfit for Government Service." The petitioner respectfully submits that the charge of evasion of consequence of original offence cannot be brought home to him, when the supposed original offence itself has not, in fact, been committed, as the petitioner hopes he has completely established. The petitioner having shown that the charges against him were framed on entirely untrustworthy and insufficient evidence, it is to say the least of it, unfair to consider the petitioner's assertions untrustworthy and untrue without any evidence whatever and without giving him an opportunity of cross-examining the witnesses and without giving him a copy of the charges framed against him with the connected records and obtaining a written explanation from him, *as required by the standing orders of Government*. The petitioner has served in the Department for nearly 13 years,

having risen by hard and honest work to the position of the 2nd grade Sub-Inspector (with salary Rs. 60 per mensem) and so far his truthfulness and honesty has never been questioned. On the contrary that he could stand against the besetting temptations of a low paid subordinate will be evident from the fact that he successfully prosecuted to conviction three offenders against Abkari Law who attempted to bribe him. A reference to the defaulter sheet and service book will show that his conduct was uniformly good. He served with zeal and energy under many officers, all of whom have appreciated the services of the petitioner and submitted promotion rolls in his favour, so much so, that shortly before your petitioner was drawn into this unfortunate affair, he expected a promotion to the Assistant Inspector's grade.

45. The petitioner hopes that having regard to the position held by the petitioner in the Department and to the entirely untrustworthy evidence on which the charges have been framed against him and to the hardships he has been needlessly subjected to, the Government will favourably consider the petitioner's case and restore him to his appointment with arrears of pay. For this act of mercy and justice the petitioner shall, as in duty bound, ever pray.

Your Excellency's
most obedient and humble Servant,

C. Desikachary

*Late Sub-Inspr. of Salt & Khari
Residence
Residing Door No: 14 Puthur Koral
Street, Triplicane, Madras*

Dated 19th April 1897.

A copy has been submitted through the proper Channel

*C. Desikachary
19/4/97*

Despatched on 23-4-97

*C. Desikachary
Late Sub-Inspr. of Salt & Khari
Residence
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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
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