Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 1890

DATED 29th April

[Despatch Abstract.]

Declining to interfere on behalf of Thanikea Munda, late Forest Guard, Sambalpur Circle, appealing to Govt. against the order of the Board of Revenue declining to cancel his resignation and reinstate him in his former appointment.

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 (1898) Department.

CURRENT No. 2833

From The Board of Revenue, L.R. Madras

Order

Forest No. 163 Ref

Dated 6.4.98.

Received 13

Registered 13

Enclosures 9

Spare copies

SUBJECT.

Submits Govt with remarks, petition from Nemika Mudr. late Forest Guard, S. Arcot, appealing to Govt against the order of the Board declining to cancel his resignation & reinstate him in his former appointment.

Order No: 1890 dt 29 April 1898

Order this Govt declines to interfere.

To the Petitioner, with 7 encls. } Secs. 2/5
Copy to the Board, L.R. (Q+D) }

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Forest Branch -

1408

2 APR 1898

Dated Madras
the 4th April 1898.

To

The Secretary
Board of Revenue.
(Land Revenue)
Madras.

Honored Sir

With reference to Forest Mis No 61 dated 1-2-98, which reached my hands on 4-2-98, I crave leave to approach your honor with a petition to Government requesting that my case may be laid before the Honorable Members for reconsideration in the light of the representations therein set forth or that it may be forwarded to Government as your Honor deems fit.

If the former course is adopted, I pray that the enclosure may be treated as a review petition submitted to your Honor.

I beg to remain
Honored Sir
Your most obedient Servant,
A Monicka Mudy
Late Forest Guard. S.A
No 13 Venkatachellam Street (Dist
Purasawalkam
Vepery - Madras -

Dated Madras
The 4th April 1898

To

His Excellency the Governor in
Council
Fort St. George.

The humble petition of A. Manicka
Modaliar, Late Forest Guard South
Arcot District, now Residing in
No 13 Venkatachellam Street, Purasa-
vakkam, Madras.

May it please your Excellency,
I most respectfully beg leave to submit
this my humble appeal against the
orders of the Board, Forest No 51
Mis dated 1-2-98. (Enclosed)
dismissing my appeal petition pray-
ing to set aside the proceedings of
the Collector of South Arcot dated
4-9-97 and those of the District
Forest officer, South Arcot dated
31-1-97 (also Enclosed)

I beg leave to state that I
was employed as a Forest Guard,
South Arcot District and have now
lost my appointment under the
following circumstances.

While I was working as a
Forest Guard in the South Arcot
District, I was in a bad state
of health in or about July 1896,

and asked for leave. I was directed to produce a Medical Certificate. I did so and was waiting for orders. While matters were in this state, I received a telegram from my mother at Madras to the effect that she was dangerously ill. I got alarmed and being very anxious to see her, I forwarded the telegram and the Records in my charge with my reports to the Range Officer and left for Madras, on that very night (ie) on 8-8-96. I further requested him to grant me leave for a month from 9-8-96 on the strength of the Medical Certificate. Fully believing that leave would certainly be granted on Medical Certificate, I continued to be at Madras with my mother, myself also being unwell. On 22-8-96. I got an order No. $\frac{H.8}{96}$ dated 21-8-96. from the Forest Ranger that in consequence of absence without leave. I was suspended until further orders and on 24-9-96 another order No $\frac{H.8}{96}$ dated 10-9-96 Enclosing District Forest Officer's order No. $\frac{861}{96}$ dated 26-8-96 wherein I was asked to furnish explanation. I appealed to the Collector against such suspension and furnished the explanation required. Before I was favoured with any reply, the District Forest officer on 31-1-97 passed proceedings that I was dismissed from service. Against this order of dismissal, I preferred an appeal to the Collector of South Arcot who after examining me in person compelled me to tender my resignation on pain of conferring the dismissal order. I did this and laid my case before the Board who unfortunately did not interfere.

The two main points to be considered in connection with my case are, I submit.

I Whether my absence from Station could be treated as having been without leave and even if so, whether my action in the matter was not bonafide.

II Whether my resignation could be considered to having been free and voluntary and if not, I tendered it knowing its consequences.

As to the first point, I beg to submit that my absence from Station was under very peculiar Circumstances. Having received a telegram announcing to me the fact of my mothers dangerous illness, I was very anxious to see her and be by her, more so, as I am her only son and as I believed that she might not recover from her illness in her old age. Since I had no time to obtain formal leave, I bonafide sent the telegram to the Range Officer and requested leave. It is argued by the authorities that no reliance can be placed on

the telegram, simply because it was coupled with an application for a months leave. To this I beg to reply that I was asking for leave on account of my own illness long before the receipt of the telegram, that having been required to produce a Medical Certificate, I did so and was awaiting orders. As soon as I got the telegram I thought that in as much as I had to go to India I could avail myself of the leave applied for on the Medical Certificate, so as to save trouble and expense consequent upon constant journeying in my bad state of health. I did this bona fide fully believing that leave on Medical Certificate would undoubtedly be granted. I never in the least thought that I would be open to the charge of absenting myself without leave. If the authorities did not wish to do so how have they could very well have asked me to return to duty at once, but instead of that they send a suspension order and eventually make me lose my appointment. It is also argued by the District Forest Officer in his proceedings of 31-1-97 that my not returning to duty immediately after the expiry of one month from 9-8-96 is a matter open to question as he says that the order of suspension reached me only on 24-9-96. I beg to reply that the District Forest Officer refers to the 2nd order which reached me on 24-9-96 and altogether loses sight of the 1st suspension order of 21-8-96 (enclosed) which having been received by me before the expiry of the period of one month from 9-8-96 prevented me from rejoining my duty as observed by the District Forest Officer. Moreover the disease I was then suffering from "Vertigo" coupled with the excitement I was in, on receipt of the telegram really made me forget my position and indeed led to entertain a very sanguine hope that the leave applied for would certainly be granted. If the leave which I naturally expected were granted, nothing would have happened to me. Since it was refused my absence was treated as having been without leave. I leave it to your Excellency to judge whether or not one in my position who produced a Medical Certificate, who was suffering from a certain disease himself and who was in the receipt of a telegram regarding his mothers dangerous illness could not reasonably conduct himself in the manner I did. An act so simple and true I submit could not merit a punishment so severe.

As to the second point, I submit that having been directed by the Collector to appear in person with reference to my appeal petition against the said proceedings of the District Forest Officer of 31-1-97

I did so and was told in the course of enquiry that if I did not tender my resignation - the dismissal order of the District Forest Officer would be confirmed. Fearing that dismissal would debar me from further service under Government and would entail forfeiture of past Services, I thought it fit to tender my resignation which I bonafide believed would make me lose only the appointment I was then holding. I never knew at the time that resignation would deprive me of past Services. The resignation is not therefore out of my free will understanding its consequences. I submit that what the authorities ought to have done was to have dismissed me if they had liketto do so and left me to seek my remedy. Their getting a resignation from me so as to make it appear that I gave up my appointment of my own accord is an act the propriety of which I leave to your Excellency to weigh. My resignation was not an independent act. It was offered me only as an alternative to dismissal and arose out of the circumstances which made the authorities come to the conclusion that I was about without leave. I therefore submit it could not be treated as having been voluntary and done with a knowledge of its consequences.

My service in the Forest Department extends for a period of (10) years from 1886 to 1896, during a portion of which I acted as a Forester, and to lose such hard-earned service for an act done bonafide and least expecting the serious results that have flowed from it partly on account of my then state of health, partly by the sanguine hopes entertained on the Medical Certificate and partly owing to the excitement caused by the telegram, is a misery which your Excellency only should condescend to remove, so as to give me my sole means of livelihood and not leave me in a forlorn state, after 10 years service under Government.

I therefore pray that your Excellency would be gracious enough to consider in the light of the peculiar circumstances of my case that my absence could not be treated as having been without leave or even if it were so I could not merit such a serious punishment and set aside the resignation, an act which emanated from me so as to avoid dismissal which would otherwise have issued from the authorities.

In conclusion, I pray I may be reinstated in my former appointment

appointment or be transferred elsewhere, my past services being reckoned in my favour.

For this act of Kindness, I as in duty bound shall ever pray.

I beg to remain

Your Excellency's most obedient Servant
A Monicka Mudr
Late Forest Guard, South Arcot District

List of enclosures.

I Order of suspension from the Forest Ranger's No. 748/For-96 dated 21-8-96

II Order No. 748/96 dated 10-9-96 from the Forest Ranger enclosing (3) below.

III District Forest officer's order No. 864/96 dated 26-8-96 calling for explanation.

IV Proceedings of the District Forest Officer South Arcot dated 31-1-97.

V Proceedings of the Collector of South Arcot dated 4-9-97.

VI Proceedings of the Board of Revenue, (Land Revenue) Forest No 51 Dis dated 1-2-98.

AH

Reference on For No. 811 of 1898.

In replying the above should be quoted.

(LAND REVENUE.)

REVENUE BOARD OFFICE * MADRAS *

Read petition from A. Manikka Mudali, late Forest Guard, South Arcot, dated 4 April 1898.

Reference No. 163, dated 6.4.98

Submitted to Government

2. The appellant who was a Forest Guard in the South Arcot District was dismissed by the late D.F.Officer (Mr Stanbrough) for absence without leave. The Collector to whom an appeal was presented modified the D.F.Officer's order and accepted the Guard's resignation which was tendered to him. Against this order the Guard appealed to the Board which held that it was of no importance whether the resignation was voluntary or otherwise as the result of the absence without leave and the resignation amounted to the same thing, namely, loss of appointment. The Board has no further remarks to offer.

To The Secretary to Govt
R.d with petn & encls
in original.

Reddy
Secretary.

Read Board's Refce No 1163 Forest
d: 6-4-98. C. No 2833/96.

Note

With the current year
above the Board of Rev
submits to Govt. a petition
from Manicka Mudaliar,
late a Forest guard in the
South Arcot district, ap
pealing against the
order of the Board declin-
ing to reinstate him in
his appointment. The facts
of the case are briefly these
The petitioner was dis-
missed from the service
by the order of the District
Forest officer, S. Arcot,
dt 31st January 1897 on
the ground of absence
without leave. Against
this order the petitioner
appealed. The Collector
On the 3rd next, dismi
the petitioner was heard
by the Collector in his
defence, but on the
is brie

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c 27/4/98

next day he filed a petition requesting that in consideration of his eleven years' service in the Forest Deptt. the order of dismissal passed by the D.F.O. might be cancelled and that he might be allowed to resign his post (Vide para 8 of the Coll's order d. 4-9-97). The Collector while holding that the order of dismissal was not unjustifiable was pleased to accept the petitioner's resignation, and modified the District Forest Officer's order accordingly. (Para 9 of the Coll's order d 4-9-97). The petitioner then preferred an appeal to the Board of Revenue against the Collector's order. A copy of the petitioner's appeal to the Board is not among the papers now submitted to him, but it would seem from

Flag B.

Flag B.

B.P. No: 51 d 1-2-98.
Flag C.

B.P. No: 51 d 1-2-98.
Flag C.

from the Board's order thereon and from the appeal now under consideration that the petitioner's main ground of contention was that his resignation was not voluntary but was tendered in the fear that otherwise the dismissal order would be confirmed by the Collector. The Board of Revenue held that it was of no importance whether the resignation was voluntary or not, as the result of the absence without leave and the resignation amounted to the same thing, namely, loss of appointment; and accordingly dismissed the appeal. The petitioner has now come up to Govt. It is submitted that there do not seem to be any grounds for interference. Attention is invited to the facts mentioned by the District

District Forest Officer in the order of dismissal d. 31-1-97 that the petitioner was reduced while in the Tinkoiliur range for neglect of duty and disobedience to orders.

A draft order is submitted on the docket of the current.

Secy
Hlly
21-4-98

Hrg

This is not a case for interference.

S/B Bruce

Flag A.

Pl.
21/4/98

When given for copying ——
When copied ——
When examined ——
When signed ——
} 189

READ AGAIN G.O., No. DATED
189 ,

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.								

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