0/9 3,000—5-8-96.

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 1953

DATED 5th May

[Despatch Abstract.]

late peon in the Salt & Ab

Declining to interfere on behalf of Ghulam Nabi, appealing against the order of dismissal passed by the Asstt Commissioner

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.

1100 P.C. 25/4/98

CURRENT No. 3062

5.5.98. No. 1953 / 5.5.98. Pr. 4415/98

Order Mis. 3/5/98

The Government declines to interfere on the petitioner's behalf.

From

The Secretary to the Commissioner of Salt, Abkari and Separate Revenue Madras

Mis No. 1492

Dated 16th April 1898

Received 23-4-98

Registered 23-4-98

Enclosures Petn and 5 encls.

Spare copies

29/4/98 Pr. 4415/98

SUBJECT.

Submitting to Government with remarks, petition from Chenn Nair, late peon Ponnani Circle appealing against the Board's orders declining to interfere with the order of dismissal passed on him by the Assistant Commissioner Calicut Sub Divisi

C2/5/98. Pr. 4415/98

To the Board of Rev: Sep. Rev.

" " Petitioner (with encls) Dispd 7.5.98

Note.

Attention is invited to the Board's Proceedings which succinctly states and discusses the facts of the case. It is submitted that there are no grounds for interference.

Pr. 1/5/98.

29/4/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To,

His Excellency,
the Right Honorable the Governor in Council,
Fort St. George,
Madras.

The humble memorial of M. CHENU NAYAR, late peon No. 852 of the Salt, Abkari and Customs Department, Ponnani Circle, now residing at Trikkandiyur Amsom of Ponnani Taluk, South Malabar.

MAY IT PLEASE YOUR EXCELLENCY,

That the humble memorialist very respectfully submits that he had been a 1st grade peon and had had 10 years' service. He was dismissed for "his absence from duty since 1st March 1895 and as his whereabouts not known" (Vide enclosure A.)

2. That he appealed to the Board which declined to interfere with the order on the ground that *it had received a report from the Deputy Commissioner.* (Vide enclosure B). Fresh evidence in support of the truth of the case having subsequently forthcome, he applied to the Board to reconsider its order. It did not again interfere on the ground that *orders have been already passed in his case.* (Vide enclosure C.)

3. That the memorialist begs to appeal against the above on the following grounds.

i. That the explanation of the memorialist was not taken before the order of dismissal was passed.

ii. That if he were a runaway as falsily represented by the Range Sub-Inspector, the memorialist should have been prosecuted as such and his guilt or innocence or the Sub-Inspectors' conduct proved in a Court of justice.

iii. That he applied for leave (vide enclosure D) and this fact was wilfully kept back by the Sub-Inspector.

4. That the memorialist was not guilty of the charge is born out by Inspector Mr. Smither who himself was the person that submitted the roll for dismissal. The enclosure E is a report from him to his superior. The important portion is as follows:—"*I find on going over the case that the fact of his sudden illness and consequent unavoidable stay at Trichur en-route to Cochin is the only point worthy of consideration. In support of his statement he produces a certificate * * * On making enquiries I find what the peon states regarding his illness is one that may on reconsideration be accepted. The period of dismissal may be treated as leave on loss of pay.*"

5. That he submits again that the above statement of real facts and the recommendation for reinstatement is from the very officer who recommended dismissal and the fact that this officer would never have made a second report against his own first report unless he was thoroughly satisfied of the petitioner's innocence is fact conclusive that the charge was unfounded and the memorialist was wrongly dismissed.

6. For the above reasons, the memorialist is entitled to reinstatement, for which act of justice he shall as in duty bound,

Ever Pray.

20-12-97

From,

M. Chenu Nair,
Late Peon No. 852,
Salt and Abkari Department,
Ponnani Circle.

To,

His Excellency,
the Right Honorable
the Governor in Council,
Fort. St. George,
Madras.

Dated 30. 12. 97

Enclosures. 5

SUBJECT.

Appealing against the order of the Board of Revenue Separate Revenue Madras declining to interfere with the order already passed by the Deputy Commissioner, Southern Division, on his appeal against the order of dismissal passed by the Assistant Commissioner, Calicut Sub-Division.

1,000
10-4-98.

REVENUE BOARD OFFICE
MADRAS

Proceedings of the Board of Revenue

(Separate Revenue),

Dated 16th April 1898.

Mis No. 1492

Read letter from the Deputy Commissioner Southern Division No. 1299 dated 28th March 1898 Submitting, with remarks, a petition addressed to the Government by late peon Chenu Nair of the Ponnani Circle appealing against the orders of the Board declining to interfere with the order of dismissal passed on him by the Assistant Commissioner, Calicut

Resolution

Submitted to Government

2. The memorialist, one of the turbulent characters of the Ponnani Circle, was transferred as a punishment in March 1895 from the Tirur to the Cochin party of that circle. He was relieved on the 21st of March, but did not join his new party till the 21st April, thus absenting himself

himself for a month. His defence is that he received a Summons to attend a Magistrate's Court on the 21st March that on that date the Magistrate postponed the trial to the 29th idem, that he had Consequently to wait till the latter date and that he started on the 30th to join his new party but on the way fell ill at Trichoor and was prevented from joining in time. Accepting the Memorialist's statement that he was not well, the Memorialist is at fault in having taken upon himself without the orders of his Superiors to stay at Tirur till the 29th and also in not having reported to his Superiors his stay at Trichoor on his way to Cochin. The fact that he had petitioned for Six Months' leave ten days before the order of transfer arrived for the purpose of performing the obsequies of his mother would moreover appear to Cast some doubt on the truth of his plea of illness as it is evident that he wished to avoid the transfer.

On the report of the Inspector Ponnani Circle, the Assistant Commissioner Calicut Sub Division dismissed the Memorialist for absence from duty without permission. An appeal was preferred to the Deputy Commissioner against the Assistant Commissioner's order but the Deputy Commissioner declined to interfere. In September 1896 the Memorialist preferred an appeal to the Board which, in Consideration of the fact that the menials of the Department are already only too prone to absent themselves on any excuse rather than perform any disagreeable duty, declined to interfere. In October 1897 a review petition was presented but the Board saw no reason to reconsider the orders already passed. The present appeal is against the Board's orders referred to above.

(True Extract)

Rud Hawley
31.4.98
Acting Assistant Secretary

To
The Secretary to Government
Revenue Department
with petition and Enclosures

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	A
LETTER OF GOVERNMENT.											
STATEMENT WITH DITTO.											
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.											

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