3,000—5-3-98.

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 2230

DATED 23rd May

[Despatch Abstract.]

Declining to interfere with A. Srinivasa Chamberlain, Forest Ranger, South Canara, appealing to Govt. against the orders of the Conservator of Forests, S. C. and the Board of Revenue suspending and transferring him to South Canara.

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 (189 8) Department.

CURRENT No. 2319

~~Board's Proceedings~~ **From**

Order Mis. No. 2230 d/23rd May 98. The Board of Revenue, Land Revenue Madras

The Govt decline Interfere

For No. 122 Reference.

Mlle 23.V.98

Dated 19th March 1898

Received 22nd " "

Registered 23rd " "

Enclosures 8 and 1 bundle of papers.

Spare copies ——

To Bd of Rev & R. Rec

To Petitioner - Rec

RV 27.5.98.

SUBJECT.

Submitting for the orders of Government, with remarks, Memorial of A. Srinivasa Chamberlain, Forest - Ranger, South Canara, appealing to Government against the orders of the Southern Circle Conservator and the Board suspending and transferring him to S. Canara.

W.S 2.5.98.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2,000
24-1-97.

REVENUE BOARD OFFICE. MADRAS.

Proceedings of the Board of Revenue

(Land Revenue),

Dated 21st January 1898.

Form No. 35 Miscellaneous.

READ Read the following letter from the Conservator of Forests, Southern Circle, to the Secretary to the Commissioners of Land Revenue, Madras, dated 11th January 1898. No 243.

With reference to B.P. No. 1153 Mis. dated 8th November 1897, I have the honor to state that in accordance with instructions contained therein, Mr. Chamberlain was given an opportunity of cross examining the witnesses, which he did on the last 2 days of November and the 1st day of December 1897.

2. His written explanation on the results of this cross-examination, was received during the Christmas holidays, and is now submitted to the Board, together with his previous appeal and enclosures.

The diary book, to which reference is

is made as having been compared with, is also sent for the Board's inspection.

Resolution

The Board having fully considered the case finds no reason for interference.

(True Copy and Extract)
(Signed) R. C. C. Carr.
Secretary.

To The Conservator S.C.
Copy to the Petr.

(True copy)
Reeves
Secretary

2,000
25-1-97.

REVENUE BOARD OFFICE. MADRAS.

Proceedings of the Board of Revenue

(Land Revenue).

Dated 8th November 1897.

Forest No. 1153 ——— Miscellaneous

READ Endorsement of the Conservator of Forests, Southern Circle, dated 30 October 1897, Re No. 1743 forwarding to the Board appeal petition of A. Srinivasa Chambekari, Forest Ranger, under orders of suspension and transfer to South Canara.

Resolution

The Board considers that the petitioner should be confronted with the witnesses and given an opportunity of cross-examining them. He should thereafter be required to submit within a reasonable period any written explanation he may wish to put in. The Conservator is therefore requested to re-open the enquiry holding it himself or deputing Mr. Cowley Brown for the purpose.

2. As the petitioner states that he is bed-ridden at Pollachi he should be called on to produce a

medical certificate unless he intimates his readiness to appear when called on.

/True Extract/
/Signed/ R.C.C. Carr.
Secretary.

To

The Conservator of Forests. S. C.

(True copy)
Reeves
Secretary.

TO

His Excellency the Right Honourable,
The Governor-in-Council,
MADRAS.

(Through the Board of Revenue, Land Revenue,
Forest Branch, Madras,

and the Conservator of Forests,
Southern Circle,
Coimbatore.)

The humble Memorial of A. SRINIVASSA CHAMBERLAIN, *Forest Ranger, under orders of suspension and transfer to South Canara,*

MOST RESPECTFULLY SHOWETH :— That,

This is an appeal against the orders of the Board of Revenue, Land Revenue, Forest Branch, No. 35, Miscellaneous, dated 21st January 1898, confirming the proceedings and orders of the Conservator of Forests, Southern Circle, suspending the humble Memorialist for certain alleged misconduct and transferring him to Mangalore at his own expense, vide Exhibit I.

2. The alleged charges which occasioned the unfortunate orders of the Conservator of Forests, Southern Circle, to humble Memorialist and the explanation of the Memorialist thereto have been submitted in detail to the Board of Revenue in his original appeal petition dated 15th October 1897; on receipt of which the Board, in its proceedings Forest No. 1153 dated 8-11-97 directed that the Memorialist should be allowed an opportunity to cross-examine the witnesses who deposed against him at his back. The cross-examination of witnesses was commenced on the 29th November and closed on the 1st December, 1897.

3. The humble Memorialist submitted

8

3
23.07

to the Board of Revenue on the 27th December, 1897, his further explanation in full and pointed out that the cross-examination has completely broken down the charges against the Memorialist.

4. The humble Memorialist who is still sick and is under medical treatment is now compelled by the authorities to join the South Canara District at his own expense, which the humble Memorialist has replied to in his report to the Conservator of Forests, Southern Circle, dated 8th February, 1898, explaining the circumstances which prevent him from joining the appointment in his present state of health.

5. One and all the charges brought against the humble Memorialist have been clearly disproved, vide his explanations dated 15th October and 27th December, 1897, respectively, to the Board of Revenue. Still it is through the misfortune of the humble Memorialist that the Board in its proceedings under appeal says that it * * "finds no room for interference."

6. These unfortunate proceedings have deprived the poor and humble Memorialist of any kind of allowances from the third week of July last up to date. The humble Memorialist is a man of large family and is still under medical treatment. What the difficulties and anxieties of humble Memorialist during his illness of nearly 7 months thus long deprived of all allowances are, he lacks words to express.

7. As the humble Memorialist has already fully answered all the charges brought against him in the above two petitions to the Board of Revenue, he did not want to trouble His Excellency the Right Honourable the Governor-in-Council with a long memorial repeating the same grounds, but humbly craves to make a reference to them.

In these circumstances, the humble Memorialist most respectfully and fervently prays that His Excellency the Right Honourable the Governor-in-Council will be very

graciously pleased to peruse the explanations already submitted to the Board of Revenue, favorably consider his case, annul the orders of the Board and the Conservator of Forests, Southern Circle, and render him justice by granting his prayers contained in his appeal petitions to the Board of Revenue dated 15th October and 27th December 1897, respectively.

For which act of charity and benevolence, the humble Memorialist shall, as in duty bound, ever pray.

Pollachi,
2 March 1898.

A. Srinivasa Chamberlain
&
No 345

Forwarded

As regards his para 4, he was asked in this Office No. 2437/17:298 to appear before the District Medical Officer with view to a sick leave Medical Certificate in case he was too ill to join his appointment.

Coimbatore
4 March 1898.

Conservator of Forests

3.3.98.

...ue to

HIS EXCELLENCY

THE RIGHT HONOURABLE

THE GOVERNOR-IN- COUNCIL,

MADRAS.

Through

THE CONSERVATOR OF FORESTS,

SOUTHERN CIRCLE,

COIMBATORE

AND THE BOARD OF REVENUE

LAND REVENUE, FOREST BRANCH,

MADRAS.

Dated 2
Despatched 2 } March 1898.
Received

Enclosure One.

SUBJECT.

Submitting Memorial appealing against the orders of the Board of Revenue, Land Revenue, confirming the proceedings of the Conservator of Forests, Southern Circle, suspending Memorialist for certain alleged misconduct and transferring him to South Canara District.

K. R. V. & Co., Printers, Coimbatore.

Reference on For *No.* 553 & 607 *of* 1898.

In replying the above should be quoted.

(LAND REVENUE.)

Read Endorsement of the Conservator of Forests,S.C, dated 4th March 1898,No.5459 forwarding to the Board Memorial of A.Srinivasa Chamberlain,Forest Ranger,under orders of suspension and transfer to South Canara,and the following reference thereon No.90,dated 8th March 1898.

The Conservator is requested to forward the records of the case.

Read also letter from the Conservator of Forests,S.C, dated 12th March 1898,No.5459 forwarding to the Board all the records connected with Ranger Mr.Srinivasa Chamberlain's case and stating that Mr.Chamberlain has neither joined South Canara nor produced a certificate of ill-health.

Reference No.122,dated 19th March 1898

Submitted for the orders of Government.

2 In its Proceedings F.No.55 Mis,dated 21st January 1898,the Board refused to interfere with the orders of the Conservator,but in arriving at this decision it did not overlook the fact that there were discrepancies in the statements of the witnesses.These discrepancies however are not more than are explainable by the fact that the witnesses examined were giving an account of what had occurred two years previously.The evidence of the Diary books is practically conclusive.A careful examination shows that the existence of gum near the binding of the pages in the book relating to the Modhur beat raises no suspicion favorable to

petitioner. To suspect the ~~xxxx~~ correctness of the entries would be to suppose a conspiracy which is incredible for many reasons. There is no evidence of motive and nothing was done to give effect to the "false entries" which were only accidentally seen nearly a year afterwards, a fact which is proved by the evidence of Ranger D'Sa whom the appellant did not cross-examine. The petitioner's record is not clean and the reduction is only of one place in his grade in addition to the suspension. In the Board's opinion this punishment was not excessive, and it has no recommendation to make on petitioner's behalf.

5 The Conservator now reports that the petitioner has neither joined his new appointment nor produced a certificate of ill-health.* This matter will be separately dealt with.

Secretary

To the Secretary to Government, R.D,

with petition, Conservator's Endt thereon, Conservator's letter of 12th March 1898 and records in original to be returned, and copy of B.P.F.No.1155 Mis, dated 8th November 1897 with petition and Conservator's Endorsement in original to be retd and copy of B.P.F.No.55 Mis, dated 21st January 1898 with copy of Conservator's letter dated 11th January 1898 and petition of ~~xxxx~~ ~~January xx 1898~~ 27th December 1897 to be returned.

(in a separate file)

* a medical certificate has since been produced.

CM 2419/98.

Revenue (1898) Department.

CURRENT No. 2419

From The Board of Revenue, CR. Madras

Order

Trans No. 83 Mis

Dated 23rd March 1898.

Received 25

Registered 28

Enclosures

Spare copies

SUBJECT.

Recording letter from the Com'r S C stating that Ranger Srinivasa Chamberlain will be granted Sick leave for 2 months on the District Medical Officer's Coimbatore recommending leave of absence to him and that he will be directed to proceed to S. Canara on the expiry of the leave at his own cost.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2,000
20-1-98.

REVENUE BOARD OFFICE MADRAS

Proceedings of the Board of Revenue

(Land Revenue).

Forest No 183 Mis, dated 23·3·98.

Read the following letter from the Conservator of Forests, Southern Circle, dated 19th March 98. Di No 577 to the Secretary to the Commissioner of Land Revenue, Madras.

Reference. My letter No 3459 dated 12 March 98.

In continuation of the above I have the honor to say that the District Medical Officer, Coimbatore has furnished me with a certificate dated 12th March 1898 stating that Ranger Srinivasa Chamberlain presented himself for examination on the 10th idem and recommending that two months' leave of absence may be granted to him.

Srinivasa Chamberlain will therefore be granted sick leave for 2 months from date of the Certificate and directed to proceed to South Canara on the expiry of the leave at his own cost.

Resolution

Recorded.

/True Copy & Extract/

Rullen
Secretary.

To The Conservator. S.C
Copy to Govt Rd in Contn of
Proc. No. 122 of 19.3.98.

1898.

Board of Revenue

(Land Revenue),

MADRAS.

To

Subject.

Read B.P.Nos.122 & 183,d/19th and 23rd March 1898 respectively (C.Nos.2319 & 2419 of 1898).

N o t e:

These papers relate to a petition from one Srinivasa Chamberlain, Forest Ranger, South Canara Dt., appealing to Govt.against the order of suspension ~~and transfer~~ reduction and transfer passed by the Conservator of Forests, S.C., and confirmed by the Board of Revenue. It appears that the petitioner, while in charge of the Mettupalayam Range, Coimbatore Dt., (1) committed certain irregularities for which he did not give any satisfactory explanation, when called upon to do so, (2) failed ~~to~~ on the plea of illness to attend the personal enquiry which, at the instance of the petitioner himself, the District Forest Officer was directed to hold and (3) suddenly left his range without obtaining permission. Thereupon, the Conservator of Forests suspended the petitioner and in his Progs. d/11th Septr.1897 reduced him to the last

A Page 24 in File II

B Page 23 in File IV.

19/5/98. Page 32 in File II

last place in his grade (Sixth Grade) and transferred him to South Canara.

2. The several charges against the petitioner and the evidence connected therewith are detailed below:-

The first charge is that the petitioner verbally ordered the transfer of a forest guard from one beat to another and afterwards retransferred him without reporting these facts to the Dt.Forest Officer.

The petitioner entirely denies that he ordered either the transfer or the retransfer. But the entries in the diary books kept by the two forest guards concerned in the mutual transfer and retransfer seem clearly to show that the petitioner's allegation is false. These books appear to have been regularly kept and the entries in question made in the ordinary course of business. The entries severally made by the two forest guards agree in showing that a transfer did take place. The petitioner however states that the entries in the diary books are false. But to suspect that the entries are false would be, as stated by the Board,

in order to simplify him on previous work

Page 5(a) in C. No. 2319. D

Pages 66 & 96 in the diary books
" 29 & 31 in Folio II. E & E1

Page 44(a) in C. No. 2319. F

to suppose a conspiracy which is incredible for many reasons. For the fact that nothing was done by the forest guards to use the "false entries" against the appellant clearly shows the absence of any motive on their part. The existence of the entries in the diaries was only accidentally discovered after the lapse of nearly a year when, on the transfer of the petitioner from the Mettupalayam Range to Tinnevelly Dt., his successor held an enquiry as to the reported loss of certain tools. In this enquiry the forest guards deposed to the fact that the transfer did take place. In the weekly reports submitted by the guards to the ranger, however, there is no mention of the transfer. But it seems that no reliance can be placed on these reports, inasmuch as there is (as will be shown in para 4) a very strong presumption that they were fabricated to conceal the fact of transfer. The petitioner draws attention to the existence of what he calls discrepancies in the diary books kept by the two

A1 Page 24 of Folio I

G & Z Pages 42 & 44 in Folio I

N. H1 Pages 30 & 31 "

I Page 4 in C. No. 2319

forest guards. But these discrepancies are not real as they consist of mere omission by one of the guards of additional detailed information enterld by the other.

The petitioner further states that if there were really a transfer, the diary books should have been exchanged and that therefore the guards could not have entered (as they have done) the transactions that took place during the period between transfer and retransfer in the diary book relating to the beat of which each of them was in charge before transfer. On this the Conservator remarks as follows:- " The "Modur Forest Guard handed over his diary "book on the 13th and received it back on "the 16th. It is not asserted that these "books were posted daily and I see no reason "why Ramasawmy Konan (the Modur forest Goard) "should not have written up the book after "the 16th and he must have done so. As the "man considered himself to be on deputation "duty during the three days, he ooks areel "himself bound to make the necessary en.. es "in the book in due course".

Page 3 in C.No 2319.

Page 10(a) in C.No 2319.

F Page 44 in C.No.2319.

In para 2 of B.P.d/19th March 1898, the Board adverts to the existence of gum near the binding between sheets 75 & 76 of the diary book of the Modur beat which may be calculated to raise the presumption that the sheets containg the entries unfavourable to the petitioner were afterwards substituted. But no such presumption arises as on a careful examination of the diary book it is found that sheet No.76 forms one with sheet No.91. Moreover there is no gum in the binding of sheet No.66 of the Nellithorai beat which also contains entries about the tranfer.

3. The second charge is that the petitioner ordered the transfer of Ramasami Konan, the Modur forest guard, with a view to employ him to raise a loan of Rs.30 from one Govinda Konan, an inhabitant in the Nellithorai beat. The entries in the diary book of the Modur forest guard and the fact that Ramasami Konan served a registered notice on the petitioner when he found him delaying the payment go to show that the appellant engage the guard on some such business.

E Page 29(a) in file II

V Page 21 in file III

The petitioner's allegation that there is discrepancy as to date between the entry in the diary, viz. 14-11-95 and that in the notice viz. 16-11-95 and his statement that if he wanted money he could have obtained the money from among his numerous rich friends are not of any great importance.

41 The third charge is that he was instrumental in effacing information of the transfer of the guards by causing the disappearance of the joint report of transfer made to him by the two guards and also by substituting the weekly reports (extracts from the diaries), in which there was mention of the transfer and the purpose for which it was made, by other reports afterwards obtained from the guards themselves but containing no such information.

The deposition of the forest guards shows that a transfer report was prepared jointly by them and submitted to the petitioner. The transfer report is not among the records in the Range Office and the petitioner absolutely denies having received any such report. As regards the substitution of the weekly reports the following points raise rather a very strong suspicion unfavourable to the petitioner:-

(a) the register numbers on the weekly reports in question are in the handwriting of the petitioner although they are entered in the register book by his clerk Malhari Rao. It would appear that the clerk was in the habit of numbering the reports himself.

(b) the report of the Modur forest guard (Ramasami Konan) is not signed by him.

(c) the reports, according to the depositions of the guards, appear to have been written under the orders of the petitioner to be substituted for those already sent.

4. The fourth and the fifth charges are that the petitioner suddenly left his work on the plea of illness without previously obtaining leave and that he was generally insubordinate and impertinent.

The Conservator notes as follows:-

" It is also necessary to remark upon the Page 35 in file II
ranger's behaviour on leaving Mount Stuart (where he was ~~doing work~~) energetic and in health until suddenly he reported sick and left without orders and though he declared himself unable to work he was able to walk to Anamalai which is a greater physical strain for a sick man than simply supervising work. Herein he was stultified by his own action. Adding to this he was insubordinate and impertinent to his superior officer, the Dy.Conservator, and within the current year the Conservator himself has had to complain of the ranger's impertinence to another officer".

5. When the petitioner appealed against Page 19 in C. No. 2319 S
the Conservator's orders, the Board of Revenue in its Progs.d/6-11-97, ordered that the petitioner should be confronted with the witnesses and given an opportunity of cross-examining them. In the cross-examination, though there were discrepancies in the statements of the witnesses, they were not Page 44 in C. No 2319 F
as stated by the Board more than are explainable by the fact that the witnesses examined were giving an account of what had occurred two years previously.

T Page 40 in C. No. 2319.

T Page 44

T Rule VI.

The Board of Revenue thereupon declined to interfere on the petitioner's behalf and in forwarding the present appeal remarks as follows:- " The petitioner's "record is not clean and the reduction is only of one place in his grade in addition to the suspension. In the Board's opinion this punishment is not excessive and it has no recommendations. to make on petitioner's behalf".

It is submitted that, in the circumstances stated, there are no grounds for Govt. to interfere and that the petitioner may be informed accordingly.

Seen
The conservator + Board are satisfied that the petitioner has fenced without authority the forest-guard Ramasami Konan in order to employ him for a private purpose & that he sought to conceal this transaction by tampering with the records
Besides this specific misconduct his general conduct seems to have been unsatisfactory. He was impertinent to his superiors & made sh

N.S. 1.5.98.

Excuses of illness. As called on February last he was brought to h Shamming (Vide Censors letter of 18.1 & 12.3.98 next before & current flagged F) But he this time for a medical certificate (vide 18.P 183 this & 23.3.98) He has been for the above faults suspended from 25th July 97 to 11th Sept 97 & reduced one place on his grade & the Censor states this is not very severe. & with act as a warning. There seems no ground on which Govt. should interfere.

Attn 17/5/98

Attn 19/5/98

Leaching boundary

21.5.98

Secy

Vide Draft on current

Attn 23.5.98

Attn 23/5

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AGAIN G.O., No. DATED
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