.000—5-8-98.

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 2251

DATED 25th May

[Despatch Abstract.]

Declining to interfere on behalf of S. Krishnaswami Aiyar, late Sub-Inspector, N. Trichinopoly Circle, appealing against the order of dismissal passed on him by the Dy. Commr. Southern Division and upheld by the Board.

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. 3150.

DR
25/5/98

B.P. Inis No 1496 d 17-4-98

Order Inis no. 2251 d/25th may 98.

The Govt decline to interfere

Mlle
28.V.98

To the Bd of R. with encls: & C
To the Collr do

Desp.
27.5.98

Completed

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

Inis No. 1496

Dated 17th April 1898

Received 27 "

Registered 28 "

Enclosures 3 two petitions. 3f

Spare copies

SUBJECT.

Submitting to Government, with remarks, petition from S. Kristnasami Iyar late Sub Inspector North Trichinopoly Circle appealing against the order dismissing him passed by the Deputy Commissioner Southern Division and upheld by the Board.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To

The Chief Secretary to
The Government of Madras
Madras.

Through

THE COMMISSIONER OF

Salt, Abkari and Separate Revenue,
Board of Revenue
MADRAS.

Through

THE DEPUTY COMMISSIONER

Salt Abkari & Customs Department

SOUTHERN DIVISION,
TRICHINOPOLY.

The humble Petition of S. Kristnaswami Aiyar, Late a Sub Inspector, Salt, Abkari and Customs Department, North Trichinopoly Circle.

RESPECTFULLY SHOWETH,

1. That the Petioner begs to appeal from the Southern Division Deputy Commissioner's Proceedings No. dated 12th September 1897, dismissing him the service of the Salt, Abkari Department Exhibit (i) for

(i) Obtaining informer's signature in P. 12 after the searches were made and erasing the date of such signature.

(ii) Reporting only 29 cases out of 37 detected at Kulumur, 14 out of 16 detected at Reddipalayam and 11 out of 17 cases detected at Parathur under circumstances of suspicion.

(iii) Obtaining search warrants after having searched houses without warrants in the village of Reddipalayam aud Parathur and

(iv) Falsifying Diaries.

2. As regards charge (i) Petitioner begs to submit that it is groundless and untenable for the following reasons.

The 2nd Grade Peon No. 791 Sawminatha Pillai *gave* information regarding village Kulumur on 23rd April 97, the same was at once recorded in P. 12 and the informer's signature obtained thereto and the Magistrate applied to for search warrants; but as the Magistrate refused to issue the warrants without a sworn deposition from the Petitioner and as there was no time to be lost, the Petitioner searched the houses on the 24th April 97 for the best interest of the Department and the P. Is submitted on 26th April 97 together with the Petitioner's letter bearing the Magistrate's endorsement refusing to issue the warrants to the Inspector in camp at Perambalur.

Pap E

During the search, Peons No. 687 and 679 Muthusawmi and Ramasawmi, seeing that the number of cases detected was 29, said it was large for one man and begged to be allowed a share in the remuneration. The Petitioner declined to comply with their request. Smarting under this disappointment Peon No. 687 Muthusawmi tampered with P. 12 by erasing the signature of Peon No. 791 Sawminatha Pillai, and signing his own name instead under date 2nd May 97 sending a complaint against the Petitioner in the meantime. The Peon's conduct in this respect and his daringness to alter the records was duly reported by the Petitioner to the Inspector in letter No. 122 dated 17th May 97.

Petitioner further begs to submit that peon No. 791 Sawminatha Pillay's name is written in the second column of P. 12 in the Petitioners *own handwriting and is still unaltered* the signature of Sawminathan alone being erased in three places and Muthusawmi peon No. 637 signing *his* name *above* the erased portion in one place, *on* the erased portion in another place and as an *interliniation* above the erased portion in the third place. Peons are never in the habit of noting dates below their signature, so that peon No. 791 Sawminathan the informer signed as usual without date but with his rank and occupation only in Tamil as 2 ஆ. 791 which means 2nd grade peon No. 791. This peon as a rule writes in a faint manner that is lacking distinctness; peon No. 687 Muthusawmi taking advantage of the same carefully erased the informer's signature rather successfully. In one place he has written 2—5—97, but in another place it will be observed that he has clearly altered 2 ஆ. 791 which was Sawminathan's rank and occupation into 2—5—97 to suit his own purposes and it was certainly not done by me as alleged. Further the dates under peon No. 687 Muthusawmy's signature are all placed under the erased portion.

Having observed peon No. 687 Muthusawmi was meddling with the Petitioner's records he at once examined the P. 12 and found that the peon had deliberately committed the irregularities above set forth, which was promptly reported for the information and orders of the Inspector-Vide Petitioner's letter No. 122 dated 17th May 97 quoted above, which is in the Inspector's Office.

From the above it is clear that the real informer is peon No. 791 Sawminathan and not peon No. 687 Muthusawmi; and that the informor's signature was obtained when the information was laid and not after the houses were secarched as stated in the charge against the Petitioner.

3. Charge (ii)--Petitioner begs to submit that only 29 *houses* were actually searched and not 37 houses. The eight other houses referred to are evidently intended to mean the cowsheds or straw heaps which are all out in the compound attached to houses and not houses themselves—so that these were not included in the search lists which were signed *by the Village Magistrate and Kurnam* in token of the correctness of the searches recorded therein. The Petitioner should have reported these as "undetected" which he failed to do owing to ignorance of rules in such cases—he being new to the Department. Further the list (Ex ii) presented by 2nd grade peon No. 791 Sawminathan to the Inspector at the time of enquiry also contains the names of 29 houses only. This list was prepared for him by the 1st grade peon No. 663 Muthukaruppan Prosecution first witness.

As regards the searches made by the Petitioner in the villages of Reddipalayam and Parathur he begs to tender the following explanation—namely, that information was laid for 14 houses in the former and 11 houses in the latter village. These were searched accordingly. But the Petitioner before proceeding to search

the houses noted on a piece of paper in pencil the names of houses for which information was laid as well as the names of houses suspected to contain contraband articles, which latter he did not search as success was doubtful. The memorandum was made simply to serve as a guide and to help in the preparation of search lists which were all duly signed by the Village Magistrate concerned in token of their correctness. The slip of paper not being required by the Petitioner any longer he threw it away, but the peons evidently picked it up, and finding that the names of more houses than have been actually searched were entered in it, they used it as a weapon against the Petitioner. If the Petitioner had actually searched the extra houses as contained in the slip referred to, the omission on the part of the Petitioner to include the houses in the search lists might have been brought to the notice of the Inspector during the enquiry into the other cases for which P. 1s have been duly submitted. This was never done. On the other hand the peons allowed two full months to tide over and then formulated charges against the Petitioner. This would clearly show that the whole case was concocted in order to bring the Petitioner in disrepute and trouble and to procure his ruin which they had evidently been contemplating and conspiring for some months from vindictive motives. If really the Sub Inspector meant any fraud or contemplated any dishonesty, nothing would have been easier for him than to destroy the slip of paper —so dangerous a piece of evidence against him The fact that the Petitioner did not set any store at all by that bit of paper but threw it aside allowing it to be picked up by the peons, amongst whom he knew he had enemies, in a very great measure confirms the bonafide character of the proceedings and the truthfulness of the explanation contained in this para.

4. Charge (iii)—The houses at Reddipalayam and Parathur were searched by the Petitioner after the receipt of the search warrants; while at Reddipalayam and after the searches were made, the Petitioner on the same day applied for warrants to search a few houses at *Salakuruchi*. Petitioner respectfully submits that a Sub-Inspector is empowered to search houses without warrants, so that there was no necessity for the Petitioner to apply for warrants to the Magistrate *after the searches were made.* It will thus be seen that this charge falls to the ground, but has been laid against him simply to give color to the other complaints made against him.

5. Charge (iv)—Petitioner is charged with falsifying P. 11 in respect to certain halts made in certain places on certain dates. He begs respectfully to submit that he halted at the places noted in the P. 11. In cases of partial halts he used to note in P. 11 the places in which he stayed for the first half of the night. As for the 27th to 30th April 97, he is alleged to have halted at Kilapalur. Petitioner begs to submit that he was at *Sholankuruchi on the 27th and 28th April* as noted in P. 11 verifying the boundaries of shops there in the presence of the villagers besides inspecting shops enroute. On the 29th and 30th April, he had to conduct the prosecution of one Vadamalai Padayachi of Nattalakuruchi in a case of false personation before the Dy. Magistrate of Ariyalur. The case was enquired into till 7 P. M. of the 30th April 97 There was no necessity for your humble Petitioner to note in P. 11 Ariyalur which is only 6 miles distant from Kilapalur. If the Peons as stated had been to places mentioned by them, they would certainly have taken attacthies from the Village Magistrates or other respectable villagers. This they failed to do. As regards the so called unrecognised Beat book produced by 2nd Grade Peon No. 679 Ramasawmi, Petitioner begs to submit that the book

with all the entries therein was got up a few days before the complaint against the Petitioner in order to be used as a weapon against Petitioner. The complaint petition is written by the Inspector's first grade orderly who was not at all concerned in the case. This orderly is a constant attendant on the Inspector who enquired into the matter and reported against Petitioner.

This orderly is a persistent enemy of Petitioner and has been writing Petitions on behalf of refractory Peons serving under Petitioner. From the above circumstances your Honor can easily perceive what stories and prejudicing rumours have been poured into the ears of the Inspector and with what bias and preconceived notions this officer would have entered on the investigation.

A's letter 8.30.8.97 Ref H

The Petitiener trusts that he has put his case clearly and fairly and has made out that the charges against him are all false and malicious. He has done nothing to warrant the severe punishment meted out by the Deputy Commissioner notwithstanding that the Assistant Commissioner has recommended the Petitioner's reduction and transfer to the clerical line. The whole case was formulated against the Petitioner by the Peons who were much displeased with him as they were not allowed to do as they pleased and allowed to go to their houses whenever they thought proper. Apart from these, it is a fact that Peon No. 785 Babu Naidu was fined not long ago by the Department for giving false evidence and 2nd Grade Peon No. 679 Ramasawmi was suspended for 15 days for detaining the Sub Inspector's letters without posting them and for other acts of insubordination. Ist Grade Peon No. 663 Muthukaruppan was fined Rs. 100 by the 2nd Class Magistrate of Perambalur for giving false evidence. These are the class of men who were required to give evidence against the Petitioner. It is for the Honorable Board to judge what reliance could be placed on the statements made by these individuals.

Petitioner begs repectfully to suimbt that it is very hard on him that his work and conduct should be judged from the statements made by the refractory peons who bore grudge and ill will towards the Petitioner and not by his own diaries and records supported by the evidence of the Revenue Officials in charge of the villages. The Inspector Mr. C. Saravana Mudaliar was greatly prejudiced against the Petioner and therefore he did not expect a favourable report from him. But he had hoped that the Assistant Commissioner and Dy. Commissioner would always give due consideration to the good work he had been showing uniformly in the Department and treat him kindly.

7. Your humble Petitioner must not omit to bring to the notice of the Honerable Board that the Inspector Mr. C. Saravana Mudaliar's enquiry against the Petitioner was not impartial and that he prejudged the Petitioner and directed his enquiries to run him in and ruin him for life. That this statement is not exaggerated will be seen from the following irregularities.

(i) That the evidence of 3rd Grade Peon No. 687 Muthusawmi who complained against the Petitioner was taken only after the statements of all other individuals had been recorded and that the Peon No. 687 Muthusawmi was present during the course of examination of the witnesses, so that it gave him full opportunity to study the case and direct his evidence against the Petitioner on the lines of evidence already recorded from other witnesses.

ii. That the contradictory statement of peon No. 324 Nagappen was taken but his evidence recorded at Perambalur which was in Petitioner's favour has been rejected and kept back by the Inspector.

iii. That the peons were threatened by the Inspector when their evidence was in the Petitioner's favour and the Inspector ordered his 1st grade orderly to write an order for the transfer of 2nd grade peon No. 325 for making statements favourable to Petitioner.

iv. That the Inspector did not record the statement of 1st grade peon No. 681 Bagavathy Naidu who spoke in favor of the Petitioner and during his absence his statement has been obtained by the Inspector at Perambalur, The fact was mentioned in the Petitioner's P. 11 for week ending 20—7—97 of which no notice was taken. The Inspector states that the peon was examined in the Petitioner's presence. This was not the case. The then second clerk Sathianatha Pillai, Sub-Inspector Ananda Chariar, Petty Officers of Anabadi and Paravai Parties and the Acting Petty Officer of Toraiyur Party will fully bear out the Petitioner's statement regarding the Inspector's irregular proceedings.

v. That the answers to the Inspector's questions were elicited by treats, calculating to injure your humble petitioner.

8. In para 2 of his Proceedings under reference, the Deputy Commissioner is pleased to refer to Petitioner's previous punishment of suspension for three months for failure to record information in P. 12 and to consider that dismissal from service will not be severe; your humble Petitioner begs to submit that he was then only two months in the Department and that he had not time to pick up his work and that his omission at that time was solely due to his ignorance and inexperience. Though the punishment was severe for his first fault, Petitioner did not represent his case and beg for cancelment of that order, as he was then laid up with fever from which the Inspector Mr. Maybury knows he was suffering at the time of his inspection and report.

9. Petitioner begs permission to add that before entering the department, he was employed in the South Indian Railway Company's service for three years as a clerk and that he bore a very good character. Further he belongs to a respectable and well to do family and can have no reason to accept six marakals of dholl and negociate for four annas per head as the refractory peons allege and as the Inspector would fain believe.

Under these circumstances the Petitioner respectfully begs that the Honorable ~~Board~~ Government will be graciously pleased to set aside the order of dismissal passed by the Deputy Commissioner and reinstate him in the post held by him at the time of such dismissal.

For which act of kindness, just and gracious condescension, the Petitioner shall, as in duty bound, ever pray.

S. Krishnaswami

TRICHINOPOLY,
11th Febry 98
~~27th September 97.~~

C/o M. R. Ry. S. SUNDARAM AIYAR B. A.
Municipal Manager,
Trichinopoly.

1004

XXXII

Appeal petition with 1 Enc

OFFICE OF SALT & ABKARI ADMINISTRATION
12 FEB. 98
SOUTHERN DIVISION

Enc 12/2/98

8

37
3150

1,000
10-4-95.

REVENUE BOARD OFFICE
MADRAS.

Proceedings of the Board of Revenue

(Separate Revenue),

Dated 17th April 1898.

His No. 1496

Read letter from the Deputy Commissioner Southern Division No. 984 dated 6th March 1898 forwarding, with remarks, a petition with all the Connected records, addressed to the Chief Secretary to the Government of Madras by S. Krishnasami Iyer, late Sub Inspector of the North Trichinopoly circle, appealing against the order of dismissal passed on him by the Deputy Commissioner.

Resolution

Submitted to Government.

2. The Appellant was a Sub Inspector in the North Trichinopoly circle and was dismissed by the Deputy Commissioner Southern Division for the following offences.

(1) Obtaining an informer's signature in

7

in P. 12 after the searches were made and erasing the date attached to the same.

(2) Reporting only 29 cases out of 37 detected at the villdge of Kulumur, 14 out of 16 detected at Reddipoliem and 11 out of 17 cases detected at Parndur under circumstances of gravest suspicion.

(3) Obtaining search warrants after having searched houses without warrants in the villages of Reddipoliem and Parndur and

(4) Falsifying his diaries.

3- In regard to charge (1) it is stated that peon No. 687 Muthusami presented petitions one to the Inspector and one to Appellant, Complaining that he had given information as a Consequence of which Certain Searches were made in the village of Kulumur on 22nd April 1897 and that, though he requested the appellant to take his signature in P. 12 on the 23rd (the date of search), Appellant did not do so till the 2nd May when fearing that he would be taken to task for not obtaining it, he called on Muthusami to sign in P12 and antedate the same. The peon, however, entered the date 2nd may 1897 below

below his signature and this date the appellant is stated to have erased. Appellant's explanation is that peon No. 791, Saminathan was the real informer in the Case and that it was peon No. 687, Muthusami, who tampered with the P. 12, erased the name of Saminathan already entered in 3 places and signed his own name instead. The statement, however, of peon Saminathan that he got the written information, written by peon Muthukaruppan, taken with the statement of the latter that he wrote the list on the requisition not of peon Saminathan but of peon No. 687 Muthusami shows that Muthusami was the real informer and that the Appellant's version is incredible. Again a close examination of the erasures in Columns 3 and 4 on pages 40 and 42 respectively of the P12 shows that the first erasure could not have been one of the signature of Saminatha Pillai but only of the date: 2-5-97 (of his signature on pages 35 and 37 of the P12). A further Contention of the Appellant is that peon Saminatha Pillai signed his own name and put below it his rank as follows

follows :—

"2 D. 791" ie 2nd grade peon No. 791 but that peon Muthusami altered that into "2-5-97". The Contention is plausible but in Column 3 there is no trace of Saminatha Pillai's signature above the alleged entry "2-D-791". There is moreover no reason why the rank of the peon should be entered in this Case alone.

Appellant states in para 2 of the appeal that he reported peon Muthusami to the Inspector for making erasures in the P12 in his letter No. 122 dated 17th may 897, but he has not proved his assertion while the Assistant Commissioner reports the Contrary.

4- Charge 2(a) Reporting only 29 Cases out of 37 detected at Kulumur :— This charge is clearly established by the statement of peon Muthukaruppan, Exhibit III and by the rough list prepared by the appellant himself during the search (Exhibit VIII). The Appellants explanation is that the 8 names omitted to be reported by him were given him by illiterate peons and that as some of the peons alleged that the contraband articles in question were found in straw heaps and Cowshed to which any one might have had access he left out these Cases as he was not sure with whom the blame rested. This explanation is not acceptible as, in such a case, the proper procedure was to have shown the 8 Cases as undetected with reference to para 43 of the Circular order I of 1891.

Charges 2(b) & (c). Reporting 14 Cases out of 16 detected at Reddipolium and 11 out of 17 cases detected at Parandur under Circumstances of gravest suspicion. :— The statements of peon Govindan, Exhibit VIII peon Nagappan, Exhibit VI and peon Saminathan, Exhibit VII, taken together with the rough list prepared by the Appellant at the time of search, Exhibit XV, clearly show that a larger number of Cases than was reported by the appellant was detected by him.

In regard to charge 2(c) the statement given by peons Saminathan and Nagappan are slightly discrepant as to the number of houses Searched but it is evident from the rough list prepared by the Appellant, Exhibit XV, that more houses were searched than were entered in P12

The appellant's explanation is that he noted in the rough list not only the names of the owners of houses regarding which information was laid but also the names of the owners of houses which were suspected to contain contraband articles and that he did not search the latter as success in them was doubtful but the entries "boiler with E.S.", "E.S. in a basket" against the names Nallamuthu Padayachi and Marudai Padayachi in Exhibit XV show that in those houses the articles named were found. These entries have not been explained except by the allegation of the peons that the omission to report the Cases was wilful and paid for.

5. Charge 3. Obtaining Search warrants after having searched Houses without warrants in the villages of Reddipoliem and Parundur :—

The statements of the village Munsiff in Exhibit XI A; peon Govindan in Exhibit XVIII, peon Muthusami in Exhibit II and peon Ramaswami in Exhibit XVII show Conclusively that Search warrants were applied for and obtained by the appellant only after the searches were completed. In view of the strict orders that have recently been issued on the Subject of obtaining search warrants prior to search, the appellant's Contention that he was within his rights in searching houses without warrants Cannot be accepted.

6. Charge 4 Falsifying diaries :— The charge is that the places which the appellant entered as his halts on certain nights in his diaries Exhibits XVII and XVII, were not those in which he actually halted. This is supported by the evidence recorded in the Exhibits noted in the margin. The appellant, affirms that he halted in the places mentioned in his diary but adduces no evidence to rebut that above quoted.

Exhibits	pp. 63, 64	70, 71	74	77, 78
	XVII	XVIII	XIX	XX
	XXII	XXIII	& XXV	
	p. 82	87	94	

7. The Deputy Commissioner who Carefully enquired into the Case found the appellant guilty of the charges and dismissed him. He further added "In his short Service the Sub Inspector has shown himself altogether

altogether unworthy of trust and utterly unscrupulous. In this office Proceedings No. 177 dated 19th January 1896 he was punished by the Deputy Commissioner (Mr. Brodie) with suspension for 3 months for, amongst other things, a failure to record information in P12 register for certain house searches. This severe warning seems to have had no effect. Had the charge of receiving illegal gratification on account of the releases under Charge II been clearly made out the Deputy Commissioner would have ordered his prosecution. As it is Sub Inspector S. Krishnasamyar will be dismissed the services of the department with ignominy."

8. Against this order he appealed to the Board which, on examining the records, found no reason to interfere on his behalf. The printed petition now submitted to Government is simply another copy of that dismissed by the Board, but the Board has thought it best to give its reasons for dismissing it in detail as above.

(True Extract)

Kuttuvley

23.4.98

Ag. Assistant Secretary.

2. The Secretary to Government
Revenue Department.
with petition and Enclosures as per list

23/4/98

Flag E

Flag N

Read B.P(Lep Rev) No. 1496 dt.
(Cir 3150 of 98) 17.4.98

Note

Submitted for orders

2 The Board's Proceedings give a Summary of the Case and references to the evidence relating to ~~establishing~~ the charges against the appellant.

3. In para 2 of the petition, the appellant states that in his letter No. 122 dt 17.5.97 he brought to the notice of the Inspector of the Circle the irregularities committed by Peon Muthusami in making the alleged erasures in P12. The Assistant Commissioner however in his letter dt 30.8.97 states that the fact was not reported to the Inspector. ~~As~~ The fact that the Sub Inspector reported against Peon Muthusami on the 17th May 1897 even if true, is not likely to alter the decision on this Case, at any rate materially; it is submitted Therefore that it is unnecessary to Call for information as to whether the letter dt 17.5.97 from the Sub Inspector was received

Yes please
Jw

C 19/5/98.

...ut the Inspector's office.

Sec.

The B.P. deals with the case fully. It has been checked with the records. There seems no ground for interference by the Govt.

18.V.98

O.K. 19/5/98

21/5/98

Sec.

Please see draft on docket

23.V.98

6.5.98

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.

BACK PAPERS.

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

FURTHER PAPERS.

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

No. 55

V.P. No. 240

Revenue (1898) Department.

CURRENT No. 3398

Read again G.P. 2069 11-11-97
Ref. 3398/98

From The Board of Revenue, Land Revenue — Madras.

Order (Mis) No. 2252 d/25th May 98.

No. 1188 Mis.

Recorded.

Dated 4th May 1898.

Received — —

Registered — —

Enclosures 5

Spare copies

To The Board of Rev. (LR)
Sir Arthur Cotton (Words struck through with enclosures.)

Note It is presumed that the result of the enquiry need not be intimated to Sir Arthur Cotton.

SUBJECT.

Submitting to Government, with remarks, report from the Collector of Godavari regarding the alleged charge of prohibitory assessment for encroachment on village site in Cottanpeta, Suburb of Dowlaishwaram

Shall we send a copy? No

Yes — put up a draft do.

Draft Do. submitted below