9/9 5,000—5-3-98.

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 2269

DATED 25th May

[Despatch Abstract.]

Declining to interfere on behalf of Venkata Iyer, asstt Inspector of Salt & Abkari ~~in the matter of his dismissal from the public service~~ whose services were dispensed with on the ground of his indebtedness and requesting the Judicial Dept to make inquiries ~~into~~ as to whether one V. Subba Rao, record-keeper in the 2d Court of Coimbatore has not acted in violation of the rules for the Conduct of public Servants in starting a bank and lending money.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
~~C.No.1783/99~~				G.O. 2093			9-6-99.
~~G.O. 400 15-3-99.~~							
~~C.No. 2028/99~~							

Revenue (1898) Department.

CURRENT No. 2345

Order

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

His. No. 1011.

Dated 16th March 1898.

Received 24

Registered 25

Enclosures 12.

Spare copies

SUBJECT.

Submitting to Government petition from M.R.RY.S.Venkatesa Iyer late Assistant Inspector of Salt, Abkari and Customs Department appealing against the Board's order dispensing with his services under article 40 of the Government Servant's Manual.

G.O.	No.

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8

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.
Cir.	1783/99		

1,000
19-4-95

REVENUE BOARD OFFICE
MADRAS.

11

Proceedings of the Board of Revenue

(Separate Revenue),

Dated 20th November 1897.

his No. 5095

Read the following papers:-

Letter from the Deputy Commissioner, Southern Division, No. 4907, dated 14th October 1897, submitting for such steps as the Board may deem necessary to take copy of Tinnevelly Assistant Commissioner's letter regarding the delay in despatch of diaries and A3's by Assistant Inspector Mr. S. Venkatesa Aiyar.

Letter from the same officer No. 5037, dated 24th October 1897 forwarding with remarks, the petition of M.R.Ry. Venkatesa --- Aiyar, Assistant Inspector, on leave, of the Vettanam Circle, re-questing for an extension of his leave up to the 12th November on the ground that he was relieved only on the 2nd October.

Letter from Mr. S. Venkatesa Aiyar, dated 30th October 1897, submitting his final report regarding his private affairs.

Letter from the Deputy Commissioner, Southern Division, No. 5128, dated 29th October 1897, forwarding Assistant Inspector M.R.Ry. S. Venkatesa Aiyar's petition dated 30th September --- 1897, requesting for an extension of his leave by the period which elapsed between the date of receipt of telegram from the Board granting him leave and the date of his relief.

Letter from Mr. S. Venkatesa Aiyar, dated 4th November 1897, stating that V. Subba Rau consented to receive Rs. 9500 in full discharge of all his claims against him.

Letter from the Inspector Pettanam Circle, No.2180, dated 5th November 1897, submitting copy of the letter addressed to the Assistant Commissioner reporting that Assistant Inspector Mr.S.Venkatesa Aiyar has not rejoined duty and has not submitted the report called for by the Board.

Petition from S.Venkatesa Aiyar dated 16th November 1897, stating the circumstances under which he ran into debt and requesting the Board to permit him to rejoin his appointment.

Resolution:-

In February 1890 Assistant Inspector M.E.Ry.S.Venkatesa Aiyar was ordered and adjudged by the Court of Small causes, Madras to pay one Vyasa Rau a sum of Rs.194-8-0 due to the latter, cost Rs.36-9-0 interest at 6 per cent upon debt from 11th January 1890 and costs from 12th February 1890 till date of payment. As these sums remained unpaid and unsatisfied the Court issued an order in July 1890 directing the attachment of the Moiety of the pay of the Assistant Inspector until the aforesaid sums amounting to Rs.240-13-4 were liquidated. The Assistant Inspector was thereupon directed to submit a list of his outstanding debts with an explanation of the circumstances under which they were contracted. Not having submitted the list until 7th October 1890 he was again directed on that date to submit it forthwith but, instead of doing so even then, he simply stated that he was one among six brothers of an undivided family, that debts had been contracted before he joined the public Service, that he could not for want of particulars submit a complete list but that the amount was roughly from Rs.7000 to 8000 to clear which the family possessed property to about double that value. He further stated that he had no opportunity of meeting all his brothers together and coming to an understanding with them in regard to the repayment of the debt and that he had consequently instructed his uncle to take early steps to discharge the debts by the disposal or otherwise of the property, that the sale of the property was under negotiation, that some money had already been arranged for and that if the Board allowed him 4 months' time or give him a month's leave he would free himself from all encumbrance. In P.P. His No: 3006, dated 9th October 1890, the Assistant Inspector was informed that he was not entitled at the time to the one month's

months privilege leave he asked for and was directed to send up without delay a complete schedule of his debts to enable the Board to decide whether it was necessary to take action under the rules regarding the indebtedness of Public Servants. In November 1890 he applied for and was granted 24 days' privilege leave for the settlement of his affairs, but as no report regarding his debts was received, the Deputy Commissioner was requested in P.P His No:557, dated 23rd February 1891 to see that a schedule was submitted without further delay. In February 1891 the Assistant Inspector furnished a complete schedule of his debts which together with interest amounted to about Rs.8220 and when called upon to furnish information as to the amount of his assets he represented in July 1891 that the greater portion of his Service in the Southern Districts was active and Special work and consequently he could not find any opportunity to wind up his private affairs, stated that if the Board would grant him two months' leave on forfeiture of pay he would have the needful done and requested that the Board would be pleased to give him an opportunity of doing so before taking any action on his case. He was accordingly granted 2 months' leave in Board's Proceedings His No: 2711 dated 21st August 1891 and was ordered to report at the end of the leave what progress he made towards the liquidation of his debts. In September 1891, however, he requested that, as his father's annual ceremony took place during the latter part of November when all his brothers would meet together in one place, he might be permitted to avail himself from that month of one month's privilege leave which he was entitled to and which he considered was sufficient. This request was granted. The Assistant Inspector did not avail himself of the leave until the 24th December 1891 and was then allowed an extension of 6 days' privilege leave together with the Christmas holidays. He returned from leave on the 8th February 1892, but the report called for in Board's Proceedings His No: ~~3518~~ 2711, dated 21st August 1891 ~~15th April 1892~~ was not submitted until after the Board had sent another special Proceedings (P.P.His No:1518 d/15th April 1892) and even then the Assistant Inspector simply

stated "that during the few days that I remained in my native place land I tried to dispose of some of my property but ----- unfortunately for me I could not get a reasonable price". He - further stated that according to a communication he had received from his cousin an offer of Rs.8000 had since been made for the property and that, to avoid any more trouble on the part of his creditors, he had arranged to remit half of his pay since his return from leave, adding that, as such a course was likely to give him a fair opportunity of obtaining a good offer for the property, he requested that he might be allowed sufficient time to come to some final settlement with his creditors. The Board thereupon directed him (in P.P.His No:2478, 8/88th June 1892) to submit a quarterly report showing the progress made towards the repayment of his debts. The reports for the quarters ending 30th June and 30th September 1892 having shown that little or - nothing had been done to redeem his previous promises the ---- Assistant Inspector was warned (in P.P.His No:4412 8/31st Nov: 1892) that if much more satisfactory progress was not apparent from the report for the third quarter the Board would be ------ compelled to take very serious notice of his conduct. Reports -- continued to be submitted for a few more quarters but as no --- satisfactory progress was made the Board instructed the ------- Assistant Commissioner, Nandipatam Sub-Division, in whose Sub-Division the Assistant Inspector then was, to submit a report on the Assistant Inspector's debts after examining him personally on the subject and to ascertain whether there really was any --- family property to which the Assistant Inspector was entitled as asserted by him (P.P.His No:4241 dated 15th October 1896)

2. From the statement taken from the Assistant Inspector by the Assistant Commissioner in January last it is observed that his outstanding debts then amounted to Rs.8287 as detailed below:-

(1)V.Subba Rov of Coimbatore	Rs.7000
(2)Messrs.Moses & Co.	237
(3)Veeravadi Chetti and Karuppa Chetti of Coimbatore.	500
(4)Karuppa Gounden of Coimbatore	500
(5)Minor debts about	250
	8287

Attachment order was received for Rs 6534-3 + for further interest on Rs 3000 at 9 p.c p.a from 30-3-96
& Attachment order was received for Rs 237-2-11

As regards the first item which forms the major portion of the debt, the Assistant Inspector stated that he had ---- mortgaged his house at Coimbatore to the creditor in liquida- tion of all claims against him, that the deed would be ---- executed shortly and that the attachment order issued at the instance of the creditor would be withdrawn. He also stated that he had received an offer of Rs.8000 for his house, that if he failed to sell the house he would give it over to -- the creditor in satisfaction of his debt and that he expect- ed to settle the matter one way or the other before the --- 31st March 1897. In regard to the other items the Assistant Inspector stated that he expected to repay them also before 31st March 1897 out of the sale proceeds of the house, if a sale could be effected, or from other property. The Assistant Inspector was thereupon finally warned in Board's Proceedings His No:832 dated 10th March 1897 that if the first item of his debts was not settled by the end of March 1897 as ----- promised by him, the Board would be compelled to give ------ effect to the provisions of para 40 of the Government ----- Servants Manual.

3. As on similar previous occasion the Assistant Inspector applied for and obtained leave for one month and 15 days for the purpose of settling his debts; but as ----- nothing further was heard from him in the matter in reply to the Proceedings of March last, the Deputy Commissioner, ----- Southern Division to whose charge he had since been trans- ferred was requested in Board's Proceedings His No:8753 dated

date 2nd July 1897 to report whether the Assistant Inspector had cleared off the debt referred to, and, if not, to take a final explanation from him as to why he should not be dealt with under the rules. In September last the Deputy Commissioner submitted the Assistant Inspector's final explanation dated 18th August 1897 which was to the effect that during the period of the leave granted to him in April last he was not able to finally settle the matter as his creditor Subba Rau was absent in --- Cochin but that he would at any rate send cost not be his affairs as soon as possible. He again applied for 6 months' leave ----- without allowances, but when the Board refused to grant it he prayed that it " will condescend to reconsider the order and --- grant me as much leave as they deem necessary to wind up the -- affairs, say for one month, and then give me one more chance". (Vide his petition dated 15th September 1897). The Board thereupon in its Proceedings Mis No:4108 dated 20th September 1897 granted him leave up to the end of October 1897 as a last chance to --- enable him to settle his affairs, directed the submission of a special report at the end of his leave and warned him that if his report was found to be unsatisfactory his services would be --- dispensed with Under Article 40 of the Government Servants Manual.

4. The third of the papers read above is the Assistant Inspector's final report:, but this which is dated 30th Oct: 1897 is as little to the point as the previous reports submitted by him, and the first item of debts does not appear from it to have yet been settled. In the fifth of the papers read above the Assistant Inspector stated that he had arranged to settle the debt above referred to before the 12th instant but in his letter dated 16th instant he states that he has not yet settled his affairs. As he has not availed himself of the several chances given him by the Board from time to time during the last Six --- years, the Board considers it undesirable to retain such an ---- Officer in Government service any longer, more especially as his work while in charge of the Theethamkuthanam Factory ----- before he last proceeded on leave is reported by both the --- Assistant Commissioner and the Deputy Commissioner to have been most unsatisfactory. It is further observed that he has not yet rejoined duty although he was granted leave only up to the end of October 1897. In these circumstances the Board resolves to direct that his service be dispensed with under Article 40 of the Government Servants --- Manual.

5. The following telegram has been sent to the ----- Inspector, Vettanad Circle:-

"Venkatesa Aiyar removed from service. Do not --- permit him to join Circle. Proceedings follow".

/True Extract./

(Signed) A.Krishnaswami Iyengar

Acting Assistant Secretary.

To the Deputy Commissioner, Southern Division,
with the Diaries returned.
" " Assistant Commissioner, Tinnevelly, 5th-Division.
" " Inspector, Vettanad Circle.
" M.E.M.S. Venkatesa Aiyar through the Inspector ,
Vettanad Circle.

/True Copy/

Acting Assistant Secretary.

23/3/98

1,600
19-4-95

REVENUE BOARD OFFICE
MADRAS

Proceedings of the Board of Revenue

(Separate Revenue),

Dated 16th March 189 3.

Mis. **No.** 1011.

---:0:---

Read appeal petition from S.Venkatesa Iyer late Assist-ant Inspector of Salt,Abkari and Customs Revenue,dated 28th February 1893,appealing to Government against the order of the Board dismissing him on the ground of his being involved in debt.

Resolution.

Submitted to Government.

2. A copy of Board's Proceedings Mis.No.1008,dated 20th November 1897 in which the grounds for the dismissal of the petitioner have been fully set forth is also submitted.

(True extract)

Acting Assistant Secretary.

To the Secretary to Government with the appeal petition and its enclosure and also a copy of Board's Proceedings Mis.No.1008,dated 20th November 1897.

23/3/98

Read Ctn. 2375 of 1898.
B.P. (L.R.) no 1011d 16-3-98.

For orders.

With the above current the Board of Revenue submits an appeal petition from Br.Rly S. Venkatesa ayy late an assistant Inspector in the Salt and Abkari Dept whose services were ordered by that ~~to~~ authority ~~to~~ be dispensed with on account of his indebtedness under article 40 of the Govt Servants Manual.

The circumstances in which the above order was passed are fully stated in the Board's Proceedings dated the 20th November 1897 no 3095. It would appear that the petr's indebtedness first came to the notice of the Board of Revenue in July 1890 and that from that date till the 20th Nov 1897, the petr was given several chances of clearing off

off his liabilities. The Schedule of debts furnished by the petr in Feby 1891, after long delay, in response to repeated calls from the Board of Revenue showed that the petr's debts with interest thereon amounted to Rs ~~6,19~~ 8,320. The petr then represented that his family possessed property to about ~~his~~ double the amount, that he had no opportunity to wind up his private affairs as the greater portion of his service in the Southern Districts was spent ~~in active~~ special duty and that he would settle his affairs if he had two months' leave. He accordingly took leave from the 24th December 1891 to the 8th February 1892, but on his return, he reported that he was not able to dispose of his family property ~~for~~ as he could not get a reasonable price and added

added that he had arranged to remit one-half of his pay to his creditors and that he might be given sufficient time to come to some final settlement with ~~his~~ them. The Board of Revenue, thereupon, ordered him to submit quarterly reports of progress made in the liquidation of his debts. The first two reports showed no progress and he was warned. The reports for some subsequent quarters also having showed no satisfactory progress, the assistant Comr was instructed by the Board in October 1896, to take a statement from the petr, of his debts, and to enquire into his assets. The statement was furnished by the petr in January 1897 and it appeared therefrom that his liabilities still amounted to Rs 8,287. The petr said that he would discharge the amount by the end of March 1897 by selling his house in Coim

The

The Board of Revenue thereupon warned him that if he did not discharge the big item of Rs 7,000 included in the list, which was due to one Subba Row, by the end of March 1897, action would be taken under para 40 of the Govt Servants Manual. The petr again took leave for a month and fifteen days with the object of settling his affairs, but in vain. Pressed at last for a final explanation as to why the provision in the manual above referred to should not be given effect to, the petr gave an explanation on the 15th August 1897. in which he said that he was not able to effect a settlement with his Creditor owing to the latter's absence in Cochin. and he again asked for six months leave on loss of pay. The Board declined to grant the leave, but as the petr again prayed "that he might be given at least one month's leave as the last chance he was granted leave till the end of October 1897. and warned that if the report about his affairs which he was to submit on the expiry of then should be found not satisfactory, his services would be dispensed with. In a Proceedings dated the 25th September 1897, the Board also informed the petr that this being permitted to rejoin his duty would depend on his report regarding the settlement of his debts. Again the petr failed to clear off his liabilities. and the result was that the Board passed the order dispensing with his services.

Now the petr comes up with a lengthy appeal to Govt and alleges as follows:- (1) that at the time of his entertainment in the public service he had only debts to the extent of Rs 3,575 and

it increased to Rs 8,530 in 1891. as his creditors had put forward unjust claims, and obtained ex-parte decrees ~~thereon~~ owing to the petrs absence on duty in distant Districts and to his not having been granted leave to Contest the suits;

(2) that out of the sum of Rs 8,530, he had paid up Rs 5,380 up to the end of october 1897;

(3) that one of his creditors V. Subba Row ~~had~~ fraudulently sued him & his brother on a bond which had been executed by his father without consideration, and deprived him of the house with which he hoped to clear off his ~~debts~~ personal debts. and that he lost the Chance of appealing to the High Court as the Board of Revenue refused to grant him six months leave and to relieve him in time.

The petr attributes all his troubles to the exigencies of the public service: and in para 7 II he blames the Board of Revenue for not having dispensed with his services at once in 1890. He says :— "the Board was "then aware that the debts "at the time, though just or other- "wise, were so great as not "to be liquidated within the "period prescribed (two "years) and if they had taken "any action then, he would "not have been compelled to "spend his further vigour "and energy and after a "hard service of 12 years and "at an advanced age of 46 "being driven to the necessity "of securing his subsistence "elsewhere..."

It is submitted that the Board's lenient action all along has evidently led the petr to expect leniency for an indefinite period and that the appeal may be dismissed.

But if he had been dismissed in 1891 he would have been then about 40

It does not follow

MK 2/1/98

Secy

In seven years the
man has been spreading his
settlement of his debts over
one period or another.
According to his own
version, he has the
assets which ought to satisfy
his debts. But he has con-
stantly put off doing so.
All these private
transactions must have
engrossed most of his
time & he cannot have
been a public servant
of any value. In K.P. 5095
& 20 Nov 99 the Bd. says (para 4)
that his work before
he last went on leave
had become most
unsatisfactory.

It is submitted
at the dept is well rid
of him and that Govt
should not interfere

Hon.

As he is still over head & ears in debt, & as there is no prospect of his discharging it, it would not be right that the public interest should be allowed in the service of the Govt may decline to interfere

Hon. the Chairman of the Board of Commissioners in Bangalore
Secretary in his letter of the 9th inst.
to V. Subba Rao, the petitioner
herein - He is stated (para 4)
still to be in arrears of his monthly rent.

9/5/98

page 8 of the petn T

with reference to the
Hon'ble Member's query how
V. Subba Rao who is stated
to be the record keeper in the
Dist Court of Coimbatore
came to be lending money
and starting a bank, it
is submitted as follows:—
Rules 20 and 21 of the Govt
Servants Manual which was
first published in 1893.
prohibit all Govt servants
from taking part in the
management of any Company
or bank. It would, how-
ever appear from the petition
that the native bank at Coim-
batore though started by the
V. Subba Rao and his three
brothers was managed by
one of them named Krishna
Rao till the year 1886,
when it failed and the
it was then purchased by
V. Subba Rao in the name
of his three brothers and his son
V. Subba Rao will evidently
now deny that he has any
thing to do in the manage-

of the bank.

As regards lending money, rule 23 of the Govt Servants Manual as first published in 1893 prohibited gazetted officers and others holding positions of trust and responsibility from lending money at interest whether directly or thro' relatives to land-holders within the Presidency, and it was only in the revised rules issued in 1897, that Record Keepers in District Courts were expressly included in the list of officers to whom the prohibition was intended to apply.

V. Sabba Rao will now apparently say that he did not lend anything after the issue of the rules in 1897.

Perhaps the Judicial Dept may be left to institute enquiries in view to see if V. Sabba Rao has in any way violated the spirit of the rules. A draft order is put up for approval.

appendix C. in page 24.

No!

Read C No 2375 of 18;
B.P. (J.R.) No 1011
16.3.98

G.O. Misc No. 2269 d/25th Nov. 1898

The Govt see no reason to interfere in the petr's behalf.

2. Enquiries will be made in the Judicial Dept as to whether the principal Creditor, V. Subba Rao who is stated to be the Record Keeper in the District Court of Coimbatore and who appears to have started a bank and to have begun lending money, has acted in violation of the rules.

15.4.98

23.5.98

To the Board (J.R.) with enclosure
To the Judl Dept with petn
To the Petr (Copy)

16/5/98

Issue draft for concurrence

20/5/98

Issued
20/5/98

Despd
26.5.98