1—5-8-08.

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 2544

DATED 16th June

[Despatch Abstract.]

Declining to interfere in behalf of petr. K. V. Sami Iyer, late Sub-Inspector, Salt, Abkari and Customs dept. observing that the Dy: Comm'r's action in having accepted the petr's resignation without the written statement prescribed in G.O. Ms. No: 2462 dt 9-5-86 Persian was irregular.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
5251/98							

Revenue (1898) partment.

CURRENT No. 3363

Pr 16/6/98

Order Misc no. 2544 d/16th June 98.

The Govt declines to interfere in the petr's behalf.

2. It is, however, observed that the Dy Comrs action in having accepted the petr's resignation ~~to take effect~~ without the written statement prescribed in R/o. no 2468 d 9.5.86 Pension was irregular.

(pm orders) 15/6/98

16/6/98

To the Board (S.R.) with Enc.

To the petr (Case only) Dated 21.6.98

16/6/98

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

his No. 1675

Dated 26th April 1898.

Received 6 May

Registered 7 "

Enclosures 1 petn. + 21 encls.

Spare copies

SUBJECT.

Submitting to Government, with remarks petition from K. V. Samidyar late Subordinate Salt, Abkari and Customs Department appealing against the Board's orders declining to reemploy him

G.O.

G.O.

2

BACK PAPERS.

G.O.	No.	Department.	Date.
	1172	R	9.6.87
	246	(Revenue)	9.5.86

FURTHER PAPERS.

G.O.	No.	Department.	Date.

so mercilessly accepted
the Excise as his resignation.
Q. Then upon the representation
of the petitioners do you deem
the circumstances and
circumstances of the case
this matter was not
resignation in the same
light as you viewed
reconsideration, ordered
the petitioners reinstatement
with expressions also
indeed of the petitioners application,
and the petitioners abject
pardon, for his having the
receive reinstatement
pay that the petitioners
Excise Department
Petitioners proceedings
the petitioners subsequently
addressed him with regret
the petitioners applied
to the Board, as the
Commissioners refused
to the petitioners application,
when petitioners therefore
humbly pray to be excused
for submitting this
principal points
Excise Department
consideration

the following:
a/ whether or not the Commissioners ordered the petitioners reinstatement and communicated the same to him on or about 8th Dec. 1790?
b/ whether or not Mr. [illegible] was passed by him in [illegible] 1791?
c/ in case it is not the Commissioner to blame for not having reinstated the petitioner.
Q. Will you the petitioner most humbly beg of your excellency will be graciously pleased to take a favourable view of his pitiable case, show him mercy and order his reinstatement.
We most humbly
[illegible]
(true copy)
[illegible]

(in the file)

1878.

SALB
704

From
R. Sanjiga,
late Dub. Inspector,
Salt & Abkari Dept.,
Kivalur.

To
His Excellency
The Governor in Council
of Fort St. George.
Madras.

Thro the Sec. Rev. Board.

Dated 28th } April 1878.
Desp. 29th }
Rec.

Enc. 21
2 more will follow

Subject

Submitting his appeal for his reinstatement.

2

Copies of testimonials

Name known to the bearer's family for a year and a half. He was a pupil of Kivalur Anglo-Vernacular School and passed the matriculation class of the Pachaiyappa's School and was much pleased with his assiduity and attention. He passed his examinations and was immediately taken on as a teacher in the institution in which place he has continued ever since. I may say he has throughout given complete satisfaction and the managers have been entirely pleased with the returns of the work done as also the progress which has thoroughly characterized him in his dealings; and his pupils have made very [illegible]

Head Master Dist. School.

Returned with Head Master Dist. School's remarks
12.12.78

2

I knew V. Sami Iyer as a student in the High School. During a period of over two years in which I was his class teacher he was obedient and industrious. and I believed throughout the School, won the regard of his teachers. He speaks and writes English well and has a very [illegible] style.

3rd. V. Sami Ayr has been a volunteer in my office for a year and a half. He has been hard working, intelligent and docile and assisting the clerks in their office work. He writes a very good hand and his services will always be useful.

(Sd.) K. Ramaswamy
Tahsildar.

(Sd.) K. Ramaswamy
Tahsildar.

12.2.82

And has made himself very useful to me in making fair copies &c in the office. He will I think very well do for a clerk's place in any office.

(Sd.) R. C. Ramaswamy
Tahsildar of Nagapatam
12.2.82

Extract from a letter from Tahsildar Sheristadar of Patukottai to the Sub-magte. of Krantanpi:

x x x

The bearer is the new Government sanctioned for the arrangement of records &c from Pirka. He is ordered to come there to-day. He is a native of Negapatam. He seems to be very obedient and painstaking young man. He was very useful to me since he came to Patukota. Please keep parental affection in him and check him always as he stays there alone.

Requesting to be excused for the liberty taken in writing to you so much of him.

I am &c.

(Sd.) V. Venkatramiah
Sheristadar
8.11.80

(True copies)
H. Bayley

REVENUE BOARD OFFICE
MADRAS

Proceedings of the Board of Revenue

(Separate Revenue),

Dated 26th April, 1898.

Mis No. 1675

Read Petition from K. V. Sami Iyer late Sub-Inspector dated 23rd April 1898

Resolution

Submitted to Government.

2. In his petition dated 20th October 1890, the petitioner, after repeated applications for transfer suggested either that he should be posted as 3rd clerk Deputy Commissioner's office, Southern Division, or as 3rd clerk Assistant Commissioner's office, Negapatam Sub Division, or that he should be granted 1 year's leave on loss of pay, or, failing these alternatives that he should be allowed to resign. He was allowed to resign his

flap F

his appointment. He has since repented and put in repeated petitions for re-employment which have all been rejected. He has never been promised re-employment as he tries to suggest in his petition

(True Extract)

R.W. Mowbray
3.5.98
Ag. Assistant Secretary

To
The Secretary to Government
Revenue Department
with petition and 21 Enclosures

3/5/98

para 1 of D.C.'s letter dt 12.2.97
(page 2 of the file, flag D)

* page 1 of the file

* pages 2-3 of the file

c 7/6/98.

Read B.P.Separate Revenue) No.1675

Mis.d/26-4-98 (C.No.3363 of '98)

Note:

When the petitioner was the Sub-Inspector of Salt and Abkari Revenue in the Tellicherry Circle, it would appea ~~that~~ he sent a telegram to the Head Cler of the office of the Dy.Commr.Southern Division requesting that he might be tran ferred to the Negapatam Sub-Division. For this irregular procedure he was called on to submit his explanation and the result was that the then Dy.Commr.awarded him a black mark with the warning that repetiti of such irregularities will entail more severe punishment. In June 1890 the petitioner* applied to the Dy.Commr.for a transfer but the Dy.Commr.refused to comply with his request. Then the memorialis continued petitioning the Dy.Commr.unti in his application* to the Inspector d/20 Oct.1890, he wrote as follows: "I do not wish quitting my service having been eig

P = Copy abstract only.

years in this Deptt. and I therefore beg to solicit the favour of the Dy.Commr. to post me as his or the Negapatam Asstt. Commr's.clerk- no matter of reduction. If he be not inclined to grant me at least this request I humbly beg to request that one year's leave on loss of pay be given me or that this may be accepted as my resignation". The Dy. Commr.to whom the Sub-Inspector's letter was submitted for orders accepted the resignation. Thereupon the petitioner represented to the Dy.Commr.that his resignation was conditional and not a voluntary one and requested that he might be allowed to withdraw his resignation. But the Dy.Commr.while declining to comply with the petitioner's request however added that he might apply for reappointment. Accordingly in January 1891 the petitioner applied to the Dy.Commr.for one of the posts of Sub-Inspector or head clerk then supposed to be vacant but was told that the vacancies had been filled up. In February 1891 the petitioner

* Proceedings 13.11.90 (page 4 of the file, flag B)

** pp 5 & 5(a) of the file

@ Proc. 29.12.90 page 6 of the file

* pp 7 & 8 of the file

** page 9 of the file.

@ page 10 of the file.

* page 12 of the file.

** page 13 of the file. (flag C)

@ page 14 of the file.

* pp 21-23 of the file.

again applied to the Dy.Commr.to confer on him the appointment then vacant of Head Clerk of Tanjore Circle but was informed as follows:- " With reference to his application for reemployment d/14th instant, K.V.Sawmi Aiyar is informed that the undersigned refuses to appoint him to the vacant post referred to in his application". The petitioner then appears to have renewed his request several times until with reference to an application d/11th April 1896 the Dy.Commr.informed him as follows:- " The undersigned is not prepared to reinstate the petitioner as he resigned his post because he was not given a transfer to the Negapatam Sub-Division when he desired".

2 After again renewing his application to the Dy.Commr.once more without avail the petitioner appears to have represented his case to the Board of Revenue. On this petition, the Dy.Commr.while stating the circumstances which led the petitioner to resign his appointment, also reported that he (the petr) was

not a desirable acquisition to the Dept. as he was suspended in 1888 for accumulation of three black marks. Thereupon the Board of Revenue also declined to interfere in the petitioner's behalf.

3 Against this order of the Board the petitioner now appeals to the Govt. The petitioner's reemployment be alone now in question the Govt, it is submitted, need not interfere with the Board's discretion especially as the Dy.Commr. considered that the petitioner was not a desirable acquisition to the Deptt. But the manner in which the petitioner's resignation was accepted seems to require consideration.

4 As stated above, the petitioner after repeated applications for transfer requested the Dy.Commr. that if the desired transfer could not be granted he might either be given one year's leave on loss of pay or that his resignation might be accepted. Thereupon the Dy.Commr. not only accepted the resignation at once but also refused to allow the petitioner to withdraw his resignation although it appears to have been preferred the application for withdrawal was preferred immediately after the receipt of the Dy.Commr's.order accepting the resignation. It does not appear that before the petitioner's resignation was accepted, the Dy.Commr. obtained from him the written statement prescribed in para 2 of G.O.(Pension) No.246,d/9th May 1886 which runs as follows:- "His Excellency the Govr.in Council resolves to again direct the attention of all heads of Depts. to the necessity for explaining clearly to every officer who applies to retire before he is entitled to any pension or gratuity the effect of such retirement. A written statement should be taken from the applicant to the effect that he understands what will be the consequences of his resignation." Although this order was chiefly intended to prevent officials not entitled to pension or gratuity from setting up such claims afterwards, it is general in its

× B. P No. 796 Mis 27.2.97 (p. 24 of the file).

flag E

please See also article 84 of the Rules for the Conduct of public Servants.

terms and there can be little doubt, it is submitted, that if the written statement had been asked for from the petitioner he would have at once withdrawn his resignation as he did when he heard that the Dy.Commr. had accepted his resignation.

Submitted for orders.

Seen

Hri. in part of the petitioner pleas that he did not know the consequences of his resignation in the matter of his eligibility for the grant of pension or gratuity. His allegation that his resignation was conditional, is clearly inadmissible and an after thought. I submit there is no grounds on which Govt should interfere

H.B.
10.6.98

H. M.

I do not think Govt. N. interfere though the acceptance of the resignation was not right.

11/6/98.

Please see draft order put up on the docket of the 14th Current for approval.
10/6/98.

Seen
11/6/98

This might be pointed out, but I don't think we can interfere after 7½ years

HB
10/6/98

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.