

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 2876

DATED 8th July 98

[Despatch Abstract.]

Declining to interfere on behalf of
Saudani Kuthabramanya, Lake Village Mining
of Akwida, Blue Islands, H. for Lavan D. praying
for reinstatement to his former post.

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.

Order no. 2876 dt 5th July 98.

The Govt cannot interfere

RS
2-7-98

RS
5/7/98

CURRENT No. 4430.



With Encls.

11-7-98

From

H. A. Sin Eager J.C.

Private Secretary to
H.E. the Governor.

No.

Order R.

The petitioner informed that under section 16(3) of Act II of 1894 no appeal lies to Government against the decision of the Board of Revenue in his case.

Dated 20th June 1898.

Received 22nd

Registered 23rd

Enclosures 6

Spare copies of G.O. 2876 dt 5th July 98
ref? Para 4 of G.O. 2876 dt 5th July 98

SUBJECT.

Transfer of a petition dated 7th June 1898 from Bandaru Venkataraya, late village near Siff of Akirode, Bhuvanagiri Taluk, Godavari District praying to be restored to his former post.

/ By order

H. A. Sin

Private Secretary

The order of dismissal was passed in June 1897, before Act III of 1894 was amended to provide for appeals. The provisions applicable to the case are sections 3 and 25 of Act III of 1895. Supposing this act to apply.

Does not apply?

The Petitioner with Encls.

Section 3 of the act says that orders must be attached to the office. The petitioner says that no order is attached to his office (para 22 of petition). There is no information on the point in the office.

RS
27-5-98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To

His Excellency the Governor
in Council, MADRAS.

PETITION

9757

REVENUE DEPT.

The humble revision petition of Bandaru Venkatramayya late village munsiff of Akividu, Godavari District, Bhimavaram Taluq against the Proceedings of the Board of Revenue No. 166 of 18-1-98 mis confirming the order of dismissal passed by the Collector Godavari.

MOST HUMBLY AND RESPECTFULLY SHOWETH:—

1. That the village of which the petitioner was the village Munsiff is a zamindari village.
2. That the sole ground of dismissal is the late remittance of two items of petty collections of school fees made by the petitioner from October 1896 to March 1897 in the case of the 1st item & from November 96 to March 97 in the case of the 2nd.
3. That the 1st item of fees relate to a Local Fund Board School for the Hindus and the 2nd to another for Mahomedans and both these items aggregated to Rs. 67-10-6 & Rs 4-14-6 respectively by the end of March 97. Both the schools are located at Akividu
4. That the petitioner feels considerable doubts as to whether he should collect the school fees as a matter of duty attaching to the office of a Village Munsiff or as a Matter of convenience to the Local Fund Department & leaves the question for his Excellency to decide & submits his case in the following paras on the supposition that it is a duty.
5. That the first and big item of Rs. 67-1-6 was, as stated by the Deputy Collector in his order of dismissal of which a public copy is enclosed, remitted to the treasury on 2-4-97.
6. That the enquiry by the tahsildar was instituted on 15-4-97 when he was camped at Akividu and the petitioner was sent for and suddenly asked to give his explanation and the explanation was taken on that date at Akividu, vide public copy enclosed of the Kypheat dated 15-4-97.
7. That from these facts which can be taken as the undisputed facts of the case, it is clear that the 1st item of Rs. 67-1-6 was not only remitted in the ordinary course of business but also long before the Tahsildar asked for an explanation from the petitioner. This is evident from the order of dismissal passed by the Deputy Collector.
8. That under these circumstances the fact of the remittance of Rs. 67-1-6 long before the institution of the Tahsildar's enquiry negatives any such suggestions

as are made by the Collector with reference to the supposed intentions of the petitioner to misappropriate the Government money.

9. That as to the 2nd item of Rs. 4-14-6 no doubt the money was actually paid into the Treasury on 21-4-97 by the Vettian to whom it was entrusted for the purpose but in the explanation taken by the Tahsildar from the petitioner at Akividu on 15-4-97 the petitioner clearly stated that he had handed over the money the previous day viz on 14-4-97 to the Vettian named Bondada Narisigadu with the Irsalanama and the Deputy Collector does not say that this statement was false, nor can it be supposed that it was so because it is a statement that could have very easily been verified then and there and the petitioner would not have ventured to make a false statement of that kind to the Tahsildar when the latter was then in his village ready to make enquiries respecting it. At any rate no evidence was called for as to the truth of this statement.

10. That it is therefore clear that the item of Rs. 4-14-6 also was remitted before the institution of the Tahsildar's enquiry.

11. That even supposing that this item was remitted after the commencement of the enquiry the petitioner submits that it is so small an item, that it calls forth for no serious inquiry. It cannot be denied it was collected by annas and pies from month to month. After all it was paid into the Treasury.

12. That as the two items were as shown above actually paid into the Treasury in the ordinary course of business then there remains only the question of delay viz, whether the delay complained of in making the remittances is such as would make petitioner liable to be dismissed from his hereditary service.

13. That the petitioner's explanation for the delay is that the fees in question were collected in very small sums from time to time and that he used to remit after they came up to a certain figure and there is no reason why this explanation should not be accepted.

14. That the 1st item having admittedly been remitted in the ordinary course of business long before the institution of the Tahsildar's enquiry the Deputy Collector has not laid much stress upon the delay regarding it and, in fact, he has grounded his order of dismissal only on the delay in the remittance of the 2nd item of 4-14-6 as the latter was actually paid into the Treasury a week after the enquiry began.

15. That if it was considered objectionable to remit after the collections amounted to a decent sum a warning to the effect that the petitioner should hereafter remit collections as they are made would have been, it may be suggested, an adequate punishment for the mistaken practice adopted by the petitioner and would have also given the petitioner an opportunity of giving up his practice and adopting the right one. This completely disposes of the 1st item.

16. That the delay even as regards the 2nd item of Rs. 4-14-6 is not 4 or 5 months as stated by the Deputy Collector because the remittance made on 21-4-97 in-

cludes also the collections made in the immediately preceding months March, February and January and very little was collected in the other two months in dispute viz November and December; and the only point to be considered is whether the remittance of 4-14-6 after the enquiry began (even supposing it to be so) would justify dismissal from an hereditary village office and the petitioner submits it would not in any view of the case.

17. That considering the paltry nature of the amount involved in the 2nd item and also the wrong mistaken but honest practice adopted by the petitioner in remitting annas and pies collected from time to time and also considering the fact of the remittance of the big item of Rs. 67 odd long before the Tahsildar's inquiry was contemplated the petitioner begs to point out that dismissal from his hereditary office is too severe a punishment and suggests that suspension for a term would satisfy the requirements of discipline if after all the case is to be dealt with very seriously.

18. That the Collector and the Deputy Collector note as an aggravating circumstance that the petitioner was suspended once before for 6 months for an identical fault and a part from the circumstances, of which there is no proof on record, under which the suspension was made, this circumstance, the petitioner submits, may be a ground for suspending him for a longer period but it will not in the ends of justice, in equity and good conscience justify the sudden dismissal without giving petitioner at least another opportunity of rectifying the mistake.

19. That the petitioner apprehends that the Board have not properly considered the force of the agreements set forth above in disposing of the petitioner's case and they have given no reasons whatever for the conclusion they arrived at.

20. That the question involved is merely a question of intention to misappropriate temporarily two petty items of school fees and beyond the bare and strained inference that the Collector draws from late remittance there is no evidence or proof that the petitioner misappropriated or intended to misappropriate even temporarily the said items of fees. As pointed out above the practice adopted in remitting these fees may have been perfectly *honest* and *bonafide* and there is nothing Extraordinary in the practice itself.

21. That taking all in all it cannot be said that there are no sufficient grounds at least to convert the order of dismissal into one of suspension.

22. That as no emoluments are attached to the office of a village munsiff in a Zamindari village, Act III of 1895, sections 3 and 23 do not apply and this appeal is not therefore inadmissible.

23. That even if the Act applies the petitioner humbly submits His Excellency as the Head of the Government and in His capacity of the general controlling Authority in the Presidency can interfere with and revise the order of the Board as this is a case in which *palpable injustice has been done to the petitioner and the Extreme punishment of law has been inflicted for a mere irregularity,*

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The petitioner, therefore, humbly prays that His Excellency will be pleased to fully consider the above arguments and restore the petitioner to the office and, if this cannot be done, to at least convert the order of dismissal into one of suspension for such term as may seem to His Excellency proper and reasonable in the circumstances of the case.

and kindness the petitioner shall as in duty bound ever

For which act of grace and kindness the petitioner shall as in duty bound ever
pray.

MASULIPATAM. }
7-6-93. }

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READ AGAIN G.O., No.
189 ,

DATED

CURRENT No.

ENCLOSURES TO O. No.

ORDER OF GOVERNMENT

.. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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