Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 2944

DATED 14th July 98

7

[Despatch Abstract.]

Declining to interfere on behalf of Mr. Rose, late Dy: Ranger, Madura, appealing against the orders of the Bd: Conservator, S.C, dismissing him from public Service.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Civil	2716/99	Rev	5-92A 27.4.99				
Do.	Civil	96/99					

Revenue (1898) Department.

P.S.N. 14/4/98

CURRENT No. 2730

14/4/98

Read c Nos: 2730
3536
3670
4042

Order Issue no. 2944 dy 14th July 98.

The Govt sees no reason to interfere on the petitioner's behalf.

R.O. Illegible 13/7/98

14/7/98

From The Board of Revenue Civil Revenue. Madras.

French No. 157 Refn

Dated 1st April 1898.

Received 5/4

Registered 6/4.

Enclosures 3 and 1 bundle of papers

Spare copies

SUBJECT.

Submg G.O. Govt, with remarks pass from Mr Rouse, Collr Dy. Ranger, Madura appealing against the orders of the Board confirming those of the Comr. S.C dismissing him from public service.

To

The Board of Revenue with Enclys.

To The Petitioner.

14/7/98

Q+O

Checked 16/7/98

+24 duly +3 incls: +0 x 11 1/2 + 1/2

BACK PAPERS.

G.O.	No.	Department.	Date.
Ex	816	Rev	11-2-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Reference on For *No.* 763 *of* 1898.

In replying the above should be quoted.

(LAND REVENUE.)

REVENUE BOARD OFFICE. MADRAS.

Read Endorsement of the Conservator of Forests, Southern Circle, dated 26th March 1898, No 3709 forwarding to the Board appeal petition of R.W. Rouse, late Forest Deputy Ranger 1st Grade.

Reference No 157, dated 1st April 1898.

Submitted to Government.

2. In G.O. No 816 Mis, dated 11th February 1897, Government cancelled the Conservator's acceptance of Mr Rouse's resignation of his post of Deputy Ranger in Madura, and directed that the charges of inefficiency and misconduct to which he had laid himself open, should be dealt with as therein recited. The Conservator to whom the Board communicated this order framed certain definite charges against Mr. Rouse, and dismissed him from Government Service. Against this order an appeal was preferred

presented to the Board, which declined to interfere with the order of dismissal, and added that the record of the enquiry showed clearly that the appellant was an idle, careless, insufficient and insubordinate officer.

3. The petitioner now appeals against this order, but the Board has no recommendation to make in his behalf.

Reelan
Secretary

To,
The Secretary to Government Rly.
with petition & records in orgl.

Trichinopoly
16th March 1898

To,
His Excellency The Right Honourable Sir Arthur Elibank Havelock, G.C.M.G., G.C.I.E. Governor of Madras

The humble petition of R. W. Rouse, Late Forest Deputy Ranger, 1st grade, now residing in Cantonment Trichinopoly

Most respectfully sheweth—

That Petitioner appeals against the order of the Honourable Board of Revenue, dated Forest No. 1305 / 15.12.97, declining to interfere with the Conservator's Order directing Petitioner's removal from the services from 11th January '96. The Board's Order quoted is submitted herewith in original.

2. That Petitioner respectfully begs to submit a true copy of the appeal dated 25-10-97 made to the Board, and he most humbly craves your Excellency to graciously peruse the same, Petitioner having

(1) About 1886—87, a remark was made that Petitioner would not be promoted to the Rangers grade till he qualified himself by passing the Departmental Examination in Forestry, Law and Accounts. This examination he duly passed with credit in 1889.

(2) In 1893, Mr. Gaudre recorded the recommendation of Petitioner to be a substantive appointment as Forester, 1st Grade, and in the same year 1893 Mr. Gaudre recorded that Petitioner was not competent to hold charge of an important Range. A perusal of Petitioner's explanation of i (4), page 10 of printed appeal, of iii (2), page 20, and para 15, page 30 of printed appeal will shew Mr. Gaudre's motive in making these remarks. Nevertheless such remarks did not prevent his superior officers from relacing [relieving] Petitioner in such

Gaudre

important and extensive Ranges as No. I and IV. Mr. Gaudre in his inspection of Petitioner's Range in 1893 recorded a high opinion of Petitioner's executive work, by remarking that "the state of the Range demarcation is generally good and the fire-lines and boundaries of Magar Hill are on the whole kept clean and tidy."

The above, Petitioner respectfully begs to submit, is sufficient to establish his efficiency and diligence, as a Forest Ranger officer, as the works that have been referred to in the above record are the essential marks indicative of the elements of a good Forest Ranger.

Further, Mr. Peake himself who brought the present charges against (~~me~~) Petitioner was impressed by the efficient manner in which Petitioner maintained his office in his inspection in November 1894, although he does not give the

Gaudre

credit to the Petitioner. (Vide page 31 of printed appeal). The remarks in the Service Register were recorded about 1887–88 and 1893, and notwithstanding he continued to be Range Officer subsequent to these remarks, Petitioner respectfully begs to urge that they should not affect his position at this distance of time. In justice to him, petitioner solicits humbly that your Excellency will be graciously pleased to request the Conservator to submit for your Excellency's perusal all the inspection notes of the several D. F. O's under whom Petitioner served as Range Officer from 1884 to 1894. A close inspection of the works was made no less than twice a year by the D. F. O. and a detailed report submitted by him to the Conservator,

a copy being sent to the Range Officer. Except the inspection note of February 1893 (Vide para 15, page 30 of printed appeal), the others no fewer than 20 in number, will speak highly of Petitioner's work. The inspection notes of the D. F. O's are the only record that should either condemn or praise the work of the Petitioner who has been a Range Officer for 11 years. Here Petitioner begs to add that he was prejudiced against by the Head Clerk Nateea Aiyar, Petitioner's avowed enemy (Vide page 29, para 12 of printed appeal).

4. Regarding the charge of insubordination of which the Board is pleased to convict Petitioner, he respectfully begs to refer your Excellency to pages 24, 25 and 26 of the printed appeal. He respectfully begs

to add as another important fact that in his 16 years' service he availed himself of only 3 months' leave

1 months' privilege leave in '89
1 do. do. in '92
1 do. sick leave in 95-96

with reference to his report dated 16.1.96, in which he requested permission to resign the service if he be directed to work under Ranger Mr. Norona a after Petitioner's return from leave applied for by him in a written report dated 13-1-96, it was stated by the D. F. O. in order No. 14 21.1.96 that before the resignation could be placed before the Conservator Petitioner should distinctly state that he was aware of its consequences, especially as regards forfeiture of service - In his

Honourable

report dated 21-1-96, Petitioner declined to make the statement as he was not willing to forfeit his pensionable service. Therefore, Petitioner's report dated 16.1.96 which appears to comprise the charge of insubordination should not have been dealt with in the absence of the written statement regarding forfeiture of service - Petitioner was on sick leave from 11.12.95 and he requested an extension of sick leave from 11.1.96. He did not produce as the rules required a medical certificate of physical fitness to return to duty as he was not in a fit state of health to resume work. Even if the Conservator doubted his statement, the Petitioner should have been directed to appear before a medical officer to test the accuracy of Petitioner's plea of sickness - Mr. Hooper hesitated to do so, as he personally knew that Petitioner

Honourable

Conservator's refusal of extension of sick leave communicated to him so late as 30.1.96 and his subsequent suspension immediately from 1-2-96 would clearly exonerate Petitioner of the charge of insubordination.

5. Petitioner respectfully begs to urge that his reports against Ranger Mr. Noronha causing the subordinates under Petitioner to rebel against him and his report against the District Forest officer Head clerk Mateer as regarding the improper overture made by him to Petitioner's wife have not been taken into consideration by the Conservator nor by the Board in refusing Petitioner's prayer regarding his transfer out of Madura District. (Vide pages 26 & 29 of printed appeal)

Petitioner

6. Petitioner who had an extensive area of hill forests to look after, very often with an inefficient staff and exposed as he was to several dangers and other hardships incidental to forest life, could not be expected to be perfection in all his operations, nevertheless he can with confidence urge that there is no blot on his character for dishonesty so as to render him unworthy of the consideration and support of your benign government. Further Petitioner humbly begs to state the plea of inefficiency to deprive Petitioner of his employment should not have been made by Mr. Peake with reference to matters which took place in 1891-92 and '93, when the other D. F. O's did not consider Petitioner's removal

Petitioner

Read Board's Reference
No. 154 Forest d. 1-4-98
Cus. 2730/98.

Note

In G.O. No. 816 Rev. dated 11th February 1897 the Government cancelled the Conservator's acceptance of the resignation of his post by Mr. R. W. Rouse, Deputy Ranger, Mamra, and directed that the charges of inefficiency and misconduct to which he appeared to have laid himself open should be dealt with on their merits. In obedience to the orders of Govt. the Conservator of Forests, Southern Circle, framed a series of definite charges against Mr. Rouse, and after obtaining his explanations to them, dismissed him from the service. Against the order of his dismissal Mr. Rouse appealed

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2730.

from the service
necessary. Petitioner
respectfully begs to
state that Mr. Peake
has brought these
charges of inefficiency
at this distance of
time because he
feels it a necessity.

7. In conclusion
Petitioner wishes
now 38 years old
and who has put
in 16 years' service,
of which 4 years
were spent in the
Judicial Service
and 12 years in the
Forest service in
which by constant
residence in
malarial climate
his health has been
impaired, casts
himself at the feet
of your benevolent
Government, and
beseeches that
Your Excellency
may graciously
bestow on him

Yours &c

his hard-earned
pension from 11th
January 1896, the date
he was summarily
removed from the
service by the Con-
servator of Forests,
Mr. Hooper.

With sentiments
of profound respect,
Petitioner humbly
begs to subscribe himself,
Your Excellency's
most obedient
and humble servant,

Yours &c

Late Forest Dy. Ranger
1st Grade
Madura Dt.

No. 3709

Forwarded

There appears to be nothing new
in the second appeal petition now sub-
mitted, and it is therefore unnec-
sary for this Office to remark
thereon the matter having been al-
ready fully dealt with

Conservator
20 March 1898 Actg Conservator of Forests

25-3-98

Read Board's Reference
No: 154 Forest d. 1-4-98
Circ. 27.30/98.1

Note.

A

In Gr. No: 816 Rev. 1 dated 11th February 1897 the Government cancelled the Conservator's acceptance of the resignation of his post by Mr. R. W. Rouse, Deputy Ranger, Manna, and directed that the charges of inefficiency and misconduct to which he appeared to have laid himself open should be dealt with on their merits In obedience to the orders of Govt. the Conservator of Forests, Southern circle, framed a series of definite charges against Mr. Rouse, and after obtaining his explanations to them, dismissed him from the service Against the order of his dismissal Mr. Rouse appealed

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2730.

appealed to the Board of Revenue which, going into the reasons connected with the case, held that although some of the charges had not been sufficiently made out, the remaining ones and the remarks in the appellant's service register were sufficient to show that he was an idle, careless, inefficient and insubordinate officer whom it was not desirable to retain in the service of Govt; and accordingly declined to interfere in the appellant's favour (B.P. 1305 Mis, Forest. d. 18-12-97. in the file). With the current read above, the Board now submits a second appeal from Mr. Rouse against the Conservator's order directing his dismissal.

2. The petitioner requests the

B

C

the attention of Govt. to his appeal petition to the Board in which he has explained at a very great length the charges framed against him. It is submitted that in the absence of the original records of the enquiry connected with the case, it would not seem to be possible to examine the petitioner's very elaborate explanations. In passing its Proceedings of the 18th December last the Board had all the records connected with the case, before it. It is submitted that the Board may be asked to call for those records from the Conservator's office and submit them to Govt.

A draft officials memorandum is put up on the sheet below.

Issue
25/1/98

P.E
27/1/98.

Read Board's Refce. No: 157
Forest d. 1-4-98. Cir. 2730/98.

—

Official Memorandum. No 95

With reference to its Proceedings No: 157 Ref. Forest d. 1st April 1898, the Board of Revenue is requested ~~to be good enough~~ to call for the records connected with the case, which were before it when it passed its Proceedings No: 1305 Mis d. 18-12-97 Forest, and to submit them to Govt. at an early date.

25/4/98

Actg Secy
25th April 1898

To

The Board of Rev. L.R.

27/4/98

21/4/98.

Revenue (1898) Department.

CURRENT No. 3536

From The Board of Revenue Land Rec. Madras.

Order

Forest No. 257 Rank

Dated 10 May 1898.

Received 13 "

Registered 14 "

Enclosures.

Spare copies

SUBJECT.

Forwg to the Conservator of Forests, S.C. Issues from the Secretary to Govt (R.D) calling for certain records connected with the appeal to Government of the late by Ranger, Mr. Rowe, against the orders of the Board confirming those of the Conservator, S.C., dismissing him from public service, and requesting him to submit at once direct to Govt the records asked for.

12.5
10.5.98 S.W.

BACK PAPERS.

G.O.	No.	Department.	Date.
	O. M.	95	25.4.98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Revenue 1898 Department

2,000
20-1-98.

REVENUE BOARD OFFICE
MADRAS

Proceedings of the Board of Revenue

(Land Revenue).

Forest No 251 Rush, dated 10.5.98

Read again Reffee No 157 Forest. dt 1.4.98.

Read also official Memorandum from the Acting Under Secretary to Government, Revenue Department, No 95, dated 25th April 1898.

Resolution

Forwarded to the Conservator of Forests, Southern Circle, who is requested to submit at once direct to Government the records connected with Mr. Rouse's appeal returned with B.P. F. No 1305 misc, dated 18.12.97.

(True Extract)

Lionel Knowles
Ag. Secretary.

To.
The Conservator, S.C.
Copy to the Secretary to Government, R.D.

BACK PAPERS

1898.

Board of Revenue

(Land Revenue),

MADRAS.

To

Subject.

Revenue 1898 Department

Forests.

Current No. 3690.

From C. E. Brasier Supp.,
~~J. W. CHERRY, Esq.,~~
Ag. CONSERVATOR OF FORESTS, S. C.

To THE Secretary to Government, R. D.,
Madras.

Dated 14 May 1898.

DESPATCHED
17 MAY 98

No. 3709

Rec'd 19 "
Repd 20 " ENCLOSURES. 2 (~~sent separately by~~ Registered post)

Subject.

Forwarding this office records connected with late Dy. Ranger Mr. Rosario's case & informing that the Collector of Madura has been requested to submit the other records.

2,000.—30-3-95.

No. 370 of 1897-98

OFFICE OF CONSERVATOR OF FORESTS,
Southern Circle,
Coimbatore, 14 May 1898.

From

C. E. Brascr Esqre.,
Ag. CONSERVATOR OF FORESTS, S. C.,

To

THE Secretary to Government, R. D.,
Madras.

Reference— Board's Proceedings F. 251 R dated 10 May 1898.

SIR,

Referring to the above, I have the honor to forward herewith the Office records connected with Mr. Rowe's case and to state that the Collector of Madura has been requested to submit the other records belonging to his Forest Branch direct to Government.

I have the honor to be,
Sir,
Your most obdt. Servant.

C. E. Brascr
Ag. Conservator of Forests &c

Enclosures.

× Dio. No. 222 of 1897-98 Conduct Register.

Copd.
Exd 16.5.98.

2,000—6-5-97.

C. Nos: 2730, 3536 and 3670 of 1898.

—

Note for the Under Secretary.

—

C. No: 3670/98.

In this letter dated the 14th May 1898, the Conservator of Forests, Southern Circle, states that the Collector of Madura has been requested to submit direct to Govt. certain records connected with Mr. Rouse's case (please see Om. No: 95 d 25-4-98). As the records referred to have not yet been received, orders are requested as to whether the currents noted above may be allowed to lie over pending their receipt.

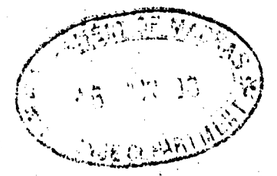
Flag B.

We of course not Lend Om. to Coll. Madura Third' BD referring to what the Conservator says & asking him to expedite transmission

Pt. 4/6/98.

Revenue (1898) Department. (Forests)

CURRENT No. 4042.



From The Collector of Madura

Order

Rep. on C. No. 1532

Dated 3.6.98

Received 6-6-98

Registered 4-6-98

Enclosures 21 files

Spare copies

SUBJECT.

Submitting records connected with Mr. R. W. Rouse, Late Dy Ranger, Madura district as desired by the Conservator of Forests & C. Coimbatore

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No 1532
Forests. Madras Collectorate Office
May 20
Encl. 21 files
3rd June 90

From T. G. D. Partridge Esquire
acting Collector of Madras

To

Secretary to Government,
Rev: Depart.
Stone House Hill, Madras

Sir,

As desired by the Conservator of Forests - Southern Circle, I have the honor to forward 21 files relating to the charges against him: Rouse Lake Deputy Ranger, Forest Department.

I have the honor to be
Sir,
Your most obedt Servt

J. Nolan
for Collector

(1) Board's Reference No.157 Forest, dated 1-4-98 (C.No.2730 of 1898).

(2) O.M. No.95 dated 25-4-1898.

(3) Board's Ref. No.251 Forest, dated 10-5-98 (C.No.3536 of 1898).

(4) Letter from the Conservator of Forests, S.C. No.3709 d/14-5-98 (Current No.3670 of 1898).

(5) Letter from the Collector of Madura dated 3-6-98 Ref. on Current No.1532 (C.No.4042 of 1898).

N O T E .

With the first of the papers noted above, the Board of Revenue submits for the orders of Govt. a second appeal from Mr.R.W.Rouse, late Deputy Ranger, Madura Dt., against the orders of the Conservator of Forests, S.C., dispensing with his services with effect from the 11th Jany. 1896.

2. Towards the end of 1895, the petr. sought transfer from Madura or permission to seek Govt. service in another department. In reply he was informed that he would not be transferred, but that he was at liberty to seek other service. He was subsequently given sick leave for one month from the 11th Decr.'95. On the 11th Jany'96 he reported himself for orders and was directed to join duty & work under one, Ranger Noronha. In a letter dated

Conservator's Pros. d/Aug.97 pages 139-140 of file A.

C29/1898.
R 9/7/98.

Code Class.

INDIAN TELEGRAPHS. Monthly Number.

To (Office)

From (Office)

Words	Day.	Hour.	Minute.	Official Instructions.
	15	15	11	

To (Person)

From (Person)

Sd. from 15 LN. Hrs. Mts. by

Sent to LN. At Hrs. Mts. by

Telegraph Master.

G 2

7

G 3 Word Form.

D & P No. 401 T—22 12 97—360,000.

(1) Board's Reference No.157 Forest, dated 1-4-98 (C.No.2730 of 1898).

(2) O.M. No.95 dated 25-4-1898.

(3) Board's Ref. No.251 Forest, dated 10-5-98 (C.No.3536 of 1898).

(4) Letter from the Conservator of Forests, S.C. No.3709 d/14-5-98 (Current No.3670 of 1898).

(5) Letter from the Collector of - Madura dated 3-6-98 Ref. on Current - No.1532 (C.No.4042 of 1898).

-2-

N O T E .

With the first of the papers noted above, the Board of Revenue submits for the orders of Govt. a second appeal from Mr.R.W.Rouse, late Deputy Ranger, Madura Dt., against the orders of the Conservator of Forests, S.C., dispensing with his services with effect from the 11th Jany. 1896.

2. Towards the end of 1895, the - petr. sought transfer from Madura or permission to seek Govt. service in another department. In reply he was informed that he would not be transferred, but that he was at liberty to seek other service. He was subsequently given sick leave for one month from the 11th Decr. 95. On the 11th Jany '96 he reported himself for orders and was directed to join duty & work under - one, Ranger Noronha. In a letter dated

Flag C.

Conservator's Pros. d/Aug.97
pages 139-140 of file A.

C29/1898.
R 4/7/98.

16-1-96, petr. pleaded inability to serve under that officer, at the same time explicitly requesting that, if he could not be given a tranfer, he might be allowed to resign the service. Thereupon he was directed to support his resignation with a statement that he knew its consequences, and was further told to proceed to a certain - Range to work under the Ranger mentioned above, there having been no - reason to consider that the latter had acted harshly towards the petr. The petr. declined to submit the required statement, but requested a reconsideration of his case. The Collr. of Madura, apparently in view of certain charges of inefficiency ~~which~~ against the petr. which were pending disposal at the time, recorded a definite opinion that he was unfit for his post, and ordered his suspension for six months. On the matter coming before the Conservator of Forests, that officer in his proceedings dated 24-2-96, compelled the petr. to resign the service. After a lapse of over 2 months the petr. applied to the - Conservator for the grant of a pension, and was told to address the Bd. The petr. next appealed to the Bd, which threw out his appeal as time-barred. (B.P. 938 L.R. dated 1st July 1896 in G.O.816 d/11-2-97). He next appealed to Government with the result that his resignation was cancelled and the - Govt. directed that the charges of in-efficiency and misconduct to which - the petr. appeared to have laid himself open should be dealt with on -- their merits. (G.O.816 Revenue dated 11-2-97).

3. In obedience to the orders of Govt. a series of definite charges was framed against the petr., and the Conservator of Forests, on obtaining and considering the explanation which the petr. had to submit with reference to them, ordered that his services should be dispensed with with effect from the 11th Jany. 1896. On appeal, the Bd., while holding that some of the charges had not been satisfactorily made out, considered - that the records showed the petr. to have been "a careless, idle and inefficient officer whom it is not desirable to retain in the service of - Govt", and declined to interfere in his favor. He has now come up to Govt.

4. The Conservator's Pros. dated August 1897 dispensing with the petitioner's services contain charges numbered I (1 to 7), II (1 and 2), III (1 to 3), IV, V and VI. These - will now be detailed and examined as briefly as possible.

5. Charge I. Carelessness involving loss.

(1) That in the matter of the resale of the Alagar Hill reserved forest minor produce, petitioner's careless-ness

[a] prescribed in G.O.246 Pension dated 9-3-86.

[b] File A-pp.99-101.

[c] File A -pp.45-94.

[d] Cons. Progs.d. Aug.1897-pages 131-142 of File A.

[e] B.P.F.No.1305 Mis.d/18-12-97 paras 3 and 4 - copy with C. No.2370 of 1898.

File B.

Flag A

Flag A.

Flag B.

Flag C.

resulted in a loss of Rs.265 to Govt..

After holding several unsuccessful auctions to sell the right of collecting the minor produce of the Alagar Hill reserved forest, the petr. on the 16th March 1893 reported to the District Forest Officer that a certain ryot had submitted an application offering to buy the right in question for Rs.266. The D.F.O. on 29-3-93 accepted the offer and directed the petr. to get the applicant to pay the necessary security deposit at an early date and ~~xxx~~ send him to the Hd. Office to execute a bond. The applicant withdrew his offer on the 1st May 1893, and the petr. was asked to report whether he received the "initial deposit" before allowing the applicant to "bid". The petr. replied that on 5-4-93 he issued the necessary orders to the applicant, and further urged that as the applicant was not a bidder an an auction, the auction rules did not apply to him and that he could not accordingly be made to pay the initial deposit. The D.F.O. ~~xxxxx~~ however did not consider the explanation satisfactory, and after some further correspondence, proposed in Octr.93 that the petr. should be suspended for 3 months on account of his careless neglect in the matter of the sale of the minor produce and of certain bamboos*. Subsequently there was a change in the head of the Dt. Forest Office; and Mr.Peake, the new

File B -p.8.

File B -p.10.

File B -p.11.

File B -pp.15-16.

File B.-pp.30-32.

*This forms the subject of charge I (2).

vide his note d.1-5-95-file D.

Date of reference from the District office.	Date of reply by the petitioner.
20-5-93 22-6-93	26-6-93.
6-7-93 2-9-93	6-9-93.

File A --p.132.

B.P.1305 d.18-12-97.

File C.

File C-p.17.

D.F.O., refused to suspend the petr.; and after a long delay the causes of which it is unnecessary to notice here, recorded it as his opinion that in the matter of the sale of the minor produce which forms the subject of the charge under consideration, the petr. was not specifically to blame, although there was no doubt that he was guilty of delays and of want of judgment in receiving the offer referred to above without taking a deposit in the first instance. In reviewing the charge the Conservator remarks as follows:-

"Rouse's contention that not being an auction bid no security deposit -- could be demanded on the tender, is - futile in face of the distinct wording of the Dt.Forest Officer's and his own order [of course, that issued to the applicant for the minor produce]. He stands convicted of careless neglect". It is submitted that the Bd. of Revenue has held the charge under consideration not to have been satisfactorily made out.

I (2). That the petr. allowed 5649 bamboos felled in 1891 to rot in the forest.

The facts relating to this charge are briefly these. In Novr. 1891 the petitioner forwarded for the orders of the D.F.O. an application from a certain contractor offering to buy some ---

resulted

After
auction
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; bamboos felled in the beginning of that year. After some correspondence, the D.F.O. accepted the offer on 31-1-92 and directed the petr. to obtain from the contractor a stamped and registered agreement. Nearly 2 months after (22-3-92) the petr. reported to the D.F.O. that the contractor was unwilling to buy the bamboos on the ground that during the interval between the date of his application and the date of his receipt of orders thereon they ~~bamboos~~ had become deteriorated. Subsequently the contractor offered on the 14-4-92 to buy the bamboos at a lower rate than before; and on the 26th May following the petr. was directed to ask the contractor whether he was willing to pay the price in advance; and report the result. It would seem that the petr. sent several orders to the contractor to pay the price and take charge of the bamboos, but it does not appear that he sent any report to the D.F.O. in reply to his call of the 26th May 1892. Mr.Peake in his Note dated 1-5-95 remarks that although the petr. submitted no report as directed in the order of the 26th May 1892, no notice was taken of ~~his failure~~ that this, and the whole question of the petr's responsibility in the matter was started afresh in Sepr. 1893. As has already been stated, it was proposed in Octr. 1893 to suspend the petr. for inefficiency

File C-p34.

File C-p37

File C -p.52

File D -p.3

File D -p.3

File A -p.133

Date of refece. from the D.F. Office.	Date of reply by the petitioner.
10-12-91	15-1-92
31-1-92	22-3-92
26-5-92	Not replied to.

m at page 51 of file A.

File E.

in connection with the last charge is that under consideration. Mr.Peake in refusing to suspend the petr. held - that in respect of the loss of the -- bamboos the petr. did nothing positively wrong, any delay and error he was guilty of being due to general incapacity or neglect. In regard to the charge in question the Conservator remarks that the petr. "took insufficient care in the negotiations with the contractor and delayed in a reprehensible manner his replies" to several orders of the Dt. Forest Office. With reference to the remark that the petr. took insufficient care in the negotiations with the contractor, attention is invited to the D.F.O's remarks on the petr's explanation in respect of this charge.

(3) That in the Waguthimalai coupe-felling in 1892 owing to the petr's delay and neglect it was found necessary to refund half the sum paid. With reference to this charge the Conservator observes as follows:- "Rouse is proved to have exercised insufficient and perfunctory supervision of the -- coupe felling by Alagappa Gounden -- whereby the felling arrangements were unsuccessful. It is also certain that the Dy. Ranger did not exercise care in dealing with the Contractor and in seeing that the man was put in possession of areas for felling, and it was due to Rouse's misconduct in these --

particulars that the felling was stopped and a refund of Rs.300 made to the contractor." Attention is invited to the extract from Mr.Peake's note dated 31-12-95 at pages 28-30 of file E, which puts the case against the petr. breifly and clearly.

(4) That the departmental firewood felling in Mudumalai for the supply of certain water works resulted in loss owing to the petr's carelessness. This charge has been held by the Bd. not to have been satisfactorily proved.

(5) a. That the petr. was responsible for choosing a wrong site for a certain rest-house and (b) that owing to ~~the~~ his ~~petr's~~ carelessness the building was badly constructed and ~~in~~ not in accordance with estimate. (~~a~~)

(a) The work was originally proposed in the beginning of 1893 and it would seem that the Range officer who prepared the plan and estimate for it, one Haften, received personal instructions from the D.F.O. as to the site of the resthouse. When the petr. took over charge from the above mentioned Range officer, it would appear that he received no instructions as to the site of the resthouse. In spite of this however he selected a site on his own responsibility and without applying for orders. It was subsequently found when the construction of the building was far advanced that the site was ill-chosen.

(b) The Conservator remarks that "the

Page 133 of file A.

File F and pp.133-4 of file A.

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Pages 42 to 49 of file G and page 135 of file A.

Pages 42-49 of file G and page 135 of file A.

Page 136 of file A.

File H and p. 136 of file A.

"work apart from the mistaken site was badly done not in accordance with estimate and shows careless overlooking by Rouse".

(6). That the petitioner caused waste-ful expenditure in connection with the construction of the Thimmanarasanayakanur Resthouse.

The petitioner's explanation was that he was not responsible for the matter, as the construction of the building was under the immediate charge of a certain Forester. It is submitted that the Conservator has rightly held the petr. guilty for his having unauthorisedly directed the Forester on the spot to be responsible for the work and for failure to inspect it ~~du~~ during its progress.

(7). That owing to ~~the~~ bad work, the value of the Theni resthouse kitchen building for the construction of -- which the petr. was responsible is estimated ~~at~~ only at ¾ths of the original estimate.

The petr. was found to have allowed the contractor to put inferior foundations contrary to the estimate in which good ones were provided for, though the work was it would seem charged as per estimate. It would appear that the petr. thought his action justified, as the rates fixed was too low. It is submitted that, as the Conservator says, the petr. was responsible for neglect of orders as

File J and p. 137 of file A.

8

10

he failed to report the matter to the higher authorities.

6. Charge II. (1 & 2) Disobedience. That the petr. without proper confirmation gave out a coupe to a contractor and that he neglected to take security from the coupe contractor and carelessly delayed securing an agreement from him.

In the Board's opinion the charges in question xx have not been satisfactorily proved, and it is submitted they may be left out of consideration here.

7. Charge III. General maladministration.

(1) That the petr. was guilty of constant delay in replying to important and urgent references from the Dt. Forest Office.

In explaining this charge the petr. complained that ~~the charge~~ it was too general. It was based on the opinion recorded by the D.F.O. Mr.Gass who inspected the petr's work in 1893. Attention is solicited to the remarks marked with blue chalk at pages 4, 13 & 18 of file L. ~~and also at page of file~~. As instances of the petr's delays may be mentioned those already noticed when dealing with charges I (1) and (2).

(2) This charge relates to careless preparation of the estimate for the Munnur resthouse building, commencement of the building without sanction ~~until~~ - and the subsequent indifferent work -- turned out. As noted by the Conservator

File K &p.137 of file A.

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P.72 of file A.

P.138 of file A.

File M.

Page 138 of file A.

Pages 32-33 and 65 of file M.

Page 138 of file A.

File N.

P.138 of file A.

P.77 of file A.

B. P. 1305 d.18-12-97. Flag B.

File H.

this charge has been already disposed of in B.P. Forest Nos. 427 dated 20-4-93 and 33 dated 10-1-94. In the latter the Bd. reprimanded the petr. for commencing the work before final sanction in disregard of rules.

(3) This charge relates to the non-opening of certain fire lines contra-ry to orders, badly executed pole-fellings and bad work in coppicing. The Conservator states that the charge in question cannot be gone into satisfactorily the records being insufficient. The charges is based on the complaints made by the D.F.O. Mr Gass, against the petr., in 1893 (pages. 1-4 of file L).

8. Charge IV. That the petr. left his range during the Easter holidays in 1894 without permission, reporting his absence demi-officially, only on return to duty. The Conservator dismisses this charge with the remark that the petr's action was "on a par with his usual procedure". The petr. urges that he did not go out of the limits of his range and that he is not therefore liable to this charge. It may be noted that this is one of the charges which have been considered by the Bd. not to have been satisfactorily made out.

9. Charge (V) That the petr. submitted a false report in the matter of damage to the Thimmarasanayakanur resthouse

to conceal the real cause- viz. faulty construction. This is the building referred to in charge I (6). The grounds of the present charge are clearly ~~announced~~ stated in Mr.Peake's note dated 2-1-96 to which attention is invited.

10. Charge VI. That the petr. was guilty of insubordination in refusing to work under Ranger Noronha and that he refused to state whether he knew the consequences of resignation so far as forfeiture of pensionable service was concerned.

It is submitted that the facts relating to this charge have already been stated (para 2 supra) and need not be repeated here.

11. In conclusion, attention is invited to the remarks in the petr's service register, and especially to the facts that in March - 1893 it was found necessary to revert him on the ground of inefficiency from the rank of a ranger to that of a forester and that in the month of May following he had to be moved for the same reason from the charge which he had been holding to a less important and heavy charge. It is repectfully submitted that the papers now before Government seem to fully sustain the Board's view that the petr. had proved himself "a careless, idle and inefficient officer whom it is not desirable to retain in the service of Government". It is further submitted that

this charge
I is fully brought
home to appellant.
AP

File H. -p.91.

File A -p.139

Flag D

Please see also pp.32-33 of file M.

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there would appear to be no circumstances in the case under consideration which call for interference by Government.

Sey

The charge of inefficiency & incapacity seems to have been fully made out. The Board in its present Rep. says that the man was dismissed but the conservator rightly dismissed him not dismiss him but dispensed with his services Vide order flagged C. There seems to be no reason for interfering with this order

Sey 29/6/98

conclusion of the
in para 3 of its Proceedings.
to the character of the
Pr. is justified by the
ecords of the case. On the
atter of charge V
moreover it is impossible
to avoid the conclusion
that the petr. was guilty
of submitting a false
report about damage to rest-
house; not that untruth-
fulness must be added
to his other defects of
character. I see therefore
no reason for Govt. to
interfere on his behalf.

AL
9.7.98

P.G.
24-6-98

Hon.

On the whole there seems no sufficient reason why the Govt. shd interfere.

S.H. 29/6/98

To Under Secy

Please see draft order put up on the docket sheet of the current.

Sey
29/6/98

RBW
11.7.98.

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READ AGAIN G.O., No. 189 DATED

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.							

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