0/9 2,000—5-2-98.

Revenue (1898) Department

MISCELLANEOUS SERIES.

G.O., No. 4582

DATED 23rd November, 98

[Despatch Abstract.]

Withholding the memorial of Mr. D. Ponnuraja Mudaliar under section III, rule 3 clauses 7 and 10 of the Govt of India Memorial Rules.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cen	637	5/99					

Revenue (1898) Department.

CURRENT No. 7771

P 23/11/98

From H. A. Lewis Esq Dy Private Secretary to H. E. the Governor

Order Mis. No. 4582 dt 23rd Nov 1898.

Ordered that the memorial be withheld under Section III, x E rule 3, clauses (7) & (9) of the Govt. of India Memorial Rules (quoted below) and that the memorialist be informed accordingly.

Ill 21-a 98

S/P 23/11/98

To the memorialist

Note. Des 26-11-98

The memorialist appeals to the Govt. of India from Go's 3957 d 5.10.96 (7) and 994 d 10.3.96 (9), praying for mercy and for restoration to his appointment (paras 7 & 9 of the memorial).

pf. 19.xi.98.

What was his pay?

Ill 21-a 98

Less His pay was Rs 70 (Mad Rs 100 per.) & Under delin'd is presented from more than six months

No.

Dated 7th Nov

Received 12th "

Registered 16th "

Enclosures —

Spare copies

SUBJECT.

Transfers a petition dt 30th May '98 from M. D. Ponnuraugam Mudaliar, late Forester, Ambur, praying that he may be restored to his former appointment.

(By order)

H. D. Love

Mr. Brandreth

he pet's pay would appear to have
been Rs. 30 per mensem - please
see para 4 of the petn. under
G.O. 994 d 10.3.96 flagged G.

1/2/1.98

BACK PAPERS.

G.O.	No.	Department.	Date.
80	994 Mun Rev		10.3.96
	3957 Mun Rev		5.10.96
	Enquiry papers.		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CV

(1) Original
(2) Duplicate copy

PETITION
0094
REVENUE DEPT

To

HIS EXCELLENCY,
THE RIGHT HONORABLE
THE GOVERNOR-GENERAL
AND
VICEROY OF INDIA,
FORT WILLIAM,
CALCUTTA.

through
The Governor of
Madras.

The humble petition of M. D. PONNUSWANGAM MUDALIAR,
late Forester, Ambur, North Arcot District,
most respectfully sheweth,

MAY IT PLEASE YOUR EXCELLENCY :—

I began service in 1875 as Forester and continued as Forester and Forest Range Officer in several Taluks of South Arcot District until 1893. My total service up to that period counted to nearly 18 years during which period, I had discharged my duties to the entire satisfaction of my superiors without any stigma whatever. In 1893 I was transferred to North Arcot District for no fault of mine nor on my request. In obedience to the order of my transfer, I joined my Office at Ambur, North Arcot and from the date of my joining North Arcot District, my misfortune commenced. I served in North Arcot District only 1½ years during which period all sorts of troubles fell to my lot, while during my service of 18 years in South Arcot District, my good work and active habits were appreciated and I had no black mark. Vide copy of my service* book. In North Arcot, I was not allowed to remain for 3 months in one place but shifted from one hill-tract to another. During the above period of 1½ years I fell ill several times and when I applied for leave, I was transferred to some other hilly tract or unhealthy place. Unhappily for me, the District Forest Officer, North Arcot, for reasons best known to himself, was prejudiced against me and the result of the prejudice, is the ground of this humble appeal. I applied for transfer to some other District as my superior was prejudiced against me but this prayer of mine was refused by the Conservator of the Central Circle, Madras.

*Enclosure I. X

Enclosure II. X The history of my misfortunes is detailed in paras I and II of my appeal petition to His Excellency the Governor of Madras, a copy of which is herewith submitted.

2. While I was thus ailing both mentally and physically and compelled to work under the District Forest Officer who was prejudiced against me from the very beginning, I was ordered to do duty under the supervision of a temporary Forester, A. Subba Row, a Brahmin, who was quite raw. The fact that a permanent Forester having 20 years experi-

X was a c[illegible]

Petition to Governor transmitted

ence in the Department both in Range and Sub-Range Offices and drawing Rs. 30 per mensem was made to work under a temporary Forester on Rs. 20, quite new to the work and to the Department will convince Your Excellency that proper justice was not done to me and that my superior, the District Forest Officer was not favorably disposed towards me. This took place as I anticipated.

Within 2 or 3 weeks after I was placed under Subba Row, misunderstandings began to arise between him and myself and I was not to his taste. While I was serving on special duty of coupe felling work at Ambur, I checked my cash balance on the 18th August 1894 as per vouchers sent to Forester Subba Row, Range Officer and found a sum of Rs. 1—13—0 in excess. This fact I at once reported personally to the said Subba Row who was then at Amboor on circuit. He asked me to report it in writing which I did accordingly. But to my great misfortune, he denied the receipt of the written report and brought a false charge against me of having embezzled Rs. 5—3—0 in the payments made in his presence on the 18th and 24th August 1894.

4. On the 30th August 1894, I received a telegram from the District Forest Officer directing me to join him at Gudyatum by the next train. I was then very ill from fever and dysentry. Yet I quietly obeyed the order. I joined him accordingly. The next day he ordered me to work under Gudiyatum Range Officer until further orders. This temporary removal of me from Ambur, I beg, Your Excellency will be pleased to consider, enabled the said Subba Row to concoct evidence against me during my absence from the place. Because he was ordered to produce witnesses for the charge brought by him against me. My absence enabled him to concoct evidence as he pleased. Soon after 9 witnesses were procured against me, I was ordered to appear before the District Forest Officer at Ambur for departmental enquiry. I was then too ill to give any written statement and consequently I deputed a Vakil on my behalf but the District Forest Officer refused to hear him saying that the enquiry was made departmentally but the very day I was placed under suspension from 2—9—94 for criminal breach of trust. I applied to the District Forest Officer for copies of the statements taken from the witnesses which was refused.

5. While the matter stood thus, I was prosecuted before the Joint Magistrate, Vellore. This Officer was prejudiced against me from the very beginning and worked with much interest for the prosecution. Seeing this, I applied to the High Court for transfer of the case. This application was rejected for not having put forth sufficient grounds for such a transfer. Your Excellency will be pleased to infer from the above facts the result of my case. I was sentenced to four months' imprisonment. The witnesses against me were coupe felling coolies and they had a grudge against me as it was that I put a stop to their long malpractice of taking head loads of fire wood for their own consumption and sometime for sale. These 9 coolies brought 9 loads of timber from Naickanari coupe fraudulently on the 7th August 1894 and sold them for 12 As. with the connivance of a Watcher Oomarkhan who was dismissed on my report. It is for Your Excellency to be pleased to take into deep consideration what importance may be placed on the evidence of these coolies who were, as a matter of course, ill-disposed towards me and who might have been convicted on the charge brought against them by me. They were therefore quite prepared to give any

false evidence against me and much more so, when instigated by Subba Row. The result of my zeal in guarding against any loss of revenue to Government, was my dismissal and criminal conviction &c. The Joint Magistrate was not pleased to give credit to the statements of respectable ryots who were cited by me as defence witnesses and who spoke well of me while on the other hand much weight was placed on the evidence of the coupe felling coolies who had a grudge against me for the reasons set forth above.

6. I then appealed to the Sessions Judge but as I was then in Vellore Jail, I was not able to give instructions to my vakil and the Judge then confirmed the sentence of the Joint Magistrate on the strength of the so-called evidence of the coolies. A criminal revision petition was presented to the High Court through Mr. H. G. Wedderburn the counsel for the bar, but on the day my appeal was taken, the said counsel was not able to attend the Court on account of some accident; so he sent a vakil to pray for adjournment which was refused. Such was my singular misfortune. I presented a review petition to His Excellency the Governor-in-Council for consideration of my miserable case but from His Excellency too, I failed to get justice. My appeal to the Sessions Judge, the revision petition to the High Court and the review petition to His Excellency, the Governor of Madras were all rejected because I was convicted. It is for Your Excellency to be pleased to take into benign consideration the fact that I was convicted on the so-called evidence of the coolies who had a grudge against me because it was that I put a stop to their long malpractice.

7. I was drawing a salary of Rs. 30 per mensem; I was aware of the consequences of committing an offence like the one ascribed to me. I knew that stealing a few rupees and going to jail losing longstanding service was utter ruin to my life. I was not out of wits or mad. Why should I have committed what no sane man would have done? I therefore earnestly pray that Your Excellency will be graciously pleased to take into deep consideration my miserable case and render me justice by restoring me to my former post.

8. In conclusion I beg to submit that the so-called conviction is no conviction at all. The most important reason for saying so is that there is no conviction in my mind that I have committed the offence. The sovereign is endowed with the power of pardoning men and women who have been convicted by Courts. It is said that from time to time Courts of Justice may wittingly or unwittingly do injustice by convicting the innocent, by giving undue weight to trumped-up evidence and that in such cases the sovereign finds out the truth and does justice accordingly. I submit mine is a case like this. If I had felt in my heart that I had any wise offended in this matter against law or morality or duty, I should certainly have pocketted the conviction with all its horrors and quietly gone about my business in some walk of life suited to my capacity and circumstances. But I have spent what I have saved in my term of office to prove my innocence by paying lawers who have only literally fleeced me and left little or nothing to help me in my day of distress. I feel yet an innocent man and I feel tempted to go before Your Excellency for the justice which the Courts and Government of Madras have denied.

9. In conclusion, I most respectfully beg to submit that I earnestly crave mercy at Your Excellency's hands. Mercy is not the result of arguments. No ratiocination, how-

ever cogent can turn the tide of mercy when once it had been started. Mercy is intended to be exercised only in the case of those that have been unfortunate. Mercy is a divine quality specially intended for the advantage of the fallen and the ruined. As such, I stand by the avenue over which, ranges this great attribute of the sovereign power which Your Excellency so generously represents. It is my most humble and earnest prayer that this great attribute of the Mighty may be exercised in my case, for, it may not be possible to find a parallel to it as I am a man against whom accusations have been made which are absolutely false. Praying for mercy again.

I most respectfully beg to remain,

Your Excellency's most obedient and humble servant

M. D. Ponnurangam Mudaliar

Late Forester.

DINDIGUL,
30th May 1898.

ADDRESS

M. D. Ponnurangam Mudaliar,
Late Forester, now Pensioners' Street,
Dindigul, Madura District.

P.S.

I have sent the original Cobgia direct to the Vice Roy & not with the 2 enclosures.

M. D. Ponnurangam Mudaliar

Late Forester

30.5.98.

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.