

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Go.	no.	2010	5-4-98.				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Go.	1658	Rev.	4-5-99.				

0
18 2,000-20-3-05

Revenue (1898) Department.

CURRENT No. 8495

From

N. Soondramiah
late Dy. Tahsildar Sub-
Magistrate - Cotacamund.
Nilgiris
No. -

Order

Dated 9th Dec 1898

Received 12th ..

Registered 13th ..

Enclosures 4.

Spare copies

SUBJECT.

Resubmitting, with remark, his
memorial addressed to His Excellency
the Viceroy and Governor-General of
India in Council.

13/12/98
not available
13/12/98
C. T. Soondramiah
late Dy. Tahsildar Sub-
Magistrate - Cotacamund.
Nilgiris

BACK PAPERS.

G.O.	No.	Department.	Date.
The connected papers were put up with case 8392 & became available only on 17.12.98 (H.A.M.). 17/12/98			

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PETITION

0751

REVENUE DEPT.

Cotacaimund
9th December 1898

From

N. Soondramiah
Late Dy Subdar and
Sub Magistrate, Cotacaimund

To

The Secretary
to Government
Revenue Department
Fort St George.

Sir,

With reference to endorsement No 1609-R of 98 dated 17th November 1898 I respectfully beg to resubmit my memorial and its enclosures duly authenticated with my signature and with a request that the memorial and the accompanying documents may be kindly submitted to His Excellency the Governor General in Council with favorable remarks of the local Government.

2. As it is since learnt that the 4th clerk of the Dy Subd's office, Cotacaimund who, as stated in para 8 of the memorial was the origin of the case against me has recently been dismissed from Govt Service for wrongful misappropriation of Govt money and had official antecedents I have added this circumstance as a Post Script to my memorial below my signature.

I beg to remain

Yours most obedient Servant
N. Soondramiah
Late Dy Subdar and Sub Magistrate

Revenue (1899) Department.

CURRENT No. 420

From

The Collector of the Nilgiris

Order



No. 56
1899

Dated 14th January 1899

Received

Registered

Enclosures

Spare copies

} 18th " "

1. File of papers sent separately
by Registered post
(not recd)

SUBJECT.

Memorial.

N. Sundaram Iyer, late Sub Magistrate

Estacamm.

Submitting as directed records
referred to in para 2 of the
Collector's letter dated 20-10-97.

2nd
1/11/99

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

The Nilgiri Collector's Office

D. No. 56
1899.

Cotacamund 14th January 1899.

From

A. Butterworth Esq. J.C.S.

Collector of the Nilgiris

To.

The Secretary to Government
Revenue Department
Tav. St. George

Sir.

In reply to official memorandum
No. 4 dated 7th Instant, I have the honour
to submit herewith the records referred to
in para 8 of this office letter dated 25th
October 1897 printed at pages 4-5 of S.O.
No. 201 dated 5th April 1898.

I have the honour to be,

Sr,

Your most obedient Servant

For Collector

Dec
16-1-99

Current No. 8495/98

From W. Sundaram Aiyer, late Dy. Tahsildar &
Sub-Magistrate, Ootacamund.
Dated 9th December 1898.

FOR ORDERS.To Under Secy.

W. Sundaram Aiyer sub-
mits to Govt. the memorial
to the Govt. of India against
his dismissal, which was
returned to him with Ex. No.
Q 1609 Routine d. 17.11.98 for
compliance with certain
provisions of the Govt. of
India Memorial Rules.

R Attention is invited
to G. O. No. 201 d. 5th April 1898
which directed the memo-
rialist's dismissal from
the service.

Q In reply to para 2
of Ex. No. 1609 d. 17.11.98
in which the Collector of
the Nilgiris was asked to
report when the order of
dismissal was communicated
to the memorialist, he
has

FOR ORDERS.

has stated that it was issued from his office on the 11th April last, and could have been received by the memorialist only on the day following (12th idem) - vide the collector's letter recorded in G.O. No. 1705 R.d. 6.12.98. The endorsement of the Private Secy. to H.E. the Governor transferring the memorial to this Office is dated the 2nd November 1898; and the memorial was probably received in the Private Secretary's office some days previously. In any case, it will be seen, the memorialist ~~could~~ could not have exceeded by more than ~~approximately~~ two weeks the six months' limit of time for appeal laid down in the Govt. of India Memorial Rules (vide rule 3, clause 10, of Section III). It is accordingly submitted that the memorial may be forwarded to the Govt. of India.

x The memorial is not dated.

* Please see docket of G.O. 7594/98 in G.O. 1609 d 17.11.98.

India.

It appears necessary to forward to the Govt. of India with the memorial the records connected with the matter of the encroachment on Govt. land, especially the record which the memorialist tampered with and the Chemical Examiner's report (Please see para 5 of G.O. No. 2010 5th April 1898). A draft O.M. calling for the necessary records from the Collector and District Magistrate of the Nilgiris, is submitted for approval.

Pl.
17/12/98

Secy.
11/12/98

Muliff

To Under Secretary.

The records called for in O.M. No. 48.7.1.99 have been received. (Vide C.M. 420 of 1899). A draft order and letter to the Govt. of

2.
of India are submitted
below.

Pl.
3.2.99.

Secy
11/2/88

Sp. send file to
Call Clerk
Pl.
7/1/99

For 82: place
9th January 1899

Read letter from N. Sundararam
Aiyer, late Dy. Tehsildar and
Sub-Magistrate, Botacannud,
d. 9.12.98, requesting the
transmission of a memorial to
the Govt. of India against his
dismissal (Cus. 8495/98).

O.M. No. 4

The Collector and the
District Magistrate of the Nil-
giris is requested to be good
enough to ~~submit~~ forward to Govt. at
an early date the file of
records referred to in para 28
of his letter d. 28th October 1897,
printed at pages 4-5 of Co.
No. 201 Revenue d. 5. 4. 98.

11/1/99

7-10

To the Col. and D. Magistrate
of the Nilgiris.

Pl.
11/1/99

Des. 10-1-99

26/11/99

Read petition from Mr. R. Ry
N. Sundaram Iyer, d. 9.12.98
(Cno. 8495/98)

P

P

P

" O.M. No. 4 d. 7.1.99.

" Letter from the Collector
of the Nilgiris d. 14.1.99.
(Cno. 420/99)

G.O. No. 121081 d. 11th March 99.

Ordered that

the memorial be forwarded
to the Government of
India and that the memo-
rialist be informed according
ly.

13/12/98

27/1/99

20.16.3.29.

20 the Memorialist. (Cno. 1)
Copy to the Board of Rev. d. R.

P.L.
32.99.

Dec. 16-3.99

H. E. the Governor
 S. J.

2. The conduct of the memorialist was reported to the Govt. by the Dt. Magistrate of the Nilgiris in Octr. 1897. The District Magistrate held him guilty of serious misconduct in the discharge of his magisterial duties in failing to order a post mortem examination on the body of a goldsmith whose death ^{had} occurred under suspicious circumstances. The District Magistrate ~~was satisfied that the~~
~~the same was not a case of~~
~~the same was not a case of~~, in reporting ^{the matter} ^{also} to the Govt. invited its attention to the unsatisfactory conduct

of the memorialist in ^{respect of} ~~reference to~~ cer-
tain revenue matters and ^{to} the orders
of the Board of Revenue in connection
therewith punishing him with suspen-
sion for a period of six months.

3. As regards the case of the gold-
smith's death, the Government, after
a careful examination of the record,
~~was unable to see any sufficient rea-
son to consider the case to have been
one of murder rather than of suicide,
and agreed with the District Magistrate~~
^{was seriously at}
that the memorialist ~~should certainly~~
^{have taken} the proper steps by a post
mortem examination and chemical analy-
sis to ascertain the real cause of
the death ~~and held that the memorialist's~~
^{it}
~~failure to do this was extremely negli-
gent.~~

4. As regards the case against the
memorialist in his revenue capacity,
the Govt. observed that the Board of
Revenue while practically convicting
the Dy. Tahsildar of attempting to
conceal an extensive encroachment on
a stream reserve and holding his con-
duct in this connection to be "de-
cidedly crooked" had ⁱⁿ punished him with
six months' suspension only. Prima
facie, it appeared to His Excellency
the Governor in Council that the
Board of Revenue had dealt with the
matter too leniently; and according
the whole case was fully and care

Para 1 of Es No 20105-4-98

Encl 16 in file B

Collier's P. No 31-7-97, para 3 (file B - encl 23)
Jah's letter d 30 11-96 - para 1 (file B - encl 11)

Where is the authority
in this?

Encl 2 in file B.

carefully reviewed.

5. The facts of the case ^{were for} ~~are~~ ^{to be}
followed

In his report dated the
26th October 1893, the Revenue In-
specter of the Todanad firka in the
Nilgiris District brought to the
notice of the Deputy Tahsildar (the
memorialist) that Messrs. Ebram Sait
& Co. ^{an influential firm of traders in} Ootacamund had encroached
on 1.58 acres of Govt. land classed
as stream reserve in Kaguchi village,
and had planted the land with coffee.
The Revenue Inspector stated that the
encroachment was ^a serious and of long-
standing ^{and} and recommended the im-
position of a prohibitory or penal
charge of Rs. 500 an acre and the
early removal of the coffee trees.
The Deputy Tahsildar did not send any
reply to the Revenue Inspector nor
did he submit the case for the orders
of the Collector ~~of the Nilgiris~~. He
would appear to have visited the vil-
lage on the 30th October 1893 and a-
gain on the 19th January 1894 on one of
which occasions he ^{states that he issued some} ~~ordered~~ the remov-
al of the encroachment and ^{asked that} some of
the coffee trees were ^{then} removed in his
presence. In his diary for the fort-
night ending the 28th February 1894,
the Revenue Inspector ^{reported herewith} ~~stated~~ that the
encroachment ^{site of the} ~~had~~ been visited by
him on the 16th idem and ^{found} that some of

of the coffee trees had ~~then~~ been removed. In his endorsement dated the 19th July 1894 forwarding the Revenue Inspector's diary to the Collector, the Deputy Tahsildar ^{intimated} ~~stated~~ that the encroachment in question had been removed ~~by the Revenue Inspector~~ and that no further action was necessary in regard to it.

6. More than a year afterwards, ^{as appears from} the Revenue Inspector's diary for the fortnight ending the 15th December

1895 ~~reported~~ ^{was} that the encroachment still ~~continued~~ ⁱⁿ exist. This diary was ~~forwarded~~ ^{forwarded by} the Deputy Tahsildar on the 4th January 1896 ~~to the Collector~~ ^{who} ~~forwarded~~ ^{it} to the Collector on the 29th Febry.

~~following~~ ^{without any remark} ~~on this point~~ ^{on this point} to the matter of the encroachment, notwithstanding the fact that he had previously reported ~~that the removal of the encroachment~~ ^{had been removed}. On the 13th Jan'y.

1896, i.e., between the date of the receipt by the Deputy Tahsildar of the Revenue Inspector's diary last referred to and the date of its despatch by him to the Collector, the Deputy Tahsildar, as he admits, inspected the encroachment and directed the village Karnam to submit a ^{formal} ~~Memorandum~~ ^{Memorandum} in the case, i.e., an intimation of the existence of the encroachment as ~~being~~ ^{unauthorised}. This ~~Memorandum~~ ^{Memorandum}

as p 3 of end 2 in file B

as appears from
encl no 3 in file B

Para 4 of the Dy. Tahsildar's letter d 30.11.96
(File B - encl 11)

submitted to the Deputy Tahsildar by the Karnam ^{did} not pass through the Revenue Inspector as it ought to have ^{of business} done ~~in~~ in the usual course, ~~and~~ ^{con-} tained ~~nothing~~ ^{nothing} that the encroachment was an old-standing one.

7. In the meantime on the 8th Feb'y. 1896, the occupiers of the ^{upon} ~~encroached~~ area submitted a petition to the Collector for the grant of a patta for the ~~land~~ ^{land}, but omit- ~~ted~~ ^{ted} all reference to the fact that the encroachment was ~~on~~ on a stream reserve and one that had been in ex- ~~istence~~ ^{istence} for some years. This petition was referred to the Deputy Tahsildar for report and was received by him on the 18th February 1896, ^{who took} but no immediate action ~~was~~ ^{was} taken thereon.

8. In his diary for the fortnight ending the 15th May 1896, the Revenue Inspector noted that the encroachment reported in his memorandum of the 26th October 1893 to the Deputy Tahsildar had not yet been vacated and that the encroachers ^{had} continued to ^{cultivate} ~~the land~~ ^{the land} year after year ~~from the~~ ^{from the} land. In forwarding the diary to the Collector the Deputy Tahsildar stated that ^a separate report would be submitted with regard to the encroachment. The matter attracted the notice of the Collector who on the 26th July 1896

File B - encl no 5

File B - encl no 6

of the
ter called for a full report and explanation from the Deputy Tahsildar as to the delay in the disposal of the matter since 1893 and directed the submission of the Revenue Inspector's report of the 26th October 1893 in original. The Collector's order reached the Deputy Tahsildar on the 28th July 1896. On the 1st August following the Deputy Tahsildar ^{replied} ~~submitted a report~~ to the Collector on ^{the subject of} the encroacher's petition for patta which had been, as stated in the preceding paragraph, referred to him for report on the 18th ^{when} ~~of Febr'y. preceding.~~ In making this report the Deputy Tahsildar could not but have been aware that the encroachment ^{under in question} ~~was reported~~ was none other than the long-standing encroachment ^{brayit to notice} ~~reported~~ by the Revenue Inspector with a recommendation of prohibitory charge and removal, which according to the Deputy Tahsildar's own statement in his remarks on the Revenue Inspector's diary for the fortnight ending the 28th Febr'y. 1894 had been removed, and on which he had promised in forwarding the Revenue Inspector's diary ~~of~~ for the fortnight ending the 15th May 1896 to submit a separate report. He however mentioned none of these matters, but merely reported that the land had been unnecessarily ^{classified as a stream} reserved and recommended that it should be ~~assigned~~

File B - encl. No. 7

29/
Part 15 of the Collis Process 1797
(File B - encl. No. 5)

By Sah's letter d. 21.10.96. File B encl. 9

By Sah's letter d. 30.11.96. File B Encl. 11

assigned to the ~~acher~~ at Rs. ~~an~~ an acre, with power of re-entry reserved to Govt. The Collector's suspicions were however aroused and he refused to pass orders on this matter, before the Deputy Tahsildar submitted the explanation called for ~~from him~~ on the 26th July 1896 ~~as to the delay in the disposal of the encroachment reported upon by the Rev. Inspector.~~ After the issue of reminders and warnings the Deputy Tahsildar sent on the 21st October 1896 a copy of the Revenue Inspector's report stating that the original ~~report~~ was missing from the records of his office and that he had obtained a copy from the Revenue Inspector himself. With reference to the Collector's call for an explanation the Deputy Tahsildar on the 30th November 1896 stated that his endorsement on the Revenue Inspector's diary for the fortnight ending the 28th February 1894, to the effect that the encroachment had been removed, was made on the strength of the assurance given by a partner of Messrs. Ebrah Saib & Co., and that he wished to inspect the ~~encroachment~~ again before formally reporting the case for the Collector's orders, but that the matter had somehow escaped his attention. The Collector ~~then~~ suspecting the good faith of the Deputy

8
Tahsildar ~~and began to~~ instituted an enquiry into his conduct. The original report of the Revenue Inspector was at length produced, and on examination the Deputy Tahsildar's endorsement thereon to the effect that the encroachment had been ^{removed} ~~removed~~ showed obvious traces of having been tampered with. Several witnesses were examined by the Collector I in January 1897, and shortly afterwards the Deputy Tahsildar tendered his resignation on the 14th idem.

10. The Collector thereupon submitted to the Board of Revenue a nomination for filling up the vacancy thus caused; but the Board wished to be informed of the circumstances under which the Deputy Tahsildar had tendered his resignation. The Collector replied that the Deputy Tahsildar gave no reason for his resignation, but that he had himself no doubt that the Deputy Tahsildar preferred not to await the result of the investigation which was being made as to his conduct. In the meantime the Deputy Tahsildar complained to the Board that the Collector had put pressure on him to force him to resign. Thereupon the Board of Revenue refused to accept the Deputy Tahsildar's resignation until the case against him had been fully investigated and instructed the Collector to ~~have the~~ proceed with

B.P. No. 39697 21.10.97 - para 4 - end 24 file B

Para 9 of the Magistrate's letter at p. 5

Paras 5+6 of B.P. No. 39697 d. 21.10.97
- File B. end No 24

11
Enclosure No 23 in the
file sent herewith

Enc. 17 in file B.

Encs. 19+20 in file B.

Paras 7-10 of B.P. No. 39697 d. 21.10.97
- File B. end No 24.

the inquiry ~~in~~ in accordance with the rules. The Collector after making a further investigation ^{into} ~~of~~ the encroachment case, the results of which will be found summarised in his Proceedings of the 31st July 1897, formulated the following specific charges against the Deputy Tahsildar on the 20 May 1897:-

(1) That he suppressed the fact of an encroachment on a Government stream reserve;

(2) that he falsely reported to the Collector on the 19th July 1894 that the encroachment had been removed and that no further action was necessary in regard to it; and

(3) that in defending himself he altered his endorsement on the Rev. Inspector's report dated the 26th Oct. 1893 which originally stood as "Filed - the encroachment has been removed" into "Filed for the present - the encroachment, the proprietor says, has been removed - I will inspect again"

The Collector after obtaining and considering the Deputy Tahsildar's explanation in answer to the above charges, held that they were fully proved and recommended his dismissal to the Board of Revenue.

11. The Board of Revenue found that there had been an encroachment by the ^{extension of} coffee plantation sometime before

193; that the Deputy Tahsildar after ascertaining that a few trees had been uprooted, had reported to the Collector in 1894 that the encroachment had been removed; and that subsequently, on the continuance of the encroachment being again brought to notice by the Revenue Inspector, he delayed settling the matter for an undue length of time and eventually recommended the grant of a patta. The Board of Revenue while holding that the alterations in the Deputy Tahsildar's Endorsement on the Revenue Inspector's original report of 1893 were ~~indeed~~ suspicious and that the Deputy Tahsildar's conduct in the matter was "decidedly crooked", considered it was not satisfactorily proved that the Deputy Tahsildar had tampered with the record, and directed that he be placed ^{under} suspension for a period of six months from the date of his proffered resignation. As the period of six months had expired before the issue of the Board's order, it directed the Deputy Tahsildar's reinstatement with arrears of pay. The Deputy Tahsildar was accordingly reinstated.

12. The examination of the case convinced His Excellency the Governor in Council that the orders of the Board of Revenue had involved a serious failure of justice and were in need of revision. On the facts even as found

by the Board the punishment of six months' suspension it had awarded the memorialist appeared to the Government to be unduly lenient inasmuch as the memorialist's conduct favoured an influential and wealthy party and the encroachment was one which required special attention as being on a ^{wooded valley} ~~which~~ which protected a stream. But it was further clear that the memorialist had made a statement which must have been absolutely false to his knowledge in endorsing on the Revenue Inspector's diary on the 19th July 1894 that the encroachment had been removed and that no further action was necessary in regard to it. And lastly, the Government had no doubt that the memorialist was proved to have been culpable in the more serious matter of tampering with the record, ^{by} ~~by~~ this endorsement at the end of the Revenue Inspector's report ^{of the} ~~at~~ the 26th Oct. 1893 in which the latter first brought the encroachment to the notice of the memorialist; the endorsement in question ~~was~~ ready as follows: "Filed for the present. The encroachment, the proprietor says, has been removed. I will inspect again". The ^{report of the} ~~examination of the~~ record made by the Chemical Examiner to Govt., as well as ^{the ocular} ~~a common~~ sense scrutiny of the writing, convincingly shows that the words "

* Encl (1) in file B.

Enclosure No 16 in the file sent herewith.

Paras 4+5 of 80/20. 2017 54 95

for the present", "the proprietor says",
"I will inspect again", were not written
at the same time as the rest of the en-
dorsement, but were subsequently added
thereto. The entry "no reply" in the
Taluk Register against the Revenue In-
spector's report confirms this view.
As it was quite certain that the en-
croachment had not been removed, it
was obviously to the interest of the
memorialist to show that he had not
declared that the encroachment had been
removed, but only that the "proprietor"
had told him so. The memorialist does
not deny that the endorsement in question
is in his handwriting, for he admits
that he originally wrote it in pencil,
but alleges that subsequently, finding
it somewhat smeared, ^{he} inked it over in
submitting the Revenue Inspector's re-
port to the Collector. In the light of
the evidence referred to above, the
memorialist's conduct in the matter of
the encroachment and his defence, His
Excellency the Governor in Council was
fully convinced that the memorialist did
alter his original endorsement on
the Rev. Inspector's report with the
object of concealing its falsity and
misleading the Collector as to the
memorialist's action in the matter.
3. The Deputy Tahsildar was accordingly
dismissed.
4. The memorialist now appeals to

Enc. 11(a) in file B.

*Vide page 12 of Enc. 18 in file B
- also paras 16 & 17 of the memorialist's
explanation 226797-Pp. 16-17 of
enc. No. 19 in file B.*

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the Govt. of India from the o
of his dismissal, but in doing
~~XXXXXX~~ adduces no facts or argu
which, in the opinion of this Go
tend to place his conduct in a mo
favourable light than before. I
therefore to add that His Excell
the Governor in Council has no re
mendations to make on the memor
ist's behalf.
15. I am, in conclusion, directed
to forward for reference ^A file of
records relating to the case of the
encroachment ^{is forwarded for use} and to request the fa-
vour of ~~his~~ return when no longer
required.

(Intld.)

N.E.M.

18/2/99.

S/B 47319

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misleading the collector as to the memorialist's action in the matter.
3. The Deputy Tahsildar was accordingly dismissed.
4. The memorialist now appeals to

When given for copying _____
When copied _____ } 189
When examined _____
When signed _____

READ AGAIN G.O., No. _____, DATED
189 .

CURRENT No.

ENCLOSURES TO G. 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.

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 1031-1032

DATED 11th March 99

[Despatch Abstract.]

Ordering that the memorial of ^{Mr. R. N.} Sundaram Iyer, late Dy. Tahsildar & Sub-magistrate of Cochin, appealing against the order of this Govt. dismissing him from the Service, be forwarded to the Govt. of India and that the memorialist be informed accordingly.

Letter.

Forwarding memorial from Mr. R. N. Sundaram Iyer, late Dy. Tahsildar & Sub-magistrate of Cochin, appealing against the order of this Govt. dismissing him from the Public Service.

C. P. Sundaram
Dy. Secy. to Govt. of India