

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 1356

DATED 7th April 99

[Despatch Abstract.]

Directing the re-instatement of A. Kuppuswami
Asan, late Forester, South Arcot district.

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 (1899) Department.

CURRENT No. 1714

Substituted copy sent

From



The Board of Revenue
Land Revenue
Madras

Order

Forest No. 154 Mire

G.O. 1356 Mire
7-4-99

Dated 7th March 1899.

Received 9th }

Registered 10th }

Enclosures -

Spare copies -

SUBJECT.

Submitting to Govt. letter from the
Collector of South Arcot District
that there is nothing further on the
record bearing on the appeal
preferred by A. Kappaswami
Asari, late Forester, South Arcot
Dist. and returning the records
relating thereto.

21/5/11

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue

(Land Revenue).

Forest No. 154 Misc., dated 7th March 1899.

Read Government Order, Revenue Department, No. 4231 Misc., dated 31st October 1898 and Ref. Forest No. 463, dated 5th December 1898.

Also endorsement of J. M. Cherry Esq., as. Conservator of Forests, Central Circle, dated 26th February 1899 No. 993 on letter from L. M. Wyndham Esq., as. Collector of South Arcot, dated 22nd February 1899, Ref. on L. No. 210/99 submitting the records connected with appeal of late Forester Kuppuswami Asari and stating that there is nothing further against on record in the matter of preferring false charge of the

Resolution

Submitted to Government with reference to its order No. 4231 Misc., dated 31st October 1898.

2. In that order Government requested

to report whether, besides the papers —
already forwarded to Government in con-
nection with the late Forester Kuppaswami
Asari's appeal against his dismissal, there
was anything further on record to substantiate
the conclusion that the appellant was —
guilty of making a false charge of
trespass. The Collector who has been addressed
the subject reports that there is nothing
further on record bearing on the point.

The records received with the G.O. under
reply are returned herewith.

(True Extract)

Lorne Davidson
As. Secretary.

Secretary to Govt. R.D.
with original records.

* Sent Separately

Revenue (1899) Department.

To be substituted for ¹⁷¹⁴ ~~1710~~ CURRENT No. ¹⁷¹⁴

From

The Board of Revenue

(Land Revenue.)

Order

FOREST No. 154 Univ.

Dated 7th March 1899.

Received 13th " "

Registered 14th " "

Enclosures —

Spare copies. —

SUBJECT.

Stating, with reference to G.O. No. 423/P
d. 21.11.98, that the Collector of S. Arcot
reports that there is nothing further on
record to substantiate the conclusion
that A. Kuppaswami Asari, late a Forester
in the district, was guilty of making
a false charge of trespass.

W
PE
1913

BACK PAPERS.

G.O.	No.	Department.	Date.
Go.	4231	Rev	31-10-98.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To be substituted for the one of the same date & number despatched on the 9th instant.

500
10-1-99.



Proceedings of the Board of Revenue (Land Revenue).

Forest No. 154 Misc., dated 7th March 1899.

Read Government Order, Revenue Department, No. 4231 Misc., dated 31st October 1898 and Reference Forest No. 463, dated 5th December 1898.

Also endorsement of J. W. Cherry Esq., ag. Conservator of Forests, Central Circle, dated 26th February 1899, No. 993 on letter from L. M. Wyndham Esquire, ag. Collector of South Arcot, dated 22nd February 1899, Ref. on Cur. No. 210/99 submitting the records connected with the appeal of late Forester Kuppuswami Asari and stating that there is nothing further against him on record in the matter of making a false charge of trespass.

Resolution

Submitted to Government with reference to its order No. 4231 Misc., dated 31st October 1898.

2. In that order Government requested the Board to report whether, besides the papers

already forwarded to Government in connection with the late Forester Kuppuswami Asari's appeal against his dismissal, there was anything further on record to substantiate the conclusion that the appellant was guilty of making a false charge of trespass. The Collector who has been addressed on the subject reports that there is nothing further on record bearing on the point.

3. The records received with the G.O. under reply are returned herewith.

(True Extract)

K. L. Swamika n. n.

for Ag. Secretary

11 MAR 1899

The Secretary to Govt., R.D.

with original records (already sent).

Third grade -
pay Rs. 15 p.m.

x Third grade - pay Rs. 15 per mensem.
(p. 28 of the list of Forest officers for April 1897 sent up).

Conservator's Proce d.

9-12-97. pp. 22-23 of file E

Para 2 of G.O. No. 4231
d. 31-10-98. P

Read again G.O. No. 4231
d. 31-10-98.

Read also B.P. Forest No. 154
d. 7.3.99 - Cus. 1714/99.

To Under Secretary.

In a petition dated the 13th June 1898, A. Kuppuswami Asari, late a Forester in the South Arcot district, who was suspended by the District Forest Officer with effect from the 1st April 1897 and was subsequently dismissed by the Conservator of Forests, Central Circle, with effect from the date of his suspension, appealed to Govt. against the orders of the Board of Revenue declining to interfere in his behalf. It was found that the chief charge upon which the appellant was dismissed was that he illegally impounded certain goats grazing on unreserved

unreserved land and falsely charged the grazier with trespass in a reserved forest. It was further found that the charge against the appellant was admittedly based on the evidence adduced at the trial of the grazier by the Sub-Magistrate of Chengam and on the remarks of the Magistrate in his judgment in the case. On an examination of the copies of the depositions and judgment submitted by the appellant, the Govt. was satisfied that the result of the trial did not establish the charge against the appellant but, before passing final orders on the appeal petition, requested the Board of Revenue to report whether there was anything further on record to substantiate the charge against the appellant.

In

Para 3 of G.O. 4231731-10-98.P

Para 4 of G.O. 4231731-10-98.P

Cus. 1714 of 1899.

In reply the Board of Revenue states that the Collector of South Arcot has reported that there is nothing further on record to substantiate the conclusion that the appellant was guilty of making a false charge of trespass against the grazier.

2. The question now for consideration is whether the appellant should be re-instated in his post with arrears of pay in full from the date of his suspension by the District Forest Officer, or whether any, and if so what, punishment should be meted out to him in view of the other charges against him.

3. In his Office-note dated the 21st Nov. 1897, the District Forest Officer, South Arcot, mentions four charges against the appellant, one of which, namely, that he made a false

Pp. 4-21 of file E - flag 4.

false charge of trespass against a certain grazer, has been, as ~~stated above~~ stated above, already held by Govt. not to have been established. The three other charges were:-

- (i) that the appellant was responsible for a sum of about Rs. 50, which was alleged to have been wastefully expended in connection with a certain demarcation work;
- (ii) that he acted contrary to orders in having allowed a forest guard to collect compensation money in a forest offence; and
- (iii) that he failed to impound the full number of goats found trespassing in a reserve and that he further falsified his offence reports.

4. Charge (i) above. - Bad demarcation work. The papers relating to this charge are in file B; the facts of the case are briefly set out in the District Forest

Pp. 5-11 of file E

Pages 5 & 10 of file E

Page 11 of file E

Conservator's Progs. 2 9-12-97
- p. 22 of file E.
- flag R.

Q Forest Officer's Office, note d. 21-11-97 referred to above. The District Forest Officer states that the charge against the appellant mostly depends on the reports made by the Range Officer, who it would appear was himself guilty of neglect of duty in failing to supervise the appellant's demarcation work and was therefore interested in shifting all the blame on to the appellant. The D.F.O. proposes that the excessive expenditure should be recovered equally from the appellant and the Range Officer, from the latter for failure to control ~~the work~~ and supervise the demarcation work and from the former for not personally looking after the work sufficiently and so expending extravagantly. The Conservator of Forests was apparently satisfied that

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that the real responsibility
lay with the Range Officer,
and while holding that
the rates charged by the
appellant were in doubt
excessive, ordered that half
the excess expenditure should
be recovered from the Range
Officer, the other half
being charged to the work.

5. Charge II - allowing
a forest guard to collect
compensation money in the
matter of a forest officer.

The papers relating to this
charge will be found in
file C. The facts were as
follow: On the 17th Jan'y 97
the Range Officer under
whom the appellant was
working, issued a circular
insisting ^{on} the necessity
of Sub-Range Officers in his
~~range~~ range collecting
compensation money
themselves, and not allowing
forest guards to do so in
the face of the standing
orders.

P. 5 of file C + para 2
of the Ro's letter d 17-5-97 - page 11
of file C.

P. 5 of file C.

P. 5 of file C.

Pp. 1-2 of file C.

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P. 5 of file C + para 2
of the Ro's letter d 17-5-97 - page 11
of file C.

P. 5 of file C.

* p. 8 of file C.

orders. It would appear that
on the 10th February 1897 the
a forest watcher in the
range under the appellant's
charge collected compensation
money in a certain case.
The appellant was the person
asked by the Range Officer
to explain why the forest
watcher was allowed to
collect the compensation
money. The appellant's ex-
planation was not submitted
till two months afterwards
in spite of several reminders
and was to the following
effect: - "I have given a
"compensation notice to the
"guard to the Chekka guard
"with my personal order to
"serve the notice within the
"valid time and order the
"party to pay the amount
"directly to me but the
"guard seems to have given
"the notice to the watch-
"man who seems to have collected
"the money and hence I have
to

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"to state that at the grand
"should be blamed on the
"matter". The D. F.O.'s opinion Pp. 13-14 of file C.

1 of the appellant's explana-
tion was as follows:—"The

"Forester's explanation is
"irrelevant and avoids the
"charge. He is clearly guilty

"of neglect of a general order

"by the Range Officer, and

"he aggravated the offence

"by his passive reply after

"a long delay and two

"reminders". In reporting

along with the other charges
the charge for the Conservator's

orders, the D. F.O. while

holding that the appellant

was to blame in the matter,

was of opinion that the

charge was ^{not} of a very serious

nature. The Conservator of

Forests held the charge

to have been proved.

Charge iii. Failure to

impose the full number

of goats found trespassing

in a reserved forest and

misrepresenting the total

number

July 1897

A
Vide his office-note d 21-11-97
- p. 12 of file E

R.
Vide his Progs. d 9-12-97
- p. 22 of file E.

Flag Q
Pp. 13-19 in file E.

p. 18 of file E

Flag R.
Vide Conservator's Progs. d 9-12-97
- p. 22 of file E.

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mentioned in the offence report.
The papers relating to the
charge are in file D. The
case is summarised in the
District Forest Officer's office
note to the Conservator d 21-11-97. The D. F.O., after
a full review of the papers
bearing on the charge, found
it difficult to form a de-
cided opinion either way.
The Conservator of Forests
held that the charge was
not clearly brought home
to the appellant.

7. Under paragraph 215 (b) of
the Civil Service Regulations,
if an officer dismissed from
office is reinstated on appeal,
the appellate authority may
grant to the officer for
the period of his absence
from duty—
(i) if the officer is hono-
rably acquitted, an allow-
ance equal to the full
salary to which he would
have been entitled if he
had

that continued to hold the
appointment from which
he was dismissed; or
(ii) otherwise, an allowance
equal to such proportion of
the full salary as aforesaid,
as the appellate
authority may deem expedient.

By order requested
as to the course to be fol-
lowed in the present case.

The appellant was suspended with effect
from the 1st April 1897 and his
dismissal took effect from
the date of his suspension.

The appellant's pay was Rs. 15
per mensem at the time
of his suspension. It may
also be stated that under the
orders of the Conservator
of Forests he was allowed
from the 1st April to the 8th
Decr. 1897* subsistence
allowance at the rate of
 $\frac{1}{4}$ of his pay.

Vide D. F. O's note d. 20-12-97 &
the Conservator's order thereon d.
5-1-98 - pp. 25-29 of file E.

R.
* The order of dismissal was passed
on the 9-12-97.

17.3.99
Ley
As already submitted
in the note to G.O. 42318
31 Oct 1898, the evidence

P

Recorded by the Submagistrate
at the trial of the charge of
bribe brought by the
present appellant is not
sufficient to justify the
finding that that charge
was false. And it is
mainly on the ground that
the appellant did make
a false charge of bribe
that he was dismissed.

The B? now reports that
there is no further
evidence against the
appellant than that
recorded by the Submagistrate.

The man has been
out of employ from
the 1st April 1897. He
got subsistence allowance
of Rs. 12 as per. to
the 8th Dec 1897.

Submitted that he
may be now reinstated
but granted only subsistence
allowance at the same rate
to the date on which he
rejoins duty.

He cannot be
considered honourably acquitted.

acquitted; for it is clear
that he did allow his
subordinates to collect
composition money in
disobedience of standing
orders & there is
a suspicion against
him both in respect
of the charge of trespass
and also in the matter
of his alleged failure
to impound the full
number of goats found
browsing in a reserve.

Me
20/3/88

Wm
24/3/88

Very well - The F.O.
had better set out that
the appellant is reinstated
on the ground that Govt
considers the main charge
against him to be
"not proven"; other wise he
is certain to come up
again for full pay.

To Under Secy.

Please see draft order
submitted below.

Wm
21/4/88

Levy

6/4/88

Mull
JF

1-4 p.p.

22/0/89
22/4/89

ppg/4/95

Revenue Department

Read again G.O. No. 4231, 1913
dated 31-10-98.

Read also B.P., Land Rev., Forest
No. 154, 1913, dated 7-3-99. (Cm. 1714/99)

G.O. No. 1256 of 7th April 1899.

As already indicated
in the order read again
above, the Govt. considers
that the main charge
against the appellant,
namely, that he brought
a false charge of trespass,
has not been proved. The
appellant, however, cannot
be honourably acquitted;
as it is clear that he
is guilty of the main charge that he
allowed one of his subordi-
nates to collect composi-
tion money in the matter
of a forest offence in
disobedience of orders; and
as moreover there is a
suspicion against him
both in respect of the false
charge of trespass referred
to above and in the matter
of

of his alleged failure to impound the full number of goats found browsing in a certain reserve. In the above circumstances, H.C. the Gov. in Council is pleased to direct that the appellant be re-instated in his post, ^{but he will be allowed} with arrears of pay at the rate of Rs. 3-12 only per mensem from the 9th Decr. 1897 to the date on which he rejoins duty, ^{it is noted that} the appellant ^{has} already drawn under the orders of the Conservator of Forests subsistence allowance at this ~~same~~ rate from the 1st April 1897, the date from which his dismissal took effect, to the 8th Decr 1897, both days inclusive.

2. With reference to his petition dated the 15th June last, the appellant will be referred to the Board of Revenue which has received orders on his case.

to
6/4/98 JH 6/4

20 to the B. of R., L.R., with the records retd. (P+O)
" " petr. (para 2 only)
Copy to the A. cell. Genl. (P+O)

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

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

CURRENT No. _____

ENCLOSURES TO G. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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