

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 16

DATED 4th January 99

[Despatch Abstract.]

Seeing no reason to interfere in behalf
of A. Krishnaswami Aiyangar, late 4th
Clerk, Dy. Collr's Office, Dindigul,
South Arcot Dt., in the matter of his
dismissal.

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

Judicial (1898) Department.

CURRENT No. 7880

From

The Board of Revenue,
Land Revenue,
Madras.

Order No. 106 of 4 Jan 1899.

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

(From orders)

11/1/99

Order

Dated 17th November 1898

Received } 18.11.98.
Registered }

Enclosures 38

Spare copies

SUBJECT.

To the B. of Rev. L.R. with encs.
Copy to the petr.

11/1/99

Submitting to Govt. memorial from
A. Krishnaswami Aiyangar, late 4th
clerk, Deputy Collector's office, Tiru-
koilur, South Arcot District, appeal-
ing against his dismissal.

11/1/99

BACK PAGE

G.O.	No.	Department.	
	2780		18-4-78

FURTHER PAPERS.

G.O.	No.	Department.	Date.

OFFICE OF THE BOARD OF REVENUE (LAND REVENUE),

Madras, 17th November 1898

READ— Endorsement of L.M.Wynch, Esquire, Acting Collector of South Arcot, Patn. Regr. No. 2925 of 1898, dated 27th October 1898 submitting the memorial of A. Krishnaswami Aiyangar, late fourth clerk in the office of Deputy Collector, General Duties, Tirukoilur Division, addressed to His Excellency the Governor in Council of Fort Saint George.

-----:O:-----

Reference No. 1297 dated 17th November 1898.

The memorial of A. Krishnaswami Aiyangar, late 4th clerk, Deputy Collector's office, Tirukoilur, South Arcot District, appealing against his dismissal from the service, is submitted for the orders of Government.

2. The memorialist was dismissed by the Collector, South Arcot, on the following charges:—

(1) that he was the author of a pseudonymous petition sent to the Board containing grossly defamatory and false statements against the Wuzur Sheristadar.

(2) that, while Special Fund clerk of the Collector's office he improperly secured the lodgment without disposal in the Cuddalore Taluk office of an official report which had brought to light the fact that a kainam had drawn pay for a period when he was on leave and was not entitled to any pay.

3. The first charge arose out of the receipt by the Board of a pseudonymous petition defaming the Wuzur Sheristadar, South Arcot District, which petition was transferred to the Collector for disposal. The Collector held an inquiry, and after a comparison of the writing and language of the petition with the writing and language of other documents admittedly written by the memorialist, and an examination of the ink and paper used, came to the conclusion that the memorialist

was the writer of the petition.

4. The delinquency covered by the second charge was brought to the notice of the Collector by the Assistant Collector. The memorialist, in explanation, said that the draft Endorsement in question, the writing of which he admitted, was prepared at the request of the Taluk Special Fund clerk who was unable to write English, and that he himself was quite unaware of its contents. The Collector declined to accept this explanation, holding that the memorialist's action in the circumstances clearly showed a dishonest intention and the Board has no doubt that the Collector's conclusion was correct.

5. Against the Collector's order the memorialist appealed to the Board and, his petition having been dismissed on the 14th October 1897 he now- on 20th October 1898 ^{appeals} ~~appealed~~ to Government.

6. The memorial contains no new material facts which call for special notice or tend to place the memorialist's case in a more favourable light than before and the Board has no recommendation to make on ^{his} behalf.

7. The memorialist is the same individual whose appeal against his reduction was dismissed by Government in Government Order No. 278 Rev. Mis., dated 18th January 1898.

Loxel Davidson

Acting Secretary.

To

The Secretary to Government, Revenue Department, with memorial records and enclosures.

Md. R. H.

J. S. A.

Petition Regr. No. 2925 of 98

To

HIS EXCELLENCY
SIR ARTHUR E. HAVELOCK, G.C.M.G., G.C.I.E.,
GOVERNOR IN COUNCIL OF THE PRESIDENCY OF
FORT SAINT GEORGE
MADRAS

The humble memorial of A. KRISHNASWAMI
AIYANGAR, Late Fourth Clerk in the
office of Deputy Collector, General
duties, Tirukoilur Division, South Arcot
District.

MOST RESPECTFULLY SHOWETH,

That your humble petitioner was holding the post of Fourth Clerk in the office of the General Duty Deputy Collector, Tirukoilur till 18th May 1897 when the Collector by his Proceedings * dated 13th May 1897 dismissed him from public service on two charges.

*Marked A

2. That thereupon, your petitioner appealed to the Honorable Members of the Board of Revenue who, in their Proceedings * No. 3869 Mis, dated 14th October 1897 (herewith appended) dismissed the appeal, declining to interfere on petitioner's behalf.

*Marked B

3. That petitioner now begs to approach Your Excellency in Council, with this petition, praying that under the circumstances set forth herein and in the appeal petition to the Board (herewith appended*), Government will be pleased to reverse the order of the Collector referred to above and restore him to his post.

*Marked C

4. Your petitioner begs leave to submit that the printed copy of his appeal petition to the Honorable Members of the Board of Revenue may be referred to and perused for a full explanation of the two charges brought against him by the Collector; and petitioner prays that in the disposal of this petition Government will be pleased to give due consideration to all that is against him, taking a dispassionate view of the whole matter.

5. The two charges are:—

(a) "that he (petitioner) is the author of a pseudonymous petition submitted to the Board containing grossly defamatory and false statement against the Huzur Sheristadar."

(b) "that he (petitioner) improperly secured the lodgment in the one disposal in the Cuddalore Taluq office of an official report, by drafting with his own hand the word "lodged" which the then Taluq Head Accountant initialled."

6. As to the first charge

Petitioner emphatically denies having anything to do with the pseudonymous petition in question and the grounds stated by the Collector are quite insufficient to establish the guilt of any person. These are fully discussed in the appeal petition to the Board. In support of his order and to prove that the two charges have been made out against the petitioner the Collector, in his letter forwarding petitioner's

appeal petition to the Board, makes certain statements and assign certain reasons which require some explanation.

7. In the first place, to show that he could have no prejudice against the petitioner, the Collector says in para 2 of his letter, that of the two charges, one "was initiated by the Assistant Collector, Cuddalore Division while the other was the outcome of an independent enquiry instituted by the Sheristadar". Petitioner most humbly submits, that at the time the two enquires are said to have been made, he was at Tirukoilur, doing duty in the General Duty Deputy Collector's office and was not aware of anything. Enclosures * will clearly show that petitioner was refused leave from 21st December 1896 till 18th May '97 in spite of his repeated applications for leave and made to remain at his post. The Collector while attempting to show there could be no prejudice on his part clearly exhibits his strong prejudice in para 3 of his letter. He says "he (petitioner) was offered an opportunity of an explanation before formal sentence was passed on him". This clearly proves that the Collector had prejudged petitioner and his mind was prepared to reject whatever petitioner could offer by way of explanation. In the same para (3), the Collector says "the records of the enquiry will show that he petitioner was proved to be the author of the cowardly petition on the strongest documentary evidence". Beyond the bare inferences from the alleged similitude in writing and the statement of the Sheristadar that petitioner must be the author of it, petitioner submits there is no evidence of any kind to convict him with the authorship of the petition in question; and yet, the Collector says there is the "strongest documentary evidence". What it is, it is hard to find out.

8. Secondly. To show that petitioner had bad feelings towards the Sheristadar, the Collector states certain circumstances which petitioner was quite unaware of and then says in his order "He had for years been trying to get the Sheristadar to take him into his department but in vain". In para 4 of his letter the Collector says "the word *him* referred to the petitioner, not as he supposed to the peon". Petitioner once again submits that he never entertained any ill feeling towards the Sheristadar. Petitioner had nothing to do with the peon and never tried for an appointment under the Sheristadar. Granting for argument sake, that the word *him* in the sentence above quoted refers to the petitioner it does not in any way make the petitioner's position worse. Why should there be enmity if as the Collector says the trial was "in vain"? At this rate, every person who tries for an office and fails to get it must be presumed to be in bad terms with the officer to whom he applied.

9. Thirdly. When referring to the paper and ink of the pseudonymous petition in question as evidence of petitioner's guilt the Collector in paras 6, 7 and 8 of his letter* says as follows:—(a) "The older form of Government paper merely have the impression of the water mark on one half of the sheet" and "a small supply of this paper was available till very recently in the office". (b) "In 1892 and for sometime subsequently the Special Fund Department supplied its own stationery. The petitioner who was Head Clerk therefore purchased the supply and for reason of his own supplied black, red, and violet inks." It will be seen from the Collector's own statement that the stationery of the Special Fund Department was supplied by the petitioner in 1892 and subsequently petitioner submits that till the close of 1894, all the special fund stationery were purchased by the petitioner in the local shops at Cuddalore. Petitioner therefore could have no access to Government paper till the close of 1894. At the beginning of 1895 the new form of Govt. paper bearing watermark on both half of the sheet was supplied to the S. F. Department as to other departments. Petitioner

was doing duty as Special Fund Head Clerk till 24th October 96 and as Fourth Clerk in the General Duty Deputy Collector's office, Tirukoilur from 21st December 96 till the date of his dismissal i.e. 18th May 97 where also the new form of paper was in use. Petitioner therefore submits he could have no access at any time to the old form of Government paper bearing water mark on one half of the sheet; and to the knowledge of the petition, there was no supply at all of this paper to the Special Fund Department or the General Duty Deputy Collector's office to which the petitioner was attached. It is simply strange that the petitioner should be supposed to have caught hold of this paper & the purpose of writing a pseudonymous petition. It will thus be seen that from this circumstance the writer of the petition in question cannot be the petitioner. In regard to the ink also, petitioner's supply to his department lasted till the end of 95. At the beginning of 96 Government supplied black ink as also paper which was the one in use till the petitioner was transferred to Tirukoilur where also black ink was the one in use. It is not true as the auditor is alleged to have said that the violet ink was discontinued at the instance of the Treasury Deputy Collector. The audit and second clerks who are stated to have said so have not been examined in the presence of the petitioner and have not been subjected to cross-examination. It will then be seen that petitioner was not "partial to violet ink" and that ink was not in use in the office at the time the pseudonymous petition in question is alleged to have been written. In fact it was discontinued long prior to that date. After all, violet ink is not such an uncommon article. It is obtainable in all shops and any person may have recourse to it. So it is most humbly submitted that nothing could be inferred from the nature and ink of the petition in question, adverse to the innocent petitioner.

10. Granting that petitioner "nearly always used this kind of ink (violet)" as stated by the Collector in para 10 of his letter is it probable that an "astute" aiyengar and "an adept" as observed by the Collector would have chosen to write in that ink whereby he could easily be detected? Is he the only person that could use violet ink? The Collector remarks in the same para "what looked like an innocent peculiarity was really a secret sign". What the "secret sign" it is not explicable nor is it stated by the Collector granting however that it was a "secret sign" is it in the least probable that petitioner would have ventured to make use of it in the pseudonymous petition in question and that at a time when he was reduced and has incurred the displeasure of the Collector. This is a point which the petitioner submits, the Government will deeply consider.

11. Fourthly;—Another ground on which the Collector connects petitioner with the authorship of the pseudonymous petition is this. "It was written about the same time as his appeal to the Board viz 7th January and the appeal of peon Munisamy" (para 10 of his letter). Petitioner has already submitted that he had nothing to do with peon Munisamy. As to the statement that the petition in question was written about the same time as his appeal to the Board i.e. 7th January 97. Petitioner begs to submit that is exactly the reason why the author of it is not and could not be the petitioner. Is it probable that a person appealing to the Board against the Collector's order would venture to send a pseudonymous petition at the same time damaging Collector's Sheristadar. What could be the advantage to petitioner by such a procedure? As a matter of fact, petitioner was at Tirukoilur while peon Munisamy was in Cuddalore sub jail.

12. Fifthly Then as to the similitude of the writing in the pseudonymous petition with the admitted writing of the petitioner. The Collector in para 10 of his letter says that certain words certain letters are similarly written and formed in certain

documents in the handwriting of petitioner and pseudonymous petition. The latter petition in question is not before the petitioner. The petitioner was not asked to explain the alleged similarities in the formation of words and letters and it is not unlikely that some words or letters will appear similar in different persons' handwriting. No inference could therefore be drawn from such circumstances even if they really exist. But petitioner most humbly submits that the Government will be pleased to make the comparison between the pseudonymous petition and the admitted writings of the petitioner and satisfy itself before coming to any conclusion in the point. In Section 6 of para 10 of his letter the Collector says "the style of the petitioner in his admitted documents is identical in that adopted in the pseudonymous petition and goes on to exemplify in terms" most humbly beg to bring the following to your honors gracious (favourable benign) consideration his partiality for words like consideration arrangement. As regards this point petitioner submits that above form of style is not peculiar to him alone and that almost all petition writers and even high educated men adopt this language when addressing Government officials in authority. It cannot be denied for a moment that the language and words pointed out above are commonly in vague in petitions addressed to high Government officials. The Collector says that from careful scrutiny he finds the similarity extends to the very words and phrases. Petitioner submits it is a thing that could be known only by scrutiny for which he is confident the Government will make in the interests of a fallen man. At the same time petitioner would submit it is not unusual to find similarity in words and phrases even in the writing of different person.

It is therefore submitted that all these are not safest and that an impartial examiner could not connect the petitioner with the pseudonymous petition.

13. As to the second charge

Petitioner submits his only fault if fault it could be was that he helped the Taluk pound gumastah in writing the word "lodged" in a village report as the latter was ignorant of English. Petitioner submits he never knew the contents of the report and had no other motive than to help a brother clerk at his request. Petitioner never intended to commit any fraud nor as he aware of any fraud; and it is not explicable how the intention of the petitioner involved any pecuniary loss to Government.

It is not as stated by the Collector, the petitioner's duty to check this work of the Taluk pound gumasta. In fact such reports always remain in the Taluk Office and are never despatched to the S. F. Department of the Collector's Office. The Tahsildar or the Head Accountant who are bound to check and initial it, is the persons responsible for the accuracy of the statements therein made. In fact petitioner had and could have nothing to do with the report in question. Merely because he wrote the word "lodged" for the Taluk pound gumasta at his request, petitioner could not be considered to have known its contents or the accuracy thereof. And it may be submitted that petitioner has already suffered for his imprudence in helping the Taluk Pound gumasta by his reduction from the post of L. F. Head Clerk to that of fourth clerk in the General Duty Deputy Collector's Office. Petitioner submits that he should not be punished twice for the same act. It is probably joined to the 1st charge, so petitioner presumes, to make it all the more stronger.

14. Petitioner therefore most humbly prays that Govt. will duly consider this petition along with the printed copy of the appeal petition to the Board and taking a liberal and impartial view of the whole matter laid before it, set aside the Collector's order of dismissal of a public servant of 15 years' standing and restore petitioner a poor and innocent man to his post.

For which act of kindness and charity petitioner will as in duty, bound
EVER PRAY.

Addalul
20 October 1898

A. Krishna Swami Aiyengar

Petition from A. Krishna Swami Aiyengar, late clerk, Dy. Collector's Office, Simkoiler, South Arcot, appealing against his dismissal.

D 2 1,000-7-9-98.

REVENUE DEPARTMENT.

Current No. 7880/98

From the Board of Rev. (Land Rev.)

No. 1297 Ref. Dated 17th November 1898.

FOR ORDERS.

The appellant, late a clerk in the Deputy Collector's Office, Simkoiler, South Arcot district, was dismissed by the Collector on certain charges of misconduct (Coll's Progs. d. 13.5.97 - pages 1 to 21 of file A). On appeal the Board of Revenue upheld the dismissal order (B.P. No. 3869 Mir. L. Rd. 14.10.97 - p. 43 of file A). The appellant now comes up to Govt. after the lapse of over a year, but does not give any reasons in explanation of his long delay in appealing.

2. Before noting on the facts of the case, it may here be stated that the ~~petitioner~~ appellant was

x The appeal is dated 20.10.98.

FOR ORDERS.

was reduced in Decr. 1896 from the post of Special Fund Head Clerk of the Collector's Office, South Arcot (pay Rs. 30 per mensem) to the 4th Clerk's place (pay Rs. 15) in the Dy. Collector's Office, Dimkobilur, on certain charges which arose out of his relations with the POUND GUNASTAT of the Cuddalore Taluk whom he had assisted in his office work notwithstanding that he himself was the clerk in the Huzur office who was responsible for the check and audit of that work. On appeal both the Board of Revenue and the Government declined to interfere in the appellants behalf. (L.O. 278 d. 18.1.98).

3. The charges on which the collector ordered the appellants dismissed are:-

(i) That he was the author of a pseudonymous petition

Para 3 of the Coll's Procs d.
13.5.97. pp. 3-4 of file A.

petition sent to the B.O.T containing grossly defamatory and false statements against the Huzur Shariqdar; and

(2) That, while Special Fund Clerk of the collector's office, he improperly secured the lodgment without disposal in the Cuddalore Taluk Office of an official report which had brought to light the fact that a Kammam had drawn pay for a period when he was on ~~leave~~ leave and was not entitled to any pay.

4. The first charge arose out of the receipt by the Board of Revenue of a pseudonymous petition* defaming the Huzur Shariqdar of the South Arcot district. Its petition was transferred to the Collector of South Arcot for inquiry.

* page 1 of file B

was R. A. Rajeswaraswami
of Avergal whose integrity
and character are too
well known to require
any defence.
(2) The paper on which peti-
tion A [the pseudonymous
petition] is written is
the second half sheet of
lyot paper, the first
half sheet bearing the
lyot water mark having
been apparently carefully
rejected. To still further
conceal the identity
of the paper used its
breadth has been carefully
narrowed by cutting off
part of the margin. The
author therefore was a
person who had access to
lyot paper and knew
its breadth and mark-
ings well. A. Krishna-
sawari Aiyangar [the ap-
pellant] had this facility
and knowledge.

(3) The pseudonymous petition
was

Para 6(b) of the Coll's Progs.
p. 10 of file A.
* p. 1 of file B.

Page 1 of file B.

Para 6(c) of the Coll's Progs.
p. 11 of file A.

Para 6(d) of the Coll's Progs.
p. 11 of file A.
* p. 1 of file B.

Para 6(e) of the Coll's Progs.
pp. 12-13 of file A.

⊗ p. 1 of file B.

was submitted to the court
at about the same time
as the appellant's petition
to the Board against his
reduction. It would also
appear that the submission
of the pseudonymous peti-
tion was synchronous with
that of the petition of one Muniswami
who was a friend of the
appellant and was known
to entertain ill-feeling
towards the Shastri. The
Collector considered that
this coincidence is signi-
fican

The
(4) the pseudonymous peti-
tion was written with
violet ink, ~~which~~ to which
the appellant was known
to be partial.

(5) The pseudonymous
petition is in English
and bears three signatures
in Tamil characters. The
Collector is of opinion that
a

8
A careful comparison of the handwriting of the pseudonymous petition with that of three other papers (one in English and ~~two~~ two Tamil) which are ~~also~~ admitted in the appellants' hand, leaves little room for doubt that, though some attempt at disguise ^{has} been made in the pseudonymous petition, the appellant is the writer of it as well as the three other papers. The Collector considers ~~that the general~~ ^{that the general} similarity is at once obvious and that a comparison of certain particular words and letters in the pseudonymous petition with the same words and letters in the three other papers referred to shows that they are almost stroke for stroke, letter for letter, identical.

It will be seen from the stamp ~~at the~~ at the

(1) p. 1 of file B.

(2) pp. 7-8, 11 and 12 of file B.

* The letters and words are marked with a double line in blue chalk.

9
x p. 1 of file B.

* pp. 7-8 of file B.

⊗ Pages 14-21 of file B.

p. 1 of file B.

the top of the pseudonymous petition that it was received in this court's office on the 7th January 1897. It was therefore written probably a few days before that date. The appellants' letter (in English) chosen for comparison with the pseudonymous petition is, it will be observed, dated the 31st July 1895. It is not understood why a writing nearer in point of time to the date of the pseudonymous petition ^{was} ~~could~~ not chosen for comparison therewith. Attention is in this connection invited to several letters [⊗] (dated between the 20th June and 10th May 1897) which ~~were~~ ^{were} written by the appellant and are among the papers now before you. It is submitted that the handwriting of the pseudonymous petition bears

10
has not a little resemblance
that of the appellant's
letters just referred to. It
would only appear that,
as is but natural, the
pseudonymous petition is
in a ~~at~~ somewhat dis-
guised handwriting.

7. The other charge against
the appellant remains
for consideration. The
delinquency covered by
this charge was brought
to the notice of the
Collector by the Asst.
Collr. (vide the latter's
letter d. 18.4.97 - p. 15-17 of
file C). The appellant,
in explanation, said that
the draft endorsement
in question, the writing of
which he admitted, was
prepared at the request
of the Ponds gumastah
who was unable to write
English and that he
himself was quite

unaware

Vide para 3 of this note.

* please see especially para 9.
- pp 16-19 of file C

* p. 19 of file C.

⊗ This is at p. 12 of file C.

Vide the Collr's Progs. d. 13.5.97
p. 19 of file A.

Please see in this connection
the portion marked with blue
chalk at p. 4 of the notes
sketched with Co. 278 d. 15.1.96.

I did say
"based on a comparison
of hand writing"

11
unaware of the contents of
the paper on which the
disposal was written.

The Collector declined to
accept this explanation,
holding that the appellant's
action in the circumstances
clearly showed a dishonest
intention. It is submitted
that in view of the suspicious
relations which existed
between the appellant while
he was the Special Fund
Clerk in the Collector's Office
and the Ponds gumastah,
the Collector was right in
holding that the appellant
had a dishonest intention
in writing the endorsement
in question.

8. Orders are requested.

Pl.
15.12.98.

Secy

Leaving out of
consideration the nature
of the pseudonymous peti-
as based on suspicion
or, the 2nd charge of
breaking a report
regarding about the

Karuncus has seems
to be clearly proved.

This alone will
submit justify the
dismissal.

Submitted
that Govt should not
interfere on 2nd appeal

He
14/11/98
H. M. G. 17/12/98

I cannot
11/12/98
17-12-98

To Under Secy.
Please see draft
order submitted on the
docket of the current.

He
3/11/99
J. M. G.
4/1/99

c 16.12.98. an
12.24/12/98

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.

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.