

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 1929

DATED 30th May 99

[Despatch Abstract.]

Stating that the Government
sees no grounds for reopening the Case of
M. Ramaswami Aiyar, late Treasurer,
Collector's office Trichinopoly.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cero	3287		199.				

Revenue (189⁹) Department.

CURRENT No. 3127

27/01/57/5

Rev also Cw 2625/99th May '99

Hu. Order mis.

26-5-88

The for sees no ground for reopening the petitioner's case

27/19/57/5

From

The Board of Revenue, Land Revenue, Madras.

E No. 23 Ref.

Dated 9th May 1899

Received 11th

Registered 12th

Enclosures //

Spare copies

SUBJECT.

Submitting to Government memorial from M. Ramaswami Aiyar, late Treasurer, Collector's office, Trichinopoly, praying for reinstatement.

To the B. of Rev. L.R. }
" " petr. with encs. } 2.6.99

27/19/57/5

BACK PAPERS.

G.O.	No.	Department.	Date.
Go	3806	Rw	23.9.96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

OFFICE OF THE BOARD OF REVENUE (LAND REVENUE).

Madras, 9th May 1899 189

READ— Endorsement of J.H. Robertson Esquire, Acting Collector of Trichinopoly, Endt. on Petn. No. 601/Rev. of 1899 dated 20" April 1899, submitting with remarks the petition of M. Ramaswami Aiyar, late Treasurer, Collector's office, Trichinopoly requesting to reconsider the order of the Government dated 23rd September 1896 No. 3806 Mis. refusing to grant him pension

Reference No. 23 dated 9th May 1899. 189

The Board submits for the orders of Government a memorial from M. Ramaswami Aiyar, late Treasurer, Collector's office, Trichinopoly, praying for the review of the orders passed in Government Order No. 3806 Misc. Rev. dated 23rd September 1896 declining to interfere in the matter of the memorialist's dismissal from the service.

2. The facts of the memorialist's case are well known to Government and it does not appear necessary for the Board to enter into them. The statements in para 9 of the memorial however call for remarks.

3. The memorialist apparently wishes it to be believed that his dismissal was based on the theory that there was a chronic deficit in the Treasury balance. This statement, the Board observes, is not correct. The grounds which led the Board and the Collector to arrive at the conclusion that the memorialist was guilty of the misappropriation of Government treasure entrusted to his custody are set out in para 4 of Board's Proceedings No. 3007 Mis. dated 17th June 1895. The existence of a chronic deficit was not one of those grounds, and hence the fact that the theory of such a deficit was subsequently abandoned does not affect the memorialist's responsibility for the specific misappropriation for which he was punished.

info 3806
23.9.96
(in compliance)

4. The memorialist also refers to the revised orders passed by Government in regard to the Deputy Collector M.R.RY.A.Krishnaswami Aiyar, in Government Order, No.1030 Rev., dated 9th December 1897. As will be seen from para 3 of that Government Order the substance of the indictment against that officer was quite different from the charges against the memorialist, being confined to responsibility for delay and the supposed laxity of supervision which rendered the memorialist's misconduct possible. The revised orders passed in the case of the former officer in no way tends to exonerate the latter.

5. The memorialist has not adduced any considerations which would warrant a reopening of his case, and the Board has no recommendation to make on his behalf.

Ld. Swamikannu

For Acting Secretary.

To
The Secretary to Government, Revenue Department, with memorial & enclosures.

9 MAY 1899

Md.R.H.

To

His Excellency the Right Honourable
SIR ARTHUR ELIBANK HAVELOCK,

G.C.M.G., G.C.I.E.

Governor-in-Council, Fort. St. George,

Through The Collector of Trichinopoly. Madras.

The humble review appeal petition of M. Ramaswamy Aiyar, late Treasurer of the Collector's Office, Trichinopoly on the orders of Government dated 23rd September 1896. Mis No. 3806.

MOST RESPECTFULLY SHEWETH,

1. That the humble memorialist was in Government service for over 34 years and during the last 13 years of that period he served as Treasurer of the Collector's Office, Trichinopoly. That, during the period of his long service, he served under different Collectors among whom Messrs. Whiteside, Pennington, Webster, Sewell and many others formed high opinion of the memorialist as will be seen from the accompanying copies of testimonials granted by them. That the memorialist was, however, dismissed from service on mere suspicion in connection with the defalcation of Rs. 2,449-14-6, that occurred on 3rd April 1895.

2. That the facts relating to the dismissal of the memorialist are as detailed below: That in April 1895 there were 2 defalcations in the Trichinopoly District within a short period. That the first defalcation was in the Huzur Treasury of which the memorialist was in charge as Treasurer.

3. That Mr. Andrew, the then Collector of Trichinopoly, having proceeded on leave, Mr. Rawson who succeeded him in that office, examined the cash balance on the 3rd April 1895 and certified the same to be correct. That, the memorialist having accompanied Mr. Rawson for about 4 hours to assist that gentleman in the examination of the strong room, he found at the close of the day that a sum of Rs. 2479-14-6 was missing and forthwith the memorialist himself reported the matter to the Treasury Deputy Collector who, on his return from the Railway Station, where he had been to see Mr. Andrew off, personally investigated the matter and took a written statement from the memorialist that he would be responsible for the deficiency. That, on the day following the memorialist made good the deficit, but could not inform the Treasury Deputy Collector of it, as he originally intended to do, as he was

much confused at seeing the Collector and the Superintendent of Police with the Deputy Collector. That the memorialist, however, subsequently admitted to Mr. Rawson that the amount had been made good by himself.

That the memorialist, as already alleged failed to inform the Treasury Deputy Collector and the Collector forthwith of the deficit having been recouped by him because the presence of the Police Superintendent naturally made him fear that he might possibly be arrested and remanded to take his trial. That, although the memorialist had nothing to be afraid of or uneasy on the score of the outcome of a criminal prosecution against him, he abhorred the very idea of his having to be tried for defalcation and of being talked about in that connection. That further he had always recognised that, by virtue of his position as Treasurer, he was responsible to Government for the deficit as all the money in the Treasury was under his custody, and that, as he was also aware, that in case the real culprit be not traced out, the amount would be recouped from his security, he thought the sooner the deficit was made good, the better.

4. That the Collector, on the other hand, imputes the misappropriation of the amount to the memorialist and bases his opinion on the following grounds.

(a) The memorialist would not have made good the deficit if he had not embezzled the money himself.

(b) The memorialist did not admit his having recouped the amount until the Police Inspector had traced the notes to a near relation of his.

(c) The memorialist had his security attached by the Civil Court for a Judgment debt of Rs. 3,000 and odd.

5. The first of the grounds relied on by the Collector is more of a conjecture than an ascertained fact. That neither the Collector nor the Board has attempted to reconcile the theory of embezzlement by the memorialist with the fact of his having voluntarily reported the deficit to the Treasury Deputy Collector. That the memorialist had neither anything to gain nor any motive that could have prompted him to report the matter to the above officer. That, if, as suggested by Mr. Elwin, the money had been misappropriated by the memorialist to meet certain emergent demand, with the hope of his being able to recoup the money in a day or two, it would have served his purpose best not to have reported the matter at all to the Treasury Deputy Collector especially as only on the forenoon of the same day the balance on hand had been certified by the Collector to have been correct.

6. That, as regards the second of the grounds on which the theory of misappropriation is based, the memorialist begs to assure Your Excellency in Council that he had not the slightest knowledge of the Police Inspector having traced the notes to a near relation of his and that he had not any means of knowing of the interview the Police Inspector is said to have had with the Collector. That on this point also as well the opinion of the Collector is not based on evidence of any definite character. That the Collector had only to surmise that the memorialist should have become aware of the notes having been traced before he admitted that he had recouped the deficit.

7. That the Collector, while admitting that the order of attachment of the security lodged by the memorialist was received from the Civil Court two or three days after the deficit had occurred, thinks that the memorialist should have been already aware of the attachment order having been issued by the court. That this again is only a belief on the part of the Collector not founded on facts. That the memorialist had no knowledge of the order of attachment issued by the Court until it was received by the Collector and made known to the memorialist through the Treasury Deputy Collector.

8. That it will be observed that concerning all the grounds on which the theory of misappropriation by the memorialist has been made to rest, there is a good deal of doubt and uncertainty even from the point of view of the Collector, and not even one of them has been established on facts existing beyond the region of doubt. And that instead of the benefit of the doubt being allowed to the memorialist every circumstance of a doubtful nature has been so strained and distorted as to work the maximum of injury possible to the memorialist.

9. That the Board of Revenue, to whom an appeal was submitted, instead of looking at the matter from the point of view of an appellate authority, rejected the appeal on the ground that the dismissal of the memorialist was ordered by the Collector with their approval. That the memorialist was hence denied the benefit of an appeal to that body. That in this connection the memorialist begs to submit that the approval of the Board was obtained by the Collector Mr. Elwin on the strength of a theory that there should have been a chronic deficit in the memorialist's balance. That this theory, however, having been exploded by Mr. Andrew, to the satisfaction of the Board and also of the Government as the memorialist has learnt from hearsay, Mr. Krishnaswamy Iyer who had been the Treasury Deputy Collector at the time of the deficit and who had been granted a reduced pension of Rs. 175 per mensem, has since been allowed his full pension of Rs. 200. That the memorialist would, under the circumstances, pray that the approval of the Board obtained on the strength of the theory of chronic deficiency should be now declared void since that theory had been refuted.

10. That, in Para 10 of the rules laid down by the Government of Bombay for the punishment of public servants charged with misconduct, in its proceedings communicated with G. O. No. 2290 Public dated 3rd December 1883, it is stated that, if a man has earned or nearly earned his pension, his would not be a proper case for removal on suspicion. That "he would necessarily be an old servant of Government who has reached a time of life, when it would be most improbable that he could turn to any other occupation for livelihood." That for the sake of ready reference an extract of the para referred to above is given below.

10. "The possibility of men being removed from the public service on mere suspicion suggests the difficult question of the moral liability of Government in such cases to make compassionate allowances. It has been decided and the Governor in council thinks rightly that the admission of such liability would work mischief to the public service in its general effect. But if a man has earned, or nearly earned his pension his would not be a proper case for removal on suspicion. He would necessarily be an old servant of Government, who has reached a time of life when it would be most improbable that he could turn to any other occupation for a livelihood. The sudden beggary of a man whose working days are drawing to a close is as serious an exercise of power as the penal sentence of the Court of Justice and should not be inflicted on haphazard principles. The pension rules, moreover, provide that a portion of the pension may be withheld from those whose service has not been entirely approved."

Revenue (1899) Department.

CURRENT No. 2625

11. That in conclusion the case of the memorialist is one falling within the scope of the orders quoted above, and that, as he has been sufficiently punished by having recouped the deficit, he begs that the Government will be pleased to take a merciful view of his case and retire him on pension without letting adrift and unprotected an old man who has served the Government conscientiously for 34 years and has always won good opinions from his superiors as will be seen from his testimonials. For which act of benevolence and charity Your Excellency's memorialist shall, as in duty bound, ever pray.

Remuneration
Late Treasurer Collector
office Trichinopoly
17th April 1899

Endorsement on Petition No. 601 of 99
Rev
Decd 22nd April 99

Submitted.

2. no new grounds have been shown
for reconsidering the order already
passed.

Trichinopoly }
Collector's office }
Camp Perambalur }
20th April 1899 }
g. C. M.
20/4/99

*30 minutes receipt
of the original petn*

20/4/99
Order

From M. Ramaswami aiyar
Late Treasurer,
Collector's Office
Trichinopoly

No.

Dated 17th April 1899

Received 18th do

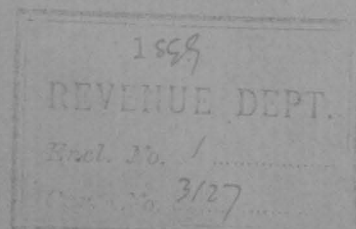
Registered 20th do

Enclosures

Spare copies.

SUBJECT.

Requesting Govt. to take
a merciful view of his case
in connection with the
Trichinopoly defalcation &
to retire him on pension after
considering his age & long
service.



20/4/99

BACK PAPERS. ○

G.O.	No.	Department.	Date.

FURTHER PAPERS

G.O.	No.	Department.	Date.

PETITION

6246

DUPLICATE

To

His Excellency the Right Honourable
SIR ARTHUR ELIBANK HAVELOCK,

G.C.M.G., G.C.I.E.

Governor-in-Council, Fort. St. George,

Madras.

The humble review appeal petition of M. Ramaswamy Aiyar, late Treasurer of the Collector's Office, Trichinopoly on the orders of Government dated 23rd September 1896 Mis No. 3806.

MOST RESPECTFULLY SHEWETH,

1. That the humble memorialist was in Government service for over 34 years and during the last 13 years of that period he served as Treasurer of the Collector's Office, Trichinopoly. That, during the period of his long service, he served under different Collectors among whom Messrs. Whiteside, Pennington, Webster, Sewell and many others formed high opinion of the memorialist as will be seen from the accompanying copies of testimonials granted by them. That the memorialist was, however, dismissed from service on mere suspicion in connection with the defalcation of Rs. 2,449-14-6, that occurred on 3rd April 1895.

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much confused at seeing the Collector and the Superintendent of Police with the Deputy Collector. That the memorialist, however, subsequently admitted to Mr. Rawson that the amount had been made good by himself.

That the memorialist, as already alleged failed to inform the Treasury Deputy Collector and the Collector forthwith of the deficit having been recouped by him because the presence of the Police Superintendent naturally made him fear that he might possibly be arrested and remanded to take his trial. That, although the memorialist had nothing to be afraid of or uneasy on the score of the outcome of a criminal prosecution against him, he abhorred the very idea of his having to be tried for defalcation and of being talked about in that connection. That further he had always recognised that, by virtue of his position as Treasurer, he was responsible to Government for the deficit as all the money in the Treasury was under his custody, and that, as he was also aware, that in case the real culprit be not traced out, the amount would be recouped from his security, he thought the sooner the deficit was made good, the better.

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9. That the Board of Revenue, to whom an appeal was submitted, instead of looking at the matter from the point of view of an appellate authority, rejected the appeal on the ground that the dismissal of the memorialist was ordered by the Collector with their approval. That the memorialist was hence denied the benefit of an appeal to that body. That in this connection the memorialist begs to submit that the approval of the Board was obtained by the Collector Mr. Elwin on the strength of a theory that there should have been a chronic deficit in the memorialist's balance. That this theory, however, having been exploded by Mr. Andrew, to the satisfaction of the Board and also of the Government as the memorialist has learnt from hearsay, Mr. Krishnaswamy Iyer who had been the Treasury Deputy Collector at the time of the deficit and who had been granted a reduced pension of Rs. 175 per mensem, has since been allowed his full pension of Rs. 200. That the memorialist would, under the circumstances, pray that the approval of the Board obtained on the strength of the theory of chronic deficiency should be now declared void since that theory had been refuted.

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For which act of benevolence and charity Your Excellency's memorialist shall, as in duty bound, ever pray.

17th April 1899

Ramaswami Iyer

*Late Treasurer Collector
Office Trichinopoly*

Revenue Department

- (1) Petition (duplicate) from
M. Ramaswami Iyer, late
Treasurer, ^{Trichinopoly} ~~Madras~~ Collector
d. 17.4.99. (Ces. 2625/99)
- (2) Board's Progs. (L.R.) E. No 23 Ref
d. 9.5.99 forwarding the
original petition.

To Under Secretary.

The petitioner requests a reconsideration of G.O. No. 3806 d. 23.9.96 in which the Govt. declined to interfere with the orders of the Collector of Trichinopoly dismissing him from the public service on the ground of his implication in a certain defalcation in the Huzur Treasury. Attention is solicited to the notes stitched with the G.O. referred to, in which the facts of the case will be found set forth and examined. It will be seen that the Govt. did not go into the question as to whether the

x in compl. cover.

Pages 12-13 & 3 & 4 of the
notes under G.O. $\frac{3806}{23.9.96}$.

petitioner embezzled the money, but declined to interfere in his behalf in view of the ground that on his own admission he was guilty of surreptitiously making good the deficit in the treasury and of concealing the fact that he had done so for ~~several~~

several days, as a result of which the detection of the culprit, whether himself or another, was rendered impossible. The Hon. Member (the late Mr. Lyse), while considering that in view of the petitioner's long service and position, the punishment of dismissal was a very severe one, held that it was fully deserved.

The present review petition is submitted more than two years after the order of Govt. declining to interfere in the pet's behalf. Apart from this consideration, it is submitted that the

petitioner has not adduced any grounds which he has not already urged in his previous petition and which call for a review of his case. It is accordingly submitted that the Govt. may decline to reconsider the orders already passed.

P.L.
17/10/99

Secy

Submitted. The Bd has no recommendation to make on the petitioner's ^{behalf}. It is clear I submit that the petition is submitted merely because the punishment awarded to the P.D.C. (on totally different grounds) has been subsequently revised as it was ^{on further examination} ~~found~~ ^{to be} undeserved.

H.M.
18/10/99

The Govt will decline to reopen the case, as no sufficient grounds are shown?

yes H.M.
26-5-99

Dept. on order 8/12/99

C-19/5
12/29/5

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

189

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

, DATE _____

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.
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- Q = Copy heading only.