

Revenue (1898) Department.

PRESS SERIES.

G.O., No. 201

Dated 5th April

[Despatch Abstract.]

M. R. Raj. N. Sundaram Aiyar, Deputy Tahsildar & Sub-
Magistrate, Pottacamund - Dismissing from the
Militia Service, with effect from 5th April 1898.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C No 3998/90 27.15 27-6-98				C No. 8495/98			

Goverment (1898) of Madras. REVENUE.

Proof submitted
for the undersigned
approval
22.11.98

Appd as altered
4

~~CONFIDENTIAL.~~

Secy
keep this in
kept confidential
I think it is made
necessary in
the
27/11/98

Recd.

Enclosures

Regd.

1898.

Spare copies

G.O., No. 201, 5th April 1898.

APRIL.

Confidential
Com. sent
down for signature
28.4.98

M.R.Ry. N. Sundram Aiyar, Deputy Tahsildar and Sub-Magistrate,
Ootacamund.

Dismissing from the public service, with effect from 5th April 1898, —.

CONFIDENTIAL

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Encl no 2499 Jutt 9723-1-98 transferring

READ—the following letter from J. H. A. TREMENHEERE, Esq., District Magistrate, Nilgiris, to the Chief Secretary to Government, dated Ootacamund, 28th October, 1897, Ref. on G.B. No. 78/97.

I have the honour to bring to the notice of Government what seems to me to have been serious misconduct on the part of M.R.Ry. Sundram Aiyar, lately Sub-Magistrate of Ootacamund.

2. A goldsmith was taken to the hospital with all the symptoms of arsenical poisoning. Before he died, the only explanation he could suggest for his having been poisoned was that he might have eaten without washing his hands after working with some arsenic in his trade. The explanation was clearly inadequate, and it was the obvious duty of the Sub-Magistrate to order a *post mortem* and urge the police to trace out what appeared to be a murder.

3. Instead of doing so, he ordered the police to hand the corpse over to the relatives, and the matter dropped.

4. Hearing of this, I had to order exhumation, and the Chemical Examiner found in deceased's stomach no less than 8 grains of arsenic.

5. Owing principally in my opinion to the delay caused by the Sub-Magistrate's action, the police never succeeded in tracing who had administered the arsenic.

6. I called upon him to explain how he came to order the police to hand over the corpse to the relatives and thus practically stifle inquiry. In his explanation forwarded herewith (exhibits 16, 17 and 18—file A) he quoted the statement of the deceased to the apothecary, along with other utterly unconvincing facts, and justified himself by saying that he believed it to be a case of suicide. Of course the statement to the apothecary did not point to suicide (though it might be some slight evidence of accidental death), and even if suicide had honestly been suspected that would not have absolved the Sub-Magistrate from his duty of ordering a *post mortem*, or justified him in allowing the body to be buried. But in fact everything in my opinion pointed to murder.

7. This seems to me to have been such serious misconduct on the part of the Sub-Magistrate that it is my duty to bring it to the notice of Government.

8. The conduct of Sundram Aiyar has in other respects been unsatisfactory. In the enclosed file B I sent him up to the Board of Revenue for dismissal (a) for suppressing an important encroachment, (b) for falsely reporting its removal, (c) for fabricating false evidence in an official record. In the enclosed Proceedings of 21st October the Board has found him guilty of "crooked conduct" as to the first and second charges, and ordered his suspension for six months. The third charge had in my opinion been abundantly proved by all the circumstances of the case, and by the detailed scientific examination of the official record by the Chemical Examiner (exhibits 15 and 16—file B). The Board considered the alterations to be suspicious, but found the charge not satisfactorily proved, and reinstated Sundram Aiyar with back-pay. I may, perhaps, be allowed to remark in passing

that the Board gave no reasons for this last decision, and did not communicate it to Government under paragraph 10 of Board's Standing Order No. 244 (as revised in G.O., No. 768, Revenue, dated 2nd September 1893).

9. I must now explain the delay in making this reference to Government. My inquiries into the poisoning case had not been concluded on 14th January, on which date Sundram Aiyar resigned the public service, his resignation being accepted by me. He subsequently petitioned the Board to be allowed to withdraw his resignation, but again withdrew this petition. So far as I know he has not again changed his mind. His place in the public service has been filled up since January, the Board postponing passing orders on his resignation until the results of the revenue inquiry against him should be reported. I have all along been under the impression that he would be dismissed or at least that his resignation would be accepted (he has since taken up a municipal contract and, I believe, been engaged in a livery stable business). He has not been dismissed and nothing has been said about his resignation. The receipt, therefore, of the Board's Proceedings is the first opportunity I have had since his resignation on the 14th January to report his misconduct in the poisoning case. By this misconduct, coupled with his suspicious conduct in the cases submitted to the Board, I think that he has shown himself too untrustworthy for retention in the Government service. At least I pray that he may be transferred to another district. In pursuance of the Board's instructions, I have issued orders to reinstate him, but pending this reference I consider it inadvisable that he should take up magisterial cases.

10. Enclosures (two files) as per lists are herewith submitted.

~~READ—endorsement No. 2400, Judicial, dated 29th January 1897.~~

READ—the following Proceedings of the Board of Revenue (Land Revenue), Mis. No. 4547, dated 29th November 1897:—

Read—letter from J. H. A. TREMENHEERE, Esq., Collector of Nilgiris, to the Secretary to the Commissioners of Land Revenue, Ref. on G.B. No. 78/97, dated 4th November 1897.

Resolution—Mis. No. 4547, dated 29th November 1897.

Submitted to Government.

2. M.R.Ry. N. Sundram Aiyar, Deputy Tahsildar of Ootacamund, Nilgiri district, tendered a resignation of his appointment on 14th January 1897, and the Collector thereupon submitted to the Board a nomination for filling up the vacancy so caused. The Board inquired under what circumstances the Deputy Tahsildar had tendered his resignation. The Collector replied that M.R.Ry. Sundram Aiyar had "given no reason for resigning the public service," but that he (Mr. Tremenhoeere) had no doubt that the Deputy Tahsildar had preferred not to await the result of an investigation, which was being instituted, in regard to his conduct in connection with an encroachment on Government land. In the meantime, the Deputy Tahsildar complained to the Board that the Collector had put pressure upon him to resign. The Board thereupon refused to accept the Deputy Tahsildar's resignation until the case against him had been fully inquired into, and instructed the Collector to have the inquiry conducted in accordance with the rules. After a delay of nearly five months the Collector recommended the Deputy Tahsildar's dismissal from the public service. The Board, for the reasons recorded in its Proceedings, Mis. No. 3969 (Confid. No. 139), dated 21st October 1897, considered that the ends of justice would be satisfied by the Deputy Tahsildar being suspended for six months from the date on which he had first resigned his appointment, and accordingly directed his restoration with arrears of pay from 15th July 1897, the resignation having taken effect from 15th January 1897.

A to h entered at place indicated on page 5 below

3. In his letter read above, the Collector reports that M.R.Ry. N. Sundram Aiyar having resigned the public service, full pay was drawn by his successor from the date of the resignation to the date when Sundram Aiyar rejoined his duties in pursuance of the Board's order. As under the same order, M.R.Ry. Sundram Aiyar also has to draw full pay for a portion of this period, i.e., for the period commencing from 15th July 1897 to the date when he rejoined duty, the sanction of Government is requested under article 215 of the Civil Service Regulations for the excess expenditure thus rendered necessary.

4. The extra cost involved can be met from the additional allotment of two lakhs of rupees, applied for in Board's Proceedings, Mis. No. 3889, dated 16th October 1897.

5. As regards the question of lien raised by the Collector, the Board is of opinion that, as the Collector's proposal to accept the Deputy Tahsildar's resignation was not approved by the Board, M.R.Ry. Sundram Aiyar should be considered to have retained a lien of his own appointment of Deputy Tahsildar of Ootacamund.

(True Extract.)

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department,
through the Accountant-General, with the Collector's letter,
in original, to be returned, and with copy of Board's Proceedings,
Mis. No. 3969 (Confdl. No. 139), dated 21st October 1897.

ENCLOSURE.

READ—the following Proceedings of the Board of Revenue (Land Revenue), Mis. No. 3969 (Confdl. No. 139), dated 21st October 1897.

Read—the following papers:—

- (1) Again Board's Proceedings, Mis. No. 420, dated 2nd February 1897.
- (2) Again Board's Proceedings, Mis. No. 921, dated 11th March 1897.
- (3) Also letter from J. H. A. TREMENHEERE, Esq., Collector of Nilgiris, to the Secretary to the Commissioners of Land Revenue, Ref. on G.B. No. 78/97, dated 31st July 1897.
- (4) Also petition from M.R.Ry. N. SUNDAM AIYAR, late Deputy Tahsildar and Sub-Magistrate of Ootacamund, residing in Triplicane, Madras, dated 16th August 1897.
- And reference thereon, dated 9th September 1897.
- (5) Also letter from the above officer (Collector of Nilgiris), Ref. on G.B. No. 78/98, dated 14th September 1897.

Resolution—Mis. No. 3969 (Confdl. No. 139), dated 21st October 1897.

The papers read above relate to the conduct of M.R.Ry. N. Sundram Aiyar, Deputy Tahsildar of Ootacamund. The Collector now recommends that the Deputy Tahsildar should be dismissed the service for suppression of information regarding an encroachment on Government land, for falsely reporting that the said encroachment had been removed, and for tampering with the record relating to the same case.

2. The case is briefly as stated below:—In 1893 the Revenue Inspector S. C. Chithambarasawmi reported to the Deputy Tahsildar M.R.Ry. Sundram Aiyar an encroachment on Government land which was classed as stream reserve. The Deputy Tahsildar said he would inspect and did so inspect in October 1893 and in January 1894, when some of the coffee trees planted on the encroachment were removed. The Revenue Inspector also noted in his diary for February 1894 that some trees had been removed. This diary appears to have been kept in the Deputy Tahsildar's office until July 1894, when it was forwarded to the Collector with the remark, amongst others, that the encroachment had been removed and that no further action was necessary. The encroachers were Messrs. Ebram Sait & Co., an Ootacamund firm, and the extent of their encroachment was 1.58 acres of coffee, so that the removal of a few trees was clearly inadequate, and, moreover, the Deputy Tahsildar knew that it was his duty to bring the actual facts of the case to the Collector's notice.

3. Nothing further transpired until December 1895 when the same Revenue Inspector again reported to the Deputy Tahsildar (diary dated 1st January 1896) that Messrs. Ebram Sait & Co.'s encroachment had not been removed. It is not reported why no report had been made on the subject during the 20 months that had intervened since the Deputy Tahsildar's endorsement of July 1894. The Deputy Tahsildar again inspected and holding (either rightly or wrongly) that the cultivation was unobjectionable, ordered that a B memorandum should be submitted for the same. This was in January 1896, but shortly after the parties presented a petition to the Collector about the land and a separate report was called for. In May 1896 the Revenue Inspector again mentioned the encroachment in his diary, and the Deputy Tahsildar remarked thereon that a separate report was being submitted. The Collector made several calls for this report, which was eventually submitted in October 1896 when the Deputy Tahsildar recommended the grant of a miscellaneous patta.

4. The Collector suspected the *bona fides* of the Deputy Tahsildar, and accordingly instituted an inquiry into the matter, and it then came to light that the encroachment had been reported to the Deputy Tahsildar in October 1893. The original report of the Revenue Inspector was not at once forthcoming, and when produced the Deputy Tahsildar's endorsement thereon appeared to have been tampered with. Various witnesses were examined by the Collector in January 1897, and a few days later the Deputy Tahsildar tendered his resignation.

5. The facts were not at once reported to the Board, but a nomination for filling up the vacancy was submitted for approval. The Board inquired under what circumstances the Deputy Tahsildar had tendered his resignation, and Mr. Tremeneere then reported that he had "given no reason for resigning the public service," but the Collector had no doubt that he preferred not to await the result of an investigation which was being made into his conduct. Meanwhile the Deputy Tahsildar complained to the Board that the Collector had put pressure on him to force him to resign; but Mr. Tremeneere reported that the Deputy Tahsildar's statements were "absolutely false" and added that he had, on the other hand, told his subordinates that he "personally preferred that he (Deputy Tahsildar) should not resign (the completeness of the case against him being rather creditable to the Collector himself)."

6. Thereupon the Board refused to accept the Deputy Tahsildar's resignation until the case against him had been fully investigated, and instructed the Collector to have the inquiry conducted in accordance with the rules.

7. Mr. Tremeneere has now complied with these orders and recommends the Deputy Tahsildar's dismissal. The Collector did not, however, report whether the encroachment, on which all the accusations against the Deputy Tahsildar had been based, was objectionable, and a further reference had therefore to be made. The last paper read above contains Mr. Tremeneere's report to the effect that the encroachment is "highly objectionable."

8. The Board does not consider that the Collector has shown satisfactorily that the encroachment is a serious evil. The Revenue Inspector displayed bias which was not allowed for by the Collector. The encroachment was an old one, and although the papers indicate that the Deputy Tahsildar meant to deal with it by having it removed, he may have anticipated that the matter would in the end be settled by less severe measures. His conduct was, however, decidedly crooked and calls for punishment, though in the Board's opinion dismissal from the service would be far too severe.

9. The second and third charges have grown out of the first which has been dealt with above, and the second is really merged in the first and need not be separately considered. The charge of tampering with the record has been minutely investigated by the Collector, who has requisitioned the services of the Chemical Examiner to examine the Deputy Tahsildar's endorsement and the subsequent corrections. These alterations are suspicious, but in the Board's opinion it is not satisfactorily proved that the Deputy Tahsildar is guilty of tampering with this document.

10. The Board considers that for the offences brought home to him, M.R.Ry. Sundram Aiyar will be sufficiently punished by suspension from office for a period of six months. It is understood that he has been out of office since January 14th, 1897, when he tendered his resignation. The Collector will now reinstate him with arrears of pay.

(True Extract.)

(Signed) R. C. C. CARR,
Secretary.

To the Collector of Nilgiris, etc.

No. 3845.

Forwarded. The Government can, if it thinks fit, sanction the excess charge under article 215 of the Civil Service Regulations.

(Signed) F. C. HARRISON,
FORT ST. GEORGE,
6th December 1897.
Officiating Accountant-General.

To the Secretary to Government, Revenue Department.

See entry A above on pp 2 & 3

ORDER—No. 201, Revenue, dated 5th April 1898.

After a careful consideration of the records relating to the goldsmith's death, submitted by the District Magistrate, the Government is unable to see any reason to consider the case to have been one of murder rather than suicide. The Government agrees with the District Magistrate, however, that the Sub-Magistrate M.R.Ry. N. Sundram Aiyar should have certainly taken the proper steps, by a *post-mortem* examination and chemical analysis, to ascertain what the cause of death really was. His omission to do so was extremely negligent.

2. The attention of the Government has also been drawn to a revenue case in which the conduct of M.R.Ry. N. Sundram Aiyar has been seriously impugned. This case is dealt with in Board's Proceedings, Mis. No. 3969, dated 21st October 1897, a copy of which with connected records has been submitted to the Government by the District Magistrate and also by the Board.

3. It appears that the Collector reported the Deputy Tahsildar to the Board for suppressing information regarding an encroachment on Government land, for falsely reporting that the said encroachment had been removed and for tampering with the record relating to the same case. The Board found that there had been an encroachment by coffee plantation some time before 1893; that the Deputy Tahsildar, after ascertaining that a few trees had been uprooted, had reported 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, the Deputy Tahsildar delayed settling the matter for an undue length of time and eventually recommended the issue of a patta. The Board considered that the encroachment was not a serious evil, but that the Deputy Tahsildar's conduct was "decidedly crooked" and accordingly suspended him for six months.

4. The Government after a careful and prolonged consideration of the case is clearly of opinion that the Board's orders have involved a serious failure of justice and should be revised.

5. On the facts as found by the Board, the punishment of six months' suspension ~~was in the opinion of Government~~ unduly lenient; for the Deputy Tahsildar's conduct favoured an influential and wealthy party; the encroachment required special attention inasmuch as it was on a sholah which protected a stream; and the Deputy Tahsildar made an absolutely false statement to the Collector on the subject. But the Government considers that the Deputy Tahsildar's conduct has been proved to be culpable in the more serious matter of tampering with the record. His Excellency the Governor in Council is satisfied on the evidence, including the Chemical Examiner's report, which is discussed in the Collector's proceedings, that the Deputy Tahsildar did alter, in the manner there explained, his original endorsement upon the Revenue Inspector's report, with the object of concealing its falsity and misleading the Collector as to his (the Deputy Tahsildar's) action in the matter of the encroachment.

6. It follows that N. Sundram Aiyar cannot be allowed to remain in the public service and he is hereby dismissed. The dismissal would ordinarily date from the commencement of his suspension, but the Board having restored him to office some time in October last, the Government considers he should be allowed the pay of a Deputy Tahsildar from the date on which he actually resumed his duties to the date of this order. *that*

(True Extract.)

(Signed) G. S. FORBES,
Acting Secretary.

To the Board of Revenue (Land Revenue).
" Judicial Department.

Ref on B. No. 78 Nilgiri District Magistrate's office
Confidential 97 Ootacamund 28 October 1897.

28
Current No. 4614

From

J. N. A. Tremere Esq.
District Magistrate
Nilgiris

To

The Chief Secretary
to Government Judicial Department
Madras

Sir,

I have the honor to bring to the notice of Government what seems to me to have been serious misconduct on the part of M.R.Ry. Sundram Aiyar, lately Sub Magistrate of Ootacamund.

2. A goldsmith was taken to the Hospital with all the symptoms of arsenical poisoning. Before he died, the only explanation he could suggest for his having been poisoned was that he might have eaten without washing his hands after working with some arsenic in his trade.

trade. The explanation is as clearly inadequate, and it was the obvious duty of the Sub Magistrate to order a postmortem and urge the Police to trace out what appeared to be a murder.

3. Instead of doing so, he ordered the Police to hand over the corpse over to the relatives, and the matter dropped.

4. Hearing of this, I had to order exhumation, and the Chemical Examiner found in deceased's stomach no less than 8 grains of arsenic.

5. Owing principally in my opinion to the delay caused by the Sub Magistrate's action, the Police never succeeded in tracing who had administered the arsenic.

6. I called upon him to explain how he came to order the Police to hand over the corpse to the relatives & thus practically stifle enquiry. In his explanation forwarded herewith (Exhibits 16, 17 & 18) he quoted the statement of the deceased to the Apothecary, along with other utterly unconvincing facts, and justified himself by saying that he believed it to be a case of suicide. Of course the statement to the Apothecary, & the statement to the relatives, & the statement to the

death) and even if suicide had honestly suspected, that would not have absolved Sub Magistrate from his duty of ordering postmortem, or justified him in allowing the body to be buried. But in fact even in my opinion pointed to murder.

7. This seems to me to have been such serious misconduct on the part of Sub Magistrate that it is my duty to bring it to the notice of Government.

8. The conduct of Sundram Aya in other respects has been unsatisfactory. In enclosed File B I sent him up to the Collector of Revenue for dismissal (a) for suppression of important microachinment (b) for reporting its removal (c) for fabrication of false evidence in an official record. The enclosed Proceedings of 21st Oct 1907 the Board has found him guilty of "conduct" as to the first & second charges and ordered his suspension for 6 months. The third charge had in my opinion abundantly proved by all the circumstances of the case, and by the detailed scientific examination of the official record by the

all papers below
that of C
See Collector's Prop
23rd 1907

Chemical Examines (Exhibit 15416) E & F.

The Board considered the allegations to be suspicious, but found the charge not satisfactorily proved, and reinstated Sundram Ayas with back pay. I may perhaps be allowed to remark in passing that the Board gave no reasons for this last decision, and did not communicate it to Government under para 10 of Board's Standing Order No 244 (as revised in G.O. No 768 Rev: dated 2^d September 1893.

9. I must now explain the delay in making this reference to Government. My enquiries into the poisoning case had not been concluded on 14th January, on which date Sundram Ayas resigned the public service, his resignation being accepted by me. He subsequently petitioned the Board to be allowed to withdraw his resignation, but again withdrew this petition. So far as I know he has not again changed his mind. His place in the public service has been filled up since January, the Board postponing passing orders on his resignation until the results of the Revenue enquiry against him should be reported. I have all along

been

The Bd. declined to accept it until the enquiry closed. para 6 of MP. compl no 139 of 21/8 OCT 1897. MB

2 Files

been under the impression that he would be dismissed or at least ^{that} his resignation would be accepted (he has since taken up a Municipal Contract and, I believe, been engaged in a Livery Stable business). He has not been dismissed and nothing has been said about his resignation. The receipt, therefore, of the Board's Proceedings is the first opportunity I have had since his resignation on the 14th January to report his misconduct in the poisoning case. By this misconduct coupled with his suspicious conduct in the cases submitted to the Board, I think that he has shown himself too untrustworthy for retention in the Government service. At least I pray that he may be transferred to another district. In pursuance of the Board's instructions, I have issued orders to reinstate him, but pending this reference I consider it inadvisable that he should take up Magisterial Cases - 10. Enclosures as per list are herewith submitted.

I have the honor to be
Sir
Your most obed^t serv^t

M. Trembuckee.
District Magistrate

5
Revenue (1897) Department.

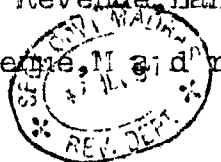
CURRENT No. 1159

await orders on main
file S.P.
Order

From

The Board of Revenue, Land

Revenue, Madras.



No. 4547 Misc.

Dated 29th November 1897.

Received 7

Registered 7

Enclosures 2

Spare copies.

SUBJECT.

Requesting the sanction of Govt for the excess expenditure involved in consequence of the payment of full salary to M.R.Ry.N.Sundaram Aiyar Dy.Tahr., Ootacamund, Nilgiri Dt from 15th July 1897 to the date on which he actually joined his duties and considering that he should be ^{held} considered to have retained a lien on his own apptt. during the period he was out of employ.

BACK PAPERS.

G.O.	No.	Department.	etc.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

The Nilgiri Collector's Office
Ootacamund 4 November 1897.

Which was

Ref on G.O. No 78/97

From

J. H. A. Fremantle Esq. C.S.
Collector of the Nilgiris
Ootacamund

I

The Secretary to
the Commissioners of
Land Revenue
Madras.

Sir,

re copy attached

In para 10 of Board's Proceedings
No 3969 Miscellaneous dated 21st Oct-
Confidential No 139

to be, 1897, the Board has ordered the re-
instatement of Mr R. N. Sundaramanjan,
late Deputy Tahsildar of Ootacamund,
with arrears of pay, after a suspension
from office for a period of 6 months
from 14 January 1897, when he tendered
his resignation. His resignation

having been given effect to from the 15th January 1897, the Board's order is understood to mean that, from 15th January 1897 to 14th July 1897, Sundram Iyer is to draw no pay and that arrears of pay at Rs 100/- per mensem from the 15th July are to be disbursed to him.

2. It will be observed from para 3 of this office letter no. C.B. 78 of 1897 dated 25th January 1897, that Mr R.R. J.N. Kothensaramaier, Deputy Tahildar of Gudalur was transferred by me to Ostacamma Taluk and that Mr Rogaris Head Clerk, Head Assistant Collector's office was appointed permanent Deputy Tahildar of Gudalur Taluk.

Mr Rogaris and those promoted in his arrangement, have all drawn the full pay of their respective appointments.

3. Two questions now arise, which do not admit of an easy solution.

(i) From what source are the arrears of pay to be met?

(ii) On which appointment is Sundram Iyer supposed to have retained a lien?

Sundram Iyer having tendered his resignation, and filed the required declaration, there was no reason to suppose that his resignation would not be accepted. It is true the Board promised orders on the resignation when the results of an enquiry into certain charges against him should be reported; but this left me under the impression that the alternatives were dismissal and acceptance of resignation; nor have I ever been informed that the

(second) resignation has been withdrawn. Acting under this belief, therefore, I made permanent arrangements to fill up his place, and the officers concerned have drawn the full pay of their appointments. They cannot, therefore, be made to refund the pay already drawn from 15th July up to the date on which Sundram Iyer actually joined the Gudalur Deputy Tahsildar's post. I consider that this extra charge, should, under the special circumstances of the case, be borne by Government, and have the honour to request that the Board will be pleased to obtain the necessary sanction of Government to incur this extra charge.

As regards the lien, Kothendaramies, the Deputy Tahsildar

of Gudalur, having been transferred to the Deputy Tahsildar's post, Ottacurum, immediately on Sundram Iyer resigning it, the latter can only be held to have a lien on the Gudalur appointment.

I have the honour to be,
Sir,

Your most obedient servant,

for Collector

5/11/97

CONFIDENTIAL.

1897.

Board of Revenue

(Land Revenue),

MADRAS.

To

Private

True Copy of Board's Progs.

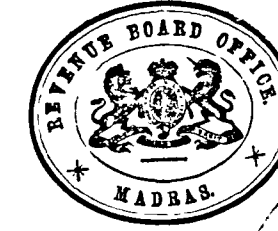
Proceedings, dated 21st October 1897.

No. 3969/Conf1, No. 139 Misc.

Subject.

TO BE RETURNED
TO REVENUE BOARD
WITH INVOICE

1897



Proceedings of the Board of Revenue

(Land Revenue)

NO.3969 Mis./Confl.No.139, Dated 21st October 1897

Read the following papers.

- (1) Again Board's Progs.No.420 Misc., dated 2nd February 1897.
- (2) Again Board's Progs.No.921 Mis., dated 11th March 1897.
- (3) Also letter from J.H.A.Tremenheere Esq., Collector of Nilgiris to the Secretary to the Commissioners of Land Revenue, Madras, Ref.on G.B.No.78/97 dated 31st July 1897.
- (4) Also petition from M.R.Ry.N.Soodram^{du} ~~late~~ Dy.Tahsildar and ~~Sub~~ Sub.Magistrate of Ootacamund residing in Triplicane, Madras, dated 16th August 1897.

And reference thereon dated 9th September 1897

- (5) Also letter from the above officer (Collector of Nilgiris) Ref on G B No.78/98 dated 14th September 1897.

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Resolution. The papers read above relate to the conduct of — M.R.Ry.N.Sundaram Aiyar, Dy.Tahsildar of Ootacamund. The Collector — now recommends that the Dy.Tahsildar should be dismissed the service for suppression of information regarding an encroachment on — Government land for falsely reporting that the said encroachment — had been removed, and for tampering with the record relating to the same case.

2. The case is briefly as stated below:- In 1893 the — Revenue Inspector, S.C.Chithambarasawmy, reported to the Dy.Tahsildar M.R.Ry.Sundaram Aiyar, an encroachment on Government land which was classed as stream reserve. The Dy.Tahsildar said he would inspect and did so inspect in October 93 & in January 94, when some — of the coffee trees planted on the encroachment were removed. The — Revenue Inspector also noted in his diary for February 1894 that

some trees had been removed. The diary appears to have been kept in the Dy. Tahsildar's office until July 94, when it was forwarded to the Collector with the remark, amongst others, that the encroachment had been removed and that no further action was necessary. The encroachers were Messrs. Ebram Sait & Co., an Ootacamund firm, and the extent of their encroachment was 1.58 acres of coffee, so that the removal of a few trees was clearly inadequate, and moreover the Dy. Tahsildar knew that it was his duty to bring the actual facts of the case to the Collector's notice.

3. Nothing further transpired until Decr. 1895 when the same Revenue Inspector again reported to the Dy. Tahr. [Diary dated Jany. 1. 96

that Messrs. Ebram Sait & Co.'s encroachment had not been removed. It is not reported why no report had been made on the subject during the 20 months that had intervened since the Dy. Tahsildar's endorsement of July 1894. The Dy. Tahr. again inspected and holding (either rightly or wrongly) that the cultivation was unobjectionable, ordered that a B memorandum should be submitted for the same. This was in January 1896, but shortly after, the parties presented a petition to the Collector about the land and a separate report was called for. In May 1896 the Revenue Inspector again mentioned the encroachment in his diary, and the Dy. Tahsildar remarked thereon that a separate report was being submitted. The Collector made several calls for this report, which was eventually submitted in October 1896 when the Dy. Tahsildar recommended the grant of a miscellaneous puttah.

4. The Collector suspected the bona fide of the Dy. Tahsildar, and accordingly he instituted an enquiry into the matter, and it then came to light that the encroachment had been reported to the Dy. Tahsildar in October 1893. The original Report of the Revenue Inspector was not at once forthcoming and when produced the Dy. Tahsildar's endorsement thereon appeared to have been tampered with. Various witnesses were examined by the Collector in January 1897 and a few days later the Dy. Tahsildar tendered his resignation.

5. The facts were not at once reported to the Board, but a nomination for filling up the vacancy was submitted for approval. The Board enquired under what circumstances the Dy. Tahsildar had tendered his resignation, and Mr. Tremeneere then reported that he had "given no reason for resigning the public service", but the Collector had no doubt that he preferred not to await the result of an investigation which was being made into his conduct. Meanwhile the Dy. Tahr. complained to the Board that the Collector had put pressure on him to force him to resign

but Mr. Tremeneere reported that the Dy. Tahsildar's statements were "absolutely false" and added that he had on the other hand told his subordinate that he personally preferred that he (Deputy Tahsildar) should not resign, (the completeness of the case against him being rather creditable to the Collector himself).

6. Thereupon the Board refused to accept the Deputy Tahsildar's resignation until the case against him had been fully investigated, and instructed the Collector to have the enquiry conducted in accordance with the rules.

7. Mr. Tremeneere has now complied with these orders & recommends the Dy. Tahsildar's dismissal. The Collector did not, however, report whether the encroachment, on which all the ~~accusations~~ accusations against the Deputy Tahsildar had been based, was objectionable and a further reference had therefore to be made. The last paper read above contains Mr. Tremeneere's report to the effect that the encroachment is "highly objectionable".

8. The Board does not consider that the Collector has shown satisfactorily that the encroachment is a serious evil. The Revenue Inspector displayed bias which was not allowed for by the Collector. The encroachment was an old one, and although the papers indicate that the Deputy Tahsildar meant to deal with it by having it removed, he may have anticipated that the matter would in the end be settled by less severe measures. His conduct was, however, decidedly crooked and calls for punishment, though in the Board's opinion dismissal from the service would be far too severe.

9. The second and third charges have grown out of the first which has been dealt with above, and the second is really merged in the first and need not be separately considered. The charge of tampering with the record has been minutely investigated by the Collector, who has requisitioned the services of the Chemical Examiner to examine the Deputy Tahsildar's endorsement and the subsequent corrections. These alterations are suspicious, but in the Board's opinion it is not satisfactorily proved that the Deputy Tahsildar is guilty of tampering with this document.

10. The Board considers that for the offences brought home to him, M. R. Ry. Sundaram Aiyar will be sufficiently punished by suspension from office for a period of six months. It is understood

3,000  
10-12-86

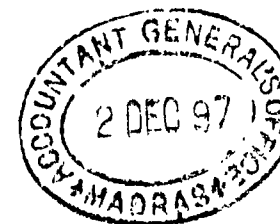
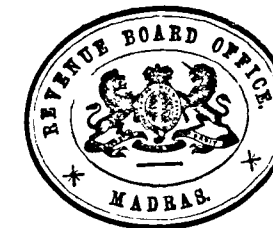
Secretary.

(True Copy)

Receives  
Secretary.

Q.B.

SP 4



Proceedings of the Board of Revenue  
(Land Revenue)

NO.4547 Misc.Dated 29th November 1897.

Read letter from J.H.A. Tremenhoe Esqre., Collector of Nilgiris to the Secretary to the Commissioners of Land Revenue, Madras, Ref. on G B No. 78/97 dated 4th November 1897.

$c_3 - c_3 - c_3 - c_3 - c_3 - c_3 - c_3 - c_3 - c_3 - c_3 - c_3 - c_3 - c_3$

## Resolution

Submitted to Government.

2. M.R.Ry.N.Sundaram Iyer, Deputy Tahsildar of Ootacamund, Nilgiri District, tendered a resignation of his appointment on 14th January 1897, and the Collector thereupon submitted to the Board a nomination for filling up the vacancy so caused. The Board enquired under what circumstances the Deputy Tahsildar had tendered his resignation. The Collector replied that M.R.Ry.Sundaram Aiyar had "given no reason for resigning the public service", but that he (Mr. Tremenhéere) had no doubt that the Dy. Tahsildar had preferred not to await the result of an investigation, which was being instituted, in regard to his conduct in connection with an encroachment on Government land. In the meantime, the Dy. Tahsildar complained to the Board that the Collector had put pressure upon him to resign. The Board thereupon refused to accept the Dy. Tahsildar's resignation until the case against him had been fully enquired into, and instructed the Collector to have the enquiry conducted in accordance with the rules. After a delay of nearly 5 months the Collector recommended the Dy. Tahsildar's dismissal from the public service. The Board for the reasons recorded in its Proceedings No. 3969 Mis./Conf. No. 139 dated 21st October 1897 consi-

*H. H. Harris*

Requesting to pass  
orders on Mr. Inman's  
letter regarding the exercise  
of Magisterial powers.  
Mr. Lee Lane from Acia  
by Janssen & Sub Mag  
Gudatun

# BACK PAPERS.

| G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|
|      |     |             |       |

# FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|
|      |     |             |       |

Refm G.B. 1278  
97.

Nilgiri District Magistrate's office  
Ootacamund 1<sup>st</sup> February 1898.  
Jus c no 596  
Cen c no 91

From H.A. Stuart Esq.  
Ag District Magistrate  
Nilgiris

To The Chief Secretary  
to Government  
Judicial Department  
Madras.

Sir,

I have the honour to request that  
early orders may be passed on Mr.  
Tremenhure's letter Ref on G.B. No. 78  
97 dated 28<sup>th</sup> October 1897. It will be observed  
from para 9 of the letter that the exercise  
of Magisterial powers by Mr R. Sundran  
Aiyar Dy Tahsildar and Sub Magistrate  
of Gudalur, has been suspended pending  
the orders of Government on the reference  
made. During a recent visit to the Wynad  
several planters brought to my notice the  
inconvenience experienced by them on account  
of there now being no Second Class Magistrate  
in that part of the district.

I have the honour to  
Sir.  
Your most obed<sup>t</sup> servant  
H. Altman  
Ag District Magistrate

C No 4614 of 1897

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No.

of 189 , dated , from

" "

" 189 , "

" "

" 189 , "

" "

Sub Magistrate

Sundaram Iyer  
of Ootacamund

H.M. of P.A.S.

For ORDERS

The Sub Magistrate seems to have been extremely negligent. I don't see any reason to suppose the case to have been one of murder, but the Sub Magistrate should certainly have taken the proper steps by a p.m. census and careful analysis, to ascertain what the cause of death really was. This negligence is, however, not sufficient ground for dismissing him, though, coupled with the fact of his suspension in the revenue case, it does seem that it would be well to dismiss him. The difficulty is that, if he is transferred to a similar appointment anywhere else, he will actually be gained for he gets the 100 new & there is no Sub Magistrate's place in the plains unless - He would naturally, therefore, hail a transfer in the same capacity with joy - I should transfer him to a Taluk Sherik.

Mr. Trentham submits a report on a case of 'serious misconduct' committed by Sundaram Iyer, lately Sub-Magistrate of Ootacamund.

The conduct of Sundaram Iyer in his revenue capacity has lately been under enquiry, & the Collector recommended his dismissal for (1) suppressing information regarding an encroachment on Govt. land, & (2) making a false report & (3) tampering with the records in connection with the same case. The Board found that the encroachment referred to in (1) & (2) was not a very serious matter, & did not consider the other charges proved. It held that his six months' suspension undergone by Sundaram Iyer was

Deficient punishment, & ordered  
his restoration to the job service.  
Mr. Trenahere remarks that  
the Board gave no reasons for  
his last decision, & did not  
communicate it to Govt.

The present case against  
Sundram Aiyar refers to his  
conduct in his magisterial  
capacity: Para 2-7 of the  
Committee contain a statement of  
the case, and Mr. Trenahere's  
opinion on it. The facts briefly  
are these -

On Sept: 29<sup>1896</sup> a goldsmith  
living at Kandal was taken  
to the hospital suffering from  
vomiting & purging. He died  
on the 30<sup>th</sup>. The D.O.'s  
attention appears to have been  
called to this case by a  
note in the "Nilgiri News",  
and on making enquiries of the  
Police Inspector he found that  
the goldsmith's body had been  
buried, & no post mortem held.  
According to the magist: report  
came in; from which it appeared  
that the deceased was  
supposed to have committed

Para 8 of Commit.

I don't know that there was any  
reason why it should have done so -  
BS

① place, unless some Rs 70  
part in a Chis office can be  
found for him by the R.D.

I don't enter on the question  
of the propriety of reviewing  
the R.D.'s decision, - that is for  
the R.D. -

BS  
22/11/97

vide translation  
of the post report  
H

Suicide. His life explained  
that he was hard pressed by  
his creditors from whom he  
had received jewels which he  
had misappropriated. This  
was corroborated by some of the  
inhabitants of Kandal. The  
African gave, apparently, no  
opinion as to the cause of death,  
but he said that the deceased  
had made a statement to the  
effect that he had been grinding  
arsenic & had eaten his meal  
without washing his hands.  
The verdict was that the deceased  
had committed suicide by taking  
arsenic & some other poisonous  
substance. The medical certificate  
stated that the deceased died  
of arsenic poisoning. Mr. Trenahere  
ordered the exhumation of the  
body, & had the stomach sent  
to the Chemical Exam: also  
drawn & weighed <sup>over</sup> 8  
grains of arsenic.

In the meantime however  
Mr. Trenahere called on the  
S.M. to explain why he  
allowed the corpse to be buried

"When there was reason to believe  
death had been due to arsenic, &

1-7

then (so far as appears) there  
was no ~~reason~~ evidence that this  
had been administered accidentally  
or suicidally."

The Sub. Registrate's explanation  
will be found at p. 13 B, and  
it appears, it is submitted,  
a very reasonable one. Mr.

Trentham has his charge  
against the Sub. Reg<sup>te</sup> mainly

on the fact that the circumstances  
of this case pointed to murder,

he adds however (para 6 of his  
account) "Even if suicide

had been honestly suspected  
that would not have absolved  
the S. M. from his duty of  
ordering a post mortem". The

Sub. Registrate in his explanation  
gives his reasons for believing  
that this case was one of suicide.

He refers to the facts, that the  
deceased was pressed by his  
customers for the return of New

perils; (2) that some remarks of  
his to his wife on the 28<sup>th</sup> Sept<sup>r</sup>

pointed to a determination to

put an end to himself, (3) that

if he had taken poison with no  
food it must have been at his  
brother-in-law's house (where he  
took his last meal) & that there  
was no reason to suspect any  
demeanor on the part of the brother-in-  
law or his wife to murder the  
deceased, (4) that this brother-in-  
law took the deceased to hospital  
which he could have been afraid  
to do if he had just administered  
poison, & (5) that there was no  
reason to suspect anyone of  
wishing to poison the deceased.  
On all these grounds the S. M.  
justifies his opinion that this  
case appeared at the time to  
be one of pure suicide. How the  
suicide was committed he does  
not appear to have decided  
in his own mind when he allowed  
the body to be buried. In the  
evidence which he gave to the  
Ass<sup>t</sup> Sur<sup>g</sup>, permitting the  
burial of the corpse he said  
that his inquiries showed that  
he was committed suicide by  
"Excessive drinking". That the  
deceased had been drinking hard, &  
was drunk when he came to his

but his claims have not been shown  
at this inquest. Also the  
inquest report however mentions  
'arsenic', & it is not plain why  
Mr. S.M. in his letter to the  
Act. Surg. makes no mention  
of the question of poisoning.

Mr. Preenhouse dwells on the  
fact that the explanation  
given by the deceased to the  
officer, that he must  
accidentally have consumed some  
arsenic, was palpably inadequate.  
Mr. S.M. however explains that  
so far from believing the man's  
account, he considered that  
the offer of this explanation  
showed that the man had  
taken arsenic himself. There  
it certainly reflected the suspicion  
of murder, for if the poison had  
been administered by another  
person there is no reason why  
the deceased should have made  
his own explanation.

So much for the affair as  
it appeared at the time when  
Mr. S.M.'s explanation was  
written. Subsequently the Act.  
Dept. of Prob. made an enquiry

7  
K and submitted a full &  
clear report in which he  
arrived at the conclusion  
that the deceased undoubtedly  
administered arsenic to  
himself. Among the facts  
elucidated "it is discovered that  
the deceased for some days  
before his death had been  
about asking for arsenic."

Ichung Indram Rajar  
acted in this case along with  
the suspicious conduct in the  
case submitted to the Board  
Mr. Cheddi recommended his  
dismissal, on the ground that  
he is too untrustworthy for  
Govt. service. Failing dismissal  
he recommended transfer to some  
other district. The recommendations  
are submitted hereto  
consistently. As far as the  
present case is concerned there  
is no suggestion that Mr. S.M.  
had any corrupt motive for  
his ordering a post mortem: his  
action, if reprehensible, must  
be attributed to ignorance, or a failure  
to recognize the importance of the  
case.

In either case the appropriate  
~~punishment~~ could, it is  
submitted, be dismissed or  
reduction: transfer on the  
same capacity to another  
district could hardly meet  
the case.

The fact is, it is submitted,  
that in this, as in the  
case of Jeyanthi Mudehai,  
Mr. Tremere has acted  
in violation of the Board's order.  
In the present instance the  
record of the Revenue  
Department have been submitted  
as evidence to the letter,  
and para 8 of the letter  
criticizes the Board's decision.  
The Board's proceedings will  
have been communicated  
to Mr. Tremere who has  
evidently thought it well to  
bring the whole matter up here  
indirectly. Others are  
satisfied as to whether any  
reopening of the Revenue case  
is to take place. If not it  
is for others whether Mr.  
Tremere's view of the S. H.  
conduct in the poisoning case

is to be accepted, or if so  
whether the S. H. should be  
dismissed, reduced or  
merely punished. Dismissal  
in the present charge would be,  
it is submitted, a heavy  
punishment.

AK  
16/11/87

U.S. So far as my recollection  
or experience go, it is the  
invariable practice of Collectors  
& District Magistrates to report to  
the Bd. in the first instance  
all cases of misconduct  
of Sub Magistrates & for the  
Bd. to pass orders or if  
necessary to address Govt.  
Has any order issued changing  
this practice. If not it  
would seem that Mr. Tremere  
has addressed Govt. direct  
in order to avoid addressing  
the Bd.

MA 17. 11. 97.

From the U.S.'s separate note  
it appears that in not a few cases  
within the last few years District Magistrates  
have reported to Govt. direct when

the conduct of Sub-Mgts as such has been under discussion. Mr. Fremantle's action is therefore not open to objection.

The case is well summarized in the Bd's note. Mr. Fremantle makes out no case for the Sub-Mgt's dismissal; his usually sound judgment has been warped by the failure of the Bd. to accept his views of the Sub-Mgt's misconduct in the case referred to in para 8 of his letter. The Sub-Mgt committed an error of judgment in not ordering a post mortem on the body of the goldsmith, but it was nothing more, & Mr. Fremantle is wrong in saying (end of para 6) that everything pointed to murder.

I have been through the case <sup>disposed of by the Bd.</sup> against the same officer in his capacity of Dy Tahsildar. I think the Board took a very lenient view of the case & would have done well if they had accepted the man's pending resignation which they had held over till the close of the enquiry. As however they punished the Dy. Tahs. with six months' suspension it seems unnecessary to reopen the question.

The B.P. & the Comm's Proceedings give the case in full.

Mr. Fremantle's request to have the Dy. Tahs. that might be transferred to another Dt. may well be complied with. He has lost the confidence of his Col. Although Mr. Fremantle is about to leave for six months in the Secretariat, the fact remains that the Dy. Tahs. has been suspended for six months & his usefulness and influence must be thereby seriously impaired.

Act 19. 11. 97

Judicial (1897) Department.

Confidential No 366

CURRENT No. 4614

Rev. C. No. 10107

Confidential No 177  
1-NOV. 1897  
GOVERNMENT OF MADRAS

Judicial C. Nos 4614 & 4615  
of 1897

From The District  
Magistrate  
the Nilgiris  
Obtained

C. No. 2499 of 23-11-97

Order

Transferred to the  
Revenue Department with  
a request that orders  
may be obtained and  
communicated to this  
Department with re-  
ference to the Honourable  
Sir H.W. Bliss' notes dated  
22nd November

in original.  
Ref. No. 78  
97

Dated 28 October 1897

Received 23-11-97

Registered 24-11-97

Enclosures 2 files as per list  
(two notes)

Spare copies

SUBJECT.

Admnstr.  
Ag Under Secretary

Bringing to the notice  
of Government the  
serious misconduct  
on the part of Mr  
H. Sundram Ayyar late  
Sub Magistrate of  
Obtained

1897  
REVENUE DEPARTMENT.  
Enclosure No 2  
10 Current No. 10107

BACK PAPERS.

| G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|
|      |     |             |       |
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FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
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|      |     |             |       |
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Gobt. of {189 } Madras.  
REVENUE.

To

*Papers cancelled*

Dated

Recd.

Encl.

Mis. <sup>Pres</sup> G.O., 5<sup>th</sup> April 1898, No. 207

SUBJECT.

*Original in  
the files*

*Re Sundaram  
Aiyar By Tahildar  
Othacannur*

C No. 10107

From The Judicial Dept

Dated 23 - 11 -

1897.

FOR ORDERS.

Jagannadha Mudali was  
acquainted by the RD, and they  
were quite justified in disturbing  
the witnesses against him. I  
see no reason for interfering.

Sundaram Aiyar was con-  
victed by the RD of "crooked"  
conduct about an encroachment  
on a stream reserve, but  
was ordered to bring the  
papers out.  
written by Mr. Treckenberg in  
connection with a Magisterial  
reference contain a complete  
record of the case. Taking  
into account only the points  
considered proved by the RD, the  
judgment of the court suspensions  
seems to me unduly lenient, but  
I did not interfere on that  
account. The case was, however,  
complicated by an allegation  
that Sundaram Aiyar had falsi-  
fied a public document. With  
regard to this the RD found that  
though the alterations were  
suspicious it was not satisfactorily  
proved that the def is guilty of  
tampering with the document.  
After prolonged scrutiny, I am  
convinced that it is falsifying

The Judicial Dept transfers  
with reference to the  
Hon. Sir H. K. Linn' order  
of 22-11-97 two files  
dealing with the cases  
of (1) M.R.R. Jagannadha  
Mudali late Dy. Tahildar  
& submagte of Coonoor  
& (2) M.R.R. N. Sundaram  
Aiyar late submagistrate  
of Ootacamund.

In both these cases  
Mr. Treckenberg as collector  
of the taluqa had conducted  
an enquiry into the  
conduct of these officers  
in revenue matters and  
had recommended their  
dismissal to the Board.  
The Board however  
had disagreed with the  
Collector in both cases.

Mr Trevenchere then came up to Govt as District Magistrate with reports against these officers in their magisterial capacity. In these reports Mr Trevenchere allowed to the Rev. Comm. the records of which he sent up. The Hon. Secy. & Mr. B. has passed orders on the magisterial cases & has directed that the question of reopening the revenue cases should be considered in the Rev. Dept.

Efforts have been made to find precedents for reopening <sup>in this manner</sup> revenue cases decided by the Board. The office could furnish none. But from the notes of the Hon. members in G.O. No. 1684 of 30-11-97 it seems quite settled that Govt. can & ought to, on good cause being shown, interfere in <sup>similar</sup> cases where

FOR ORDERS.

proved that additions to the original documents were made & that Sundaram Aiyar made them. (Vide pages 18-22 of note) Altogether, I am convinced that Sundaram Aiyar cannot be allowed to continue in the service of Govt., & must be dismissed.

JG  
19/12/98.

In enfile cover below.

The two cases are kept  
beside separate as received  
from the judicial  
department. This is  
noted as the files are  
referred to the two  
files. W.L.

The Board has overruled  
a collection recommendation.  
The cases are therefore  
briefly set out below.

I. M. R. By Jagannatha Mudaliar  
(By name of Coonoor)  
Case.

Mr Trevenchere recommends  
his dismissal on the  
grounds that he obtained  
a loan of Rs 150 from  
a person subject to  
his authority and greatly  
aggravated the offence  
by lying & attempting  
to suborn evidence &  
throw aspersions upon  
Mr S. the Chief Inspector  
of Police in the course  
of his defence. Mr Treven-  
chere's case is well set

Flagged I out in his Prop of 23 June 97.  
The Board's Proceedings No  
3555 of 24 Sept 97 is  
flagged C. The 2<sup>nd</sup> & 3<sup>rd</sup>  
members of the Board  
were not parties to this Prop  
but recorded minutes of  
dissent. ~~Mr Trevenchere~~ Paras  
21 to 25 of Mr Trevenchere  
letter to judicial (not to the  
B.P.) ~~which~~ are a rejoinder

to the Board view.

The <sup>oral</sup> evidence of the Coan  
consists of the statements  
of three persons @ Chennappa,  
the juror of the Coan, @ Lingai  
a person from whom  
some of the money was  
borrowed @ Chennappa.

3) Jagiah who was brought to  
within the transaction. He  
broke of Chennappa & Jagiah  
Lingai corroborate their  
statements. The Board  
happens the evidence  
of these three persons. It  
describes Chennappa as  
an embezzler convicted  
of embezzlement. The  
Collector has <sup>however</sup> it will be  
noted, taken this fact into  
consideration & does not  
act on Chennappa's uncorroborated  
statement. The Board calls  
Lingai a convicted forger  
but here makes a mistake  
confusing two men of  
the same name.

<sup>Another piece of evidence is</sup>  
~~the board appears~~

the sending of Chennappa  
of a lawyer letter to

the evidence of concoction  
as this would be a  
most unusual course for  
a nation to take. But it  
does not appear whom  
the board takes to  
have concocted the  
whole case. The case  
against the Dy Talukdar  
may no doubt be shown  
and if any reasonable  
ground for suspecting a  
nation & interest to  
concoct the case against  
him be shown to exist.  
But <sup>this has not been done</sup> ~~there is no evidence~~  
The Dy Talukdar accuses  
the Chief Inspector of  
concocting the case &  
his First Promerhai  
shows clearly that the  
two men were on the  
friendliest terms in  
the present matter &  
the Dy Talukdar  
that the Collector had  
<sup>employed</sup> ~~referred to~~ the Chief  
Inspector for information  
in the case.  
Besides the <sup>the case</sup> evidence it would appear

vide letter  
to Govt  
para 5.

? armed friendship  
S.F.

The Dy Talukdar did not  
 take steps to refute the  
 demand made in the  
 Lawyer's letter nor as  
 alleged by Cheminga viz.  
 by repaying money. The  
 Dy Talukdar says he  
 wrote to the Collector  
 about it. The Collector  
 never received the letter.  
 The evidence produced  
 by the Dy Talukdar to  
 prove that the Chief  
 Inspector was concocting  
 the case <sup>consists of the statement</sup>

But did the Dy Talukdar know that  
 their evidence was false before  
 it broke down in Court?

<sup>of two persons who said they had asked them to give evidence.</sup>  
<sup>one of them repudiated his statement in favour of the Dy Talukdar</sup>  
<sup>and the other indicated unless the Dy Talukdar asked him to make a statement against the Inspector</sup>

No inference can  
 be drawn from  
 their evidence one way  
 or the other: they were  
 between two fires:  
 the Dy Talukdar & the Chief  
 Insp<sup>r</sup> of Police?

Yet the Board would  
 apparently regard <sup>evidence</sup> things  
 of equal value to that  
 produced by Cheminga.  
 There seems very little  
 doubt about the loan  
 but the question is whether  
 Govt should intervene in  
 the matter now that the Board  
 has differed from the Collector.

The Collector probably being  
 on the spot & having seen  
 & heard the parties & evidence  
 is probably right. The Hon Sir  
 Atkin has noted that the Board  
 has a down on Mr Trevelyan

on behalf of  
 another?  
 SP

and this may have warped  
 its judgment. But on the  
 other hand the case when  
 even if taken fully  
 proved comes only to  
 this that a Dy Talukdar  
 borrowed 150 Rs from  
 a man well capable  
 of taking care of himself  
 (Jestakulanga's letter) &  
 repaid it when it was  
 demanded. Pared with  
 it, the Dy Talukdar  
 lied & Endeavoured to  
 prove the case concocted  
 by the Chief Inspector  
 whom he found assisting  
 the Collector though  
 up to that time the  
 Inspector had been his  
 intimate friend. Probably  
 the vast majority of  
 Dy Talukdars ~~had~~ have  
 acted & will act in exactly  
 the same way. The  
 public interests will  
 probably not suffer to  
 be prejudiced by this Dy  
 Talukdar's remaining in

8  
service as they might  
if Govt were in any  
way to encourage  
Collectors to come up  
to it <sup>against</sup> the Board's  
decision. I can see  
the Chief Secy's note &  
that of the Hon. Secy to him  
on the point at issue &  
the Judd. U.S.'s note on  
the top of the file in <sup>this</sup> Jagannatha mudali's case.

## II. The Case?

In Rly. N. Sundaram Iyer  
late Dy Tahsildar of 007.

The case against this man  
is well given in the  
Collector's proceedings  
of 31<sup>st</sup> July '97. Flagged D.  
(This is a separate file  
from Jagannatha mudali's)  
The Board's Prop. is  
Flagged G.

The Board practically  
find the case proved  
but take a very lenient  
view of it.

The facts which  
don't appear to admit of

9  
of any doubt are as follows:  
On 26.10.93 the Revenue  
Inspector of Paddanad reported  
an encroachment on  
1.58 acres of Govt land (then  
made by Ebram Sait & Co  
a firm of 007 and  
recommended a prohibiting  
assessment of Rs 500. per  
acre. The Dy Tahsildar  
marked on this "I will  
inspect this N.S. 27.1.93".  
The Dy Tahsildar inspected  
the village the village  
on 30.10.93 and again on  
4.1.94 19.1.94 & on  
one of these occasions  
some of the coffee trees  
which Ebram Sait had  
planted in the land  
were removed. On the  
16<sup>th</sup> Feb'y 94 the Rev.  
Inspector noted in his  
diary that the encroach-  
ment owners had removed  
some of the trees. On this  
diary the Dy Tahsildar  
remarked <sup>on 19.7.94</sup> that the encroach-  
ment had been removed  
by Ebram Sait & Co on 10

being pointed out to them.  
Twenty months later on  
15.12.95. The Rev.  
Inspector again reports  
that the encroachment  
had not been vacated.  
The Dy. Talukdar thereupon  
told the Karnam to send  
up a B. memo. This did  
not pass then. The Dy.  
Talukdar as it ought to have done  
no further action. ~~He~~  
~~of the fact that the Dy.~~  
~~Talukdar did not permit~~  
~~that that was his duty~~  
~~encroachment of '93 but~~  
~~merely reported that the~~  
~~stream had been unnecessarily~~  
~~reserved and that 2 Rs.~~  
~~in area ought to be charged~~  
~~in future. Messrs. Ebraim~~  
~~Sait & Co. in the meantime~~  
~~sent in a petition for~~  
~~the land which carefully~~  
~~omitted any allusion~~  
~~to the fact that the en-~~  
~~croachment was long standing.~~  
This was sent to the Dy.  
Talukdar for report. He  
reported that the Karnam  
had sent B. memo for the

\* i.e. an intimation that the existence  
of the encroachment ~~was~~ as  
being unauthorized and proposing  
the imposition ~~of~~ the extent  
of a prohibitory ~~or~~ penal rate of  
charge S.H.

S.H.S. No. 10, 1000, Sahibpore

land but omitted to add  
that it was the 50  
encroachment of 1893 for  
which the Rev. Inspr had  
recommended a <sup>penal</sup> assess-  
ment of Rs. 500 per acre.  
The B. memo suggested Rs.  
per acre. The Rev. Inspr  
again ~~the memo~~ on 10.12.95  
reported that the encroach-  
ment reported in his  
memo of 2.6.10.93  
had not yet been  
vacated. Thereupon the  
Collector called for a  
full report and explanation.  
There is practically no  
explanation forthcoming.  
It is certain that about  
2 acres of Govt. land  
protecting a stream was  
turned into a coffee  
plantation of Ebraim  
Sait & Co. and that the  
Dy. Talukdar falsely  
reported on 19.7.94 that  
it had been removed.  
To make matters worse  
it has further been  
clearly proved by the  
Chemical and Mines report

Hay F

12  
that the Dy Talukdar upon  
the original (Dt 26.10.93)  
copy of the R.I. at first  
endorsed "Files". The  
encroachment has been  
removed. N.S. 25.2.94,  
and then, apparently  
after Mr. Tremereau  
commenced to look into  
the matter and in  
doing the R.I.'s diary  
of 10th May 96, altered  
this into "Files". The  
"Encroachment" the  
"prospect" says has been  
removed. I wish inspect  
"again". N.S. 25.2.94

The Board says that the  
Collector has not shown  
satisfactorily that the  
encroachment is a serious  
evil. It is difficult to  
understand the Board's view.  
The encroachment, no doubt,  
was a small matter. It could  
have been repressed  
immediately in Nov 93.

The serious evil is that  
the Dy Talukdar ought to

for the present

he so did this  
is proved

It is not impossible  
to doubt this. The  
evidence of experts  
is not conclusive. I  
think Dr. Van Egge  
was right, but Mr.  
Croft may have thought  
he was wrong.

It

13  
to conceal it from the  
house of the higher authorities  
while at the same time  
he suffered it to continue  
and that he forged his  
records for this purpose.

If such conduct does  
not entail dismissal  
it might well be asked  
how the public good  
can possibly be served  
by the retention of such  
a man in the service.

The Board consider  
indeed that it is not  
satisfactorily proved  
that the Deputy Talukdar  
is guilty of tampering  
with the document (i.e.

the entry in the R.I.'s report).  
It cannot be doubted that  
the document was  
tampered with. Who then  
could, I submit, have  
tampered with it save  
the Dy Talukdar! The  
allegation helped nobody  
but himself & did help  
him, for, as it stood,  
it condemned him of  
falsehood. Further than

is to be noted the delay  
which occurred in  
producing it when  
the Collector called for  
it.

I submit a case could  
hardly be clearer or more  
clearly proved than this  
one against Mr. Sundaram  
Iyer. As to the punish-  
ment, it is submitted that  
they are daily diminished  
for much less than  
this and there is no  
reason apparent for  
any leniency in the  
case of this man.

There is another point  
~~Extraordinary feature~~  
in this case. When the  
enquiry began Mr. Sundaram  
Iyer tendered his  
resignation of the service  
to the Collector, who accepted  
it, & sent up a nomination  
for filling up the vacancy.  
The Board thereupon asked  
the Collector why the man  
had resigned. The Collector  
said that Mr. Dy. Palu

Para 4 & 5 of the D.O.

had given no reason but  
that he (the Collector) had  
no doubt that it was  
in consequence because  
he preferred not to await  
the results of the enquiry  
that was then on foot  
into his conduct. The  
Bd. thereupon refused  
to accept the resignation  
and ordered the investiga-  
tion to be proceeded with.  
Meanwhile, the Dy. Palu  
had complained that the  
Collector had put pressure  
on him to retire.

The Board's order  
is that six months of  
the time the Dy. Palu has  
been under suspension  
viz from 14 Jan 97 to  
July 18 97 should stand  
as a substantial punish-  
ment and that the  
Dy. Palu should be  
reinstated  
to his full pay from the  
14<sup>th</sup> July 97. Thus the Bd  
practically accepts the  
petitioner's Dy. Palu  
statement that the Collector

put pressure on him  
to make him resign.  
In Current No 10538 put  
up separately the  
Rs 400 sanction for  
the excess expenditure  
has involved.

I submit then  
there is no ground reason  
why the man should  
not be made to retire  
as he desired if Govt  
is not prepared to order  
his dismissal.

It will be seen that  
for his negligence as a magisterial case  
the Am. Govt. has  
ordered him to be trans-  
ferred to a Taluk Sheridars  
place in Rs 50 on the  
main under a clerk  
place in Rs 70 can be  
formed for him.

Vide Note in Judicial Current  
in the Sundaram Iyer's case

18/11/18  
To take Sundaram Iyer's  
case first.

I do not think it  
can be contended for a moment  
that there has not been a

failure of justice under the  
Board's orders.

Apart from any question  
of forgery of the record, it is  
clear that the Dpt. Taluk  
did in fact play the very  
game which enables so  
many encroachment to  
be successful i.e. on one  
pretent or another the en-  
croachment is permitted to  
run on year after year  
without being seriously checked  
or finally stopped until the  
encroacher has thoroughly  
established himself & he  
is able to come forward  
with the plea of long <sup>actual</sup> possession  
enjoyment or with the plea  
that ad misericordiam, that  
it would be hard to turn him  
out after so much money  
had been spent on the  
land.

In this case the encroach-  
ment was one of the most  
disturbing class, being on land

resumed in the protection of  
a steam...

If the D<sup>r</sup>. Taber's omission  
to do his duty & see that the  
encroachment was really removed  
was not due to fraudulent or corrupt  
connivance it indicated ~~gross~~  
culpable negligence of a gross  
description. But when it is  
seen that the person who  
benefited by the D<sup>r</sup>. Taber's dereliction  
& duty is a wealthy & influential  
person it is on the D<sup>r</sup>. Taber  
to show that his motives were  
pure & his hands clean. Gov<sup>t</sup> is justified in ~~prosecuting~~ <sup>prosecuting</sup> the onus in

The fact found that the D<sup>r</sup>.  
Taber suppressed <sup>the</sup> facts & did so  
knowingly & fraudulently. It  
is not clear what the Board's  
finding imports. They find a  
partiality in the fact that the  
encroachment was "old", but  
~~that is a partiality~~ the  
D<sup>r</sup>. Taber's conduct had made it  
older. In 1893 <sup>the fact clearing</sup> it was said to  
have occurred 6 or 7 years before,  
in 1897 its age had become ten years.

this way in the case of a public servant  
occupying a position of responsibility &  
authority & in removing him from such  
position if the onus remains un-  
rebutted.

He had found that the D<sup>r</sup>. Taber  
ought not to have considered the  
removal of a few trees as a  
negligent of the encroachment but  
did, that he ought to have reported.  
The matter was never fully met  
nor, & that though he at first  
intended to get the encroachment removed

Rev. Inquiries report of  
26.10.93

he thought that as the ~~encroachment~~  
<sup>he perhaps need not be given</sup>  
was not a serious one &  
settling the matter for an  
undue length of time & s.  
eventually recommended the  
issue of a proviso.

He had considered that  
this "crooked" conduct wd be  
sufficiently punished by  
suspension for 6 mos. & as  
his crookedness tended to  
favour a rich firm  
concerned in a ~~public~~ <sup>public</sup> ~~work~~ <sup>work</sup>  
man ~~was~~ <sup>was</sup> ~~being~~ <sup>being</sup> ~~employed~~ <sup>employed</sup>  
an absolutely false state.  
must White Court, I think this  
punishment was ~~unduly~~ <sup>unduly</sup> lenient.

But there is still more  
"crooked" conduct w<sup>ch</sup>, I think  
ought to be punished. The  
encroachment was first  
brought to light as a very  
serious one by the 70<sup>th</sup> and 71<sup>st</sup>  
Inspector in a letter to the D<sup>r</sup>.  
Taber. @ 26.10.93. This bears  
two endorsements of the D<sup>r</sup>. Taber.  
I need not refer what one of the  
ends. This endorsement at present  
runs thus: "Filed for the present. The  
encroachment the proprietor  
says has been removed. I will report  
again. N.S. 25.2.94". The D<sup>r</sup>.  
Taber visited the village on the

at the same time they find  
that his conduct was "crooked"  
& suspend him for 6 months.  
If by "crooked" they mean  
corrupt or fraudulent or  
dishonest, then the D<sup>r</sup>. Taber  
shd have been degraded to  
a position in which he wd  
not have the <sup>same</sup> opportunity  
of sacrificing the public  
rights. If ~~let~~ <sup>let</sup> ~~remember~~ <sup>remember</sup>  
sentence was too severe,  
the Board's error the other

The above assumes that  
the charge of tampering  
with the record has not  
been made out. It is  
difficult to understand how  
on the evidence the Bd. find  
that it is merely a case of  
suspicion. As the Under Sec<sup>y</sup>  
notes the tampering was  
proved, & it benefited nobody  
but the D<sup>r</sup>. Taber himself.  
The fact finding this charge  
proved quite rightly awarded

in dismissal. If the Govt do not think it necessary to differ from the Board on this point to the Board's sentence is, as I have argued above, nevertheless inadequate.

II. Next there is the case of Jagannadha Meddakar Dpt. Tah of Poonoor.

This case has been brought to the notice of Govt ostensibly through a report in the Jud. Dept. by the D. Magistrate on certain allegations made by the Dpt. Tah. against the Tah. Shastri: but as the Chief Secy in a note in that Dept. points out it is really to secure "by a side wind" an appeal against the decision of the Board of Rev. reversing his order as he felt against the Dpt. Tah. The H. Secy in the Jud. Dept. agreed that such attempts should be discouraged & refused to take the initiative

30.10.93 & 19.1.94. On the latter date he saw that the proprietor had removed some of the coffee trees on the over-encroachment, but this, of course, was not justifying him in declaring, without further inquiry, that the whole encroachment had been removed. Now the Taluk M. D. Clerk says that on document originally sent this: "Filed. The encroachment has been removed. G. S. 15. 7. 94" & that the words, "the proprietor says" & "I will inspect again" have been subsequently added. In the "Revenue Register" the remark entered against the Rev. Inspector's report was, "No reply". This was considered what the M. D. Clerk says was the first endorsement, viz "Filed. The encroachment has been removed." But not what the second endorsement, viz "and the report was filed and for the present. As it is quite certain that the encroachment had not been removed, it was obviously what the Dpt. Tah's interest to make that he had not declared that it had been removed, but only that the proprietor had told him so - an extremely feeble thing at a Dpt. Tah of ordinary intelligence.

I am puzzled, apparently as Chemical Examiner, & he reported me it under the name of Chemical Examiner, but not as chemical examiner, but as an expert in handwriting. I do not see what he had to do with it as Chemical Examiner, but after examining the document carefully in the light of his report & the Dpt. Tah's defence, I have no doubt that the M. D. Clerk is right in his statement as to the original endorsement. (It showed that the Dpt. Tah had committed a fault) & as to the additions which confirm the Dpt. Tah's story. Those additions are therefore a forgery. The circumstances are such that there can be no reasonable doubt, but what the Dpt. Tah committed those forgeries himself.

In addition moreover to "crooked" conduct about the encroachment the Dpt. Tah. has falsified a public document.

He is a man of 19 years service, but it is impossible to keep him any longer in the service of Govt, & he must

unless the Rev. Dept. saw fit to move in the matter.

After a careful exam of this case I see no sufficient ground for Govt's interference and indeed the Board seem to have taken a more correct view than the Collector.

Two charges were brought against the Dpt. Tah (1) bribery & (2) procuring a small loan from a person within his jurisdiction.

~~Because of this~~  
On the first charge there was apparently no evidence & he was acquitted. On the second charge the M. D. recommended his dismissal not as a punishment for the comparatively venial offence charged but because intending depending himself the Dpt. Tah "has to save himself" "suborned false witnesses to ruin the character of an honourable official, the chief

"Susp<sup>n</sup> of Police by an accusation  
of an atrocious crime" viz  
suborning evidence against the  
D<sup>r</sup> Tab<sup>r</sup>.

Admitting that it was  
proper to punish a man, on his  
trial for a dereliction of departmental  
duty, for the offence of suborning  
false witnesses to ruin another  
official - admitting this I think  
the Board is quite right in  
refusing to find there was  
sufficient evidence of such  
misconduct.

In Jan 1897 the H<sup>h</sup> Col<sup>l</sup>  
ordered the H<sup>h</sup> Col<sup>l</sup> to investigate  
the official conduct of the D<sup>r</sup> Tab<sup>r</sup>.  
W<sup>h</sup> Inspector Sherriff was directed  
to help the H<sup>h</sup> Col<sup>l</sup>. The accusations  
of (1) bribery & (2) procuring  
a loan were put forward in  
April. It was therefore quite  
natural that the D<sup>r</sup> Tab<sup>r</sup> sh<sup>d</sup>.  
honestly believe that W<sup>h</sup> Sherriff  
was at the bottom of the charges  
& if he was innocent he ~~was~~  
~~reduced to believe that~~ the witnesses  
brought to speak against him were necessarily

be dismissed.

He did not know that the  
papers having come before Gov<sup>t</sup>  
in the course of a Magisterial  
inquiry, they have decided that  
W<sup>h</sup> Sherriff <sup>W<sup>h</sup> Sherriff</sup> ~~shall~~ be allowed to  
remain in the Service, & must  
be dismissed.

He ought to have been dis-  
missed for the date when he  
was suspended, but as the H<sup>h</sup>  
ordered him to appear, I wd grant  
him pay for the time during which  
he has done the work of an H<sup>h</sup> Col<sup>l</sup>,  
i.e. from date in Oct, not for  
the 14 to July 97.

JG  
19/2/98

A

No witness except that  
the accusation was one of  
most improvable actions,  
such as the D<sup>r</sup> 7. could  
not have believed when  
true. JG

false witnesses. He wd know  
that if a person in W<sup>h</sup> Sherriff's  
position was understood to  
be hunting the D<sup>r</sup> Tab<sup>r</sup> he wd  
find no lack of witnesses  
~~to speak against him~~  
~~to speak against him~~  
~~to speak against him~~  
He, being presumed innocent,  
was perfectly justified in  
charging W<sup>h</sup> Sherriff's witnesses to  
be perjured & also in bringing  
witnesses to prove they were  
perjured. There is absolutely  
no evidence to show that  
the D<sup>r</sup> Tab<sup>r</sup> knew that  
the witnesses whom he produced  
to speak against W<sup>h</sup> Sherriff were  
speaking falsely. There is  
nothing improbable in W<sup>h</sup>  
Sherriff's ~~being~~ making  
it public that he was  
seeking evidence, <sup>- true of course -</sup> against the  
D<sup>r</sup> Tab<sup>r</sup>: whether he made  
it public or not, we know  
that he was looking for such  
evidence under the instructions

issued in January  
 Unless the Dpt. Tabl. knew that  
 his witnesses were false he  
 cannot be accused of charging  
 Dr. Short with subornation  
 of evidence.

If the charge had  
 been merely of the loan the  
 Dpt. I. might have taken a  
 simpler line of defence, but  
 being originally mixed up  
 with a charge of bribery which  
 meant irretrievable ruin officially  
 if proved, it is hard to blame in  
 the Dept. Secs. the Dpt. Tabl. being  
 a martinet, from using  
 every advantage the law per-  
 mitted. Moreover he knew that  
~~in the Department which then was~~  
~~longer the impression that~~  
 notwithstanding that the former  
 charge had been ostensibly dismissed  
 from the record, there was looming  
 in the Director's mind the im-  
 pression that he was a man  
 of evil official reputation

I see no sufficient reason why

the Jot shd. have to interfere  
 with the Board's decision  
 in this case

17/12/190

CONFIDENTIAL.

Revenue Department.

Depled as enpt  
under 155 order  
2800  
6/4/98

One  
J. H. M. B.

(1) J. H. M. B.

(2) H. B. the pro was

JH  
13/3/98

157

Read Endt no 2499 full

23-1-97

(Directions for printing

Read Dwyer letter 28/10/97

in full

B. P. 2968 mis. 21-10-97

as an enclosure to above

in full

Full Endt Q.)

Read also no 10538 7 97

(Directions for printing  
B. P. 4547 mis. 21-10-97 in full  
B. P. 2569 mis. 21-10-97 in full

J. H. M. B. 20/1/98 April 1898.

After a careful consideration

relating to

of the records in the case of

the goldsmith's death, the

Govt is unable to see any

reason to consider the

case to have been one of

murder rather than

suicide. The Govt agrees

with the District Magistrate

however that the Submagistrate

in R. H. M. B. 20/1/98

Placed has certainly

taken the proper

steps by a post mortem

Examination and

chemical analysis, to

ascertain what the cause

of death really was. His

omission to do so was  
extremely negligent.

2. The attention of the  
Govt. has <sup>also</sup> been drawn to  
~~to certain~~ revenue cases  
~~in~~ in which the  
conduct of Mr. R. B. P.  
N. Sundaram Iyer has  
been seriously impugned.

This case is dealt with  
in Board's Proceedings  
No 3869 of 21-10-97  
a copy of which <sup>with the connected records</sup> has  
been submitted <sup>to the Govt.</sup> by the  
Dist. Magr. and also by  
the Board.

3. It appears that the  
Collector reported the Dy  
Patildar to the Board  
for suppressing information  
regarding an encroachment  
on Govt. land, for falsely  
reporting that the said  
encroachment had  
been removed and for  
tampering with the  
record relating to the  
same case. The Board

161  
found that there had been  
an encroachment <sup>by</sup>  
coffee plantation; that  
the Dy Patildar, ~~had~~  
~~reported~~ after ascertaining  
that a few trees had  
been ~~removed~~ <sup>uprooted</sup>, had  
reported <sup>in 1894</sup> that the  
encroachment had  
been removed; and that  
subsequently, on the  
continuance of the  
encroachment being  
again <sup>brought to</sup> notice by the Rev  
Inspector, the Dy Patildar  
~~after~~ delayed settling  
the matter for an  
undue length of time  
& eventually recommended  
the issue of a patta.  
The Board considered  
that the encroachment  
was not a serious evil  
but that the Dy Patildar's  
conduct was "decidedly  
crooked" and accordingly  
suspended him for  
six months.

o 4. The Ent. after a  
careful & prolonged  
consideration of the  
case is clearly of  
opinion that the Board's  
order has involved  
a serious failure  
of justice & ~~that~~ should  
be revised.

5. On the facts as found by the Board, the punishment of bars suspension <sup>was in the opinion of Govt.</sup> ~~the~~ <sup>unduly lenient; for</sup>  
the Dy Talukdar conduct ~~"crookedness"~~ <sup>tended</sup>  
~~to~~ <sup>influential wealthy party;</sup> ~~favored an~~ <sup>to</sup> ~~elect~~ <sup>to</sup> ~~the~~ <sup>enroach</sup>  
~~on~~ <sup>required special attention inasmuch as it was</sup> ~~a~~ <sup>went on</sup> ~~shikali which~~  
~~protected a stream;~~ <sup>the Dy Talukdar made</sup>  
~~& included~~ <sup>an absolutely</sup> false statement to  
the collector on the subject.  
~~perpetrated a serious~~  
~~and dangerous error~~  
~~in his official duty.~~ But the  
Govt consider that the Dy Talukdar  
~~much more "crooked"~~  
conduct has been proved & he culpable in the more  
~~against the Dy Talukdar~~ <sup>serious matter of tampering with</sup>  
~~to the Government~~ <sup>H.E. the Govt. is satisfied on the</sup>  
<sup>evidence, including the chemical</sup>

17 P  
Examiner's report, wh. is ~~analyzed~~ discussed in  
the Jollie's proceedings, that the  
Dr. Jollie did alter in the manner there  
explained <sup>his</sup> the orig. end<sup>t</sup> upon the Rev.  
Jollie's report, with the object of can-  
celing its falsity & misleading the  
Jollie as to his (the Dr's) action in the  
matter of the encroachment

6. It follows that Mr. Sundaram Iyer cannot be allowed to remain in the public service and he is hereby dismissed. The dismissal wd. order<sup>ably</sup> date from the commencement of his suspension, but the Board having restored him to office some time in October last, the Govt. considers he should be allowed the pay of ~~submagr~~ a Dy. Talukdar from the date on which he actually resumed his duties to the date of this order.

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Government {1898} of Madras.  
REVENUE.

*Recd.*

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*Enclosures*

*Spare copies*

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G.O., No. 201, 5th April 1898.

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APRIL.

M.R.Ry. N. Sundram Aiyar, Deputy Tahsildar and Sub-Magistrate,  
Ootacamund.

Dismissing from the public service, with effect from 5th April 1898, —

## GOVERNMENT OF MADRAS.

## REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue),  
Mis. No. 4547, dated 29th November 1897:—

Read—letter from J. H. A. TREMENHEERE, Esq., Collector of Nilgiris, to the  
Secretary to the Commissioners of Land Revenue, Ref. on G.B. No. 78/97,  
dated 4th November 1897.

Resolution—Mis. No. 4547, dated 29th November 1897.

Submitted to Government.

2. M.R.Ry. N. Sundram Aiyar, Deputy Tahsildar of Ootacamund, Nilgiri district, tendered a resignation of his appointment on 14th January 1897, and the Collector thereupon submitted to the Board a nomination for filling up the vacancy so caused. The Board inquired under what circumstances the Deputy Tahsildar had tendered his resignation. The Collector replied that M.R.Ry. Sundram Aiyar had "given no reason for resigning the public service," but that he (Mr. Tremeneheere) had no doubt that the Deputy Tahsildar had preferred not to await the result of an investigation, which was being instituted, in regard to his conduct in connection with an encroachment on Government land. In the meantime, the Deputy Tahsildar complained to the Board that the Collector had put pressure upon him to resign. The Board thereupon refused to accept the Deputy Tahsildar's resignation until the case against him had been fully inquired into, and instructed the Collector to have the inquiry conducted in accordance with the rules. After a delay of nearly five months the Collector recommended the Deputy Tahsildar's dismissal from the public service. The Board, for the reasons recorded in its Proceedings, Mis. No. 3969 (Confdl. No. 139), dated 21st October 1897, considered that the ends of justice would be satisfied by the Deputy Tahsildar being suspended for six months from the date on which he had first resigned his appointment, and accordingly directed his restoration with arrears of pay from 15th July 1897, the resignation having taken effect from 15th January 1897.

3. In his letter read above, the Collector reports that M.R.Ry. N. Sundram Aiyar having resigned the public service, full pay was drawn by his successor from the date of the resignation to the date when Sundram Aiyar rejoined his duties in pursuance of the Board's order. As under the same order, M.R.Ry. Sundram Aiyar also has to draw full pay for a portion of this period, i.e., for the period commencing from 15th July 1897 to the date when he rejoined duty, the sanction of Government is requested under article 215 of the Civil Service Regulations for the excess expenditure thus rendered necessary.

4. The extra cost involved can be met from the additional allotment of two lakhs of rupees, applied for in Board's Proceedings, Mis. No. 3889, dated 16th October 1897.

5. As regards the question of lien raised by the Collector, the Board is of opinion that, as the Collector's proposal to accept the Deputy Tahsildar's resignation was not approved by the Board, M.R.Ry. Sundram Aiyar should be considered to have retained a lien on his own appointment of Deputy Tahsildar of Ootacamund.

(True Extract.)

(Signed) R. C. C. CARR,  
Secretary.

To the Secretary to Government, Revenue Department,  
through the Accountant-General, with the Collector's letter,  
in original, to be returned, and with copy of Board's Proceedings,  
Mis. No. 3969 (Confdl. No. 139), dated 21st October 1897.

## ENCLOSURE.

READ—the following Proceedings of the Board of Revenue (Land Revenue), Mis. No. 3969  
(Confdl. No. 139), dated 21st October 1897.

Read—the following papers:—

- (1) Again Board's Proceedings, Mis. No. 420, dated 2nd February 1897.
- (2) Again Board's Proceedings, Mis. No. 921, dated 11th March 1897.
- (3) Also letter from J. H. A. TREMENHEERE, Esq., Collector of Nilgiris, to the Secretary to the Commissioners of Land Revenue, Ref. on G.B. No. 78/97, dated 31st July 1897.
- (4) Also petition from M.R.Ry. N. SUNDAM AIYAR, late Deputy Tahsildar and Sub-Magistrate of Ootacamund, residing in Triplicane, Madras, dated 16th August 1897.  
And reference thereon, dated 9th September 1897.
- (5) Also letter from the above officer (Collector of Nilgiris), Ref. on G.B. No. 78/98, dated 14th September 1897.

Resolution—Mis. No. 3969 (Confdl. No. 139), dated 21st October 1897.

The papers read above relate to the conduct of M.R.Ry. N. Sundram Aiyar, Deputy Tahsildar of Ootacamund. The Collector now recommends that the Deputy Tahsildar should be dismissed the service for suppression of information regarding an encroachment on Government land, for falsely reporting that the said encroachment had been removed, and for tampering with the record relating to the same case.

2. The case is briefly as stated below:—In 1893 the Revenue Inspector S. C. Chitham-barasawmi reported to the Deputy Tahsildar M.R.Ry. Sundram Aiyar an encroachment on Government land which was classed as stream reserve. The Deputy Tahsildar said he would inspect and did so inspect in October 1893 and in January 1894, when some of the coffee trees planted on the encroachment were removed. The Revenue Inspector also noted in his diary for February 1894 that some trees had been removed. This diary appears to have been kept in the Deputy Tahsildar's office until July 1894, when it was forwarded to the Collector with the remark, amongst others, that the encroachment had been removed and that no further action was necessary. The encroachers were Messrs. Ebram Sait & Co., an Ootacamund firm, and the extent of their encroachment was 1.58 acres of coffee, so that the removal of a few trees was clearly inadequate, and, moreover, the Deputy Tahsildar knew that it was his duty to bring the actual facts of the case to the Collector's notice.

3. Nothing further transpired until December 1895 when the same Revenue Inspector again reported to the Deputy Tahsildar (diary dated 1st January 1896) that Messrs. Ebram Sait & Co.'s encroachment had not been removed. It is not reported why no report had been made on the subject during the 20 months that had intervened since the Deputy Tahsildar's endorsement of July 1894. The Deputy Tahsildar again inspected and holding (either rightly or wrongly) that the cultivation was unobjectionable, ordered that a B memorandum should be submitted for the same. This was in January 1896, but shortly after the parties presented a petition to the Collector about the land and a separate report was called for. In May 1896 the Revenue Inspector again mentioned the encroachment in his diary, and the Deputy Tahsildar remarked thereon that a separate report was being submitted. The Collector made several calls for this report, which was eventually submitted in October 1896 when the Deputy Tahsildar recommended the grant of a miscellaneous patta.

No. 201, REVENUE, 5TH APRIL 1898.

4. The Collector suspected the *bona fides* of the Deputy Tahsildar, and accordingly instituted an inquiry into the matter, and it then came to light that the encroachment had been reported to the Deputy Tahsildar in October 1893. The original report of the Revenue Inspector was not at once forthcoming, and when produced the Deputy Tahsildar's endorsement thereon appeared to have been tampered with. Various witnesses were examined by the Collector in January 1897, and a few days later the Deputy Tahsildar tendered his resignation.

5. The facts were not at once reported to the Board, but a nomination for filling up the vacancy was submitted for approval. The Board inquired under what circumstances the Deputy Tahsildar had tendered his resignation, and Mr. Tremeneere then reported that he had "given no reason for resigning the public service," but the Collector had no doubt that he preferred not to await the result of an investigation which was being made into his conduct. Meanwhile the Deputy Tahsildar complained to the Board that the Collector had put pressure on him to force him to resign; but Mr. Tremeneere reported that the Deputy Tahsildar's statements were "absolutely false" and added that he had, on the other hand, told his subordinates that he "personally preferred that he (Deputy Tahsildar) should not resign (the completeness of the case against him being rather creditable to the Collector himself)."

6. Thereupon the Board refused to accept the Deputy Tahsildar's resignation until the case against him had been fully investigated, and instructed the Collector to have the inquiry conducted in accordance with the rules.

7. Mr. Tremeneere has now complied with these orders and recommends the Deputy Tahsildar's dismissal. The Collector did not, however, report whether the encroachment, on which all the accusations against the Deputy Tahsildar had been based, was objectionable, and a further reference had therefore to be made. The last paper read above contains Mr. Tremeneere's report to the effect that the encroachment is "highly objectionable."

8. The Board does not consider that the Collector has shown satisfactorily that the encroachment is a serious evil. The Revenue Inspector displayed bias which was not allowed for by the Collector. The encroachment was an old one, and although the papers indicate that the Deputy Tahsildar meant to deal with it by having it removed, he may have anticipated that the matter would in the end be settled by less severe measures. His conduct was, however, decidedly crooked and calls for punishment, though in the Board's opinion dismissal from the service would be far too severe.

9. The second and third charges have grown out of the first which has been dealt with above, and the second is really merged in the first and need not be separately considered. The charge of tampering with the record has been minutely investigated by the Collector, who has requisitioned the services of the Chemical Examiner to examine the Deputy Tahsildar's endorsement and the subsequent corrections. These alterations are suspicious, but in the Board's opinion it is not satisfactorily proved that the Deputy Tahsildar is guilty of tampering with this document.

10. The Board considers that for the offences brought home to him, M.R.Ry. Sundram Aiyar will be sufficiently punished by suspension from office for a period of six months. It is understood that he has been out of office since January 14th, 1897, when he tendered his resignation. The Collector will now reinstate him with arrears of pay.

(True Extract.)

(Signed) R. O. C. CARR,  
Secretary.

To the Collector of Nilgiris, etc.

No. 3845.

Forwarded. The Government can, if it thinks fit, sanction the excess charge under article 215 of the Civil Service Regulations.

FORT ST. GEORGE,  
6th December 1897.

(Signed) F. C. HARRISON,  
Officiating Accountant-General.

To the Secretary to Government, Revenue Department.

READ—endorsement No. 2499, Judicial, dated 23rd January, 1898, transferring the following letter from J. H. A. TREMENEERE, Esq., District Magistrate, Nilgiris, to the Chief Secretary to Government, dated Ootacamund, 28th October 1897, Ref. on G.B. No. 78/97.

I have the honour to bring to the notice of Government what seems to me to have been serious misconduct on the part of M.R.Ry. Sundram Aiyar, lately Sub-Magistrate of Ootacamund.

No. 201, REVENUE, 5TH APRIL 1898.

2. A goldsmith was taken to the hospital with all the symptoms of poisoning. Before he died, the only explanation he could suggest was that he might have eaten without washing his hands after working with some arsenic in his trade. The explanation was clearly inadequate, and it was the obvious duty of the Sub-Magistrate to order a *post mortem* and urge the police to trace out what appeared to be a murder.

3. Instead of doing so, he ordered the police to hand the corpse over to the relatives, and the matter dropped.

4. Hearing of this, I had to order exhumation, and the Chemical Examiner found in deceased's stomach no less than 8 grains of arsenic.

5. Owing principally in my opinion to the delay caused by the Sub-Magistrate's action, the police never succeeded in tracing who had administered the arsenic.

6. I called upon him to explain how he came to order the police to hand over the corpse to the relatives and thus practically stifle inquiry. In his explanation forwarded herewith (exhibits 16, 17 and 18—file A) he quoted the statement of the deceased to the apothecary, along with other utterly unconvincing facts, and justified himself by saying that he believed it to be a case of suicide. Of course the statement to the apothecary did not point to suicide (though it might be some slight evidence of accidental death), and even if suicide had honestly been suspected that would not have absolved the Sub-Magistrate from his duty of ordering a *post mortem*, or justified him in allowing the body to be buried. But in fact everything in my opinion pointed to murder.

7. This seems to me to have been such serious misconduct on the part of the Sub-Magistrate that it is my duty to bring it to the notice of Government.

8. The conduct of Sundram Aiyar has in other respects been unsatisfactory. In the enclosed file B I sent him up to the Board of Revenue for dismissal (a) for suppressing an important encroachment, (b) for falsely reporting its removal, (c) for fabricating false evidence in an official record. In the enclosed Proceedings of 21st October the Board has found him guilty of "crooked conduct" as to the first and second charges, and ordered his suspension for six months. The third charge had in my opinion been abundantly proved by all the circumstances of the case, and by the detailed scientific examination of the official record by the Chemical Examiner (exhibits 15 and 16—file B). The Board considered the alterations to be suspicious, but found the charge not satisfactorily proved, and reinstated Sundram Aiyar with back-pay. I may, perhaps, be allowed to remark in passing that the Board gave no reasons for this last decision, and did not communicate it to Government under paragraph 10 of Board's Standing Order No. 244 (as revised in G.O., No. 768, Revenue, dated 2nd September 1893).

9. I must now explain the delay in making this reference to Government. My inquiries into the poisoning case had not been concluded on 14th January, on which date Sundram Aiyar resigned the public service, his resignation being accepted by me. He subsequently petitioned the Board to be allowed to withdraw his resignation, but again withdrew this petition. So far as I know he has not again changed his mind. His place in the public service has been filled up since January, the Board postponing passing orders on his resignation until the results of the revenue inquiry against him should be reported. I have all along been under the impression that he would be dismissed or at least that his resignation would be accepted (he has since taken up a municipal contract and, I believe, been engaged in a livery stable business). He has not been dismissed and nothing has been said about his resignation. The receipt, therefore, of the Board's Proceedings is the first opportunity I have had since his resignation on the 14th January to report his misconduct in the poisoning case. By this misconduct, coupled with his suspicious conduct in the cases submitted to the Board, I think that he has shown himself too untrustworthy for retention in the Government service. At least I pray that he may be transferred to another district. In pursuance of the Board's instructions, I have issued orders to reinstate him, but pending this reference I consider it inadvisable that he should take up magisterial cases.

10. Enclosures (two files) as per lists are herewith submitted.

ORDER—No. 201, Revenue, dated 5th April 1898.

After a careful consideration of the records, submitted by the District Magistrate, relating to the goldsmith's death, the Government is unable to see any reason to consider the case to have been one of murder rather than suicide. The Government agrees with the District Magistrate, however, that the Sub-Magistrate M.R.Ry. N. Sundram Aiyar should have certainly taken the proper steps, by a *post-mortem* examination and chemical analysis, to ascertain what the cause of death really was. His omission to do so was extremely negligent.

2. The attention of the Government has also been drawn to a revenue case in which the conduct of M.R.Ry. N. Sundram Aiyar has been seriously impugned. This case is dealt with in Board's Proceedings, Mis. No. 3969, dated 21st October, 1897, a copy of which with connected records has been submitted to the Government by the District Magistrate and also by the Board.

3. It appears that the Collector reported the Deputy Tahsildar to the Board for suppressing information regarding an encroachment on Government land, for falsely reporting that the said encroachment had been removed and for tampering with the record relating to the same case. The Board found that there had been an encroachment by coffee plantation some time before 1893; that the Deputy Tahsildar, after ascertaining that a few trees had been uprooted, had reported 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, the Deputy Tahsildar delayed settling the matter for an undue length of time and eventually recommended the issue of a patta. The Board considered that the encroachment was not a serious evil, but that the Deputy Tahsildar's conduct was "decidedly crooked" and accordingly suspended him for six months.

4. The Government after a careful consideration of the case is clearly of opinion that the Board's orders have involved a serious failure of justice and should be revised.

5. On the facts as found by the Board, the punishment of six months' suspension was unduly lenient; for the Deputy Tahsildar's conduct favoured an influential and wealthy party; the encroachment required special attention inasmuch as it was on a sholah which protected a stream; and the Deputy Tahsildar made an absolutely false statement to the Collector on the subject. But the Government considers that the Deputy Tahsildar's conduct has been proved to be culpable in the more serious matter of tampering with the record. His Excellency the Governor in Council is satisfied on the evidence, including the Chemical Examiner's report, which is discussed in the Collector's proceedings, that the Deputy Tahsildar did alter, in the manner there explained, his original endorsement upon the Revenue Inspector's report, with the object of concealing its falsity and misleading the Collector as to his (the Deputy Tahsildar's) action in the matter of the encroachment.

6. It follows that N. Sundram Aiyar cannot be allowed to remain in the public service and he is hereby dismissed. The dismissal would ordinarily date from the commencement of his suspension, but the Board having restored him to office some time in October last, the Government considers that he should be allowed the pay of a Deputy Tahsildar from the date on which he actually resumed his duties to the date of this order.

(True Extract.)

(Signed) G. S. FORBES,  
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).  
„ Judicial Department.

Ezd. J. Henrious.

40 Copies.

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A.B.—

A—Print in full.  
B—Not to be dated.  
P—Print in full only.  
Q—Print heading only.