

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 2269

DATED 25th May

[Despatch Abstract.]

Declining to interfere on behalf of Venkatesa Dyer, as the Inspector of Salt & Alkali Revenue in the matter of his dismissal from the public service whose services were dispensed with on the ground of his indebtedness and requesting the Judicial Dept to make inquiries as to whether one V. Subba Rao, record-keeper in the District Court of Coimbatore has not acted in violation of the rules for the conduct of public servants in starting a bank and lending money.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.
Cmo.	1783		9-6-99.
S.O.	4000	15-	3-99.
Cm.	2024		1-99.

Revenue (1898) Department.

CURRENT No. 2345.

From

From
The Secretary to the Commis-
sioner of Salt, Abkari and Separate
Revenue, Mysore.

Revenue, ~~Madras~~

His. No. 1014;

Dated 16th March 1873.

Received 24 -

Registered 25

Enclosures 12.

Spare copies

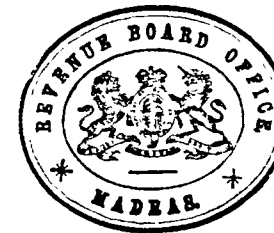
SUBJECT.

Submitting to Government petition
from M.R.R.V.S. Vencatesa Iyer late
Assistant Inspector of Salt, Abkhari
and Customs Department appealing
against the Board's order dispensing
with his services under article 40
of the Government Servant's Manual.

G.O.	No.	Department.	Date.

G.O.	No.	Department.	Date.
Cen.	178		3/9

1,000
19-4-85



(Separate Revenue),

Dated 20th November 1897.
 Lib. No. 5095

Letter from the Deputy Commissioner, Southern Division, No. 4907, dated 14th October 1897, submitting for such steps as the Board may deem necessary to take copy of Tinnevely Assistant Commissioner's letter regarding the delay in despatch of licences and A3's by Assistant Inspector Mr. S. Venkatesa Aiyer.

Letter from the same officer No. 5037, dated 24th October 1897 forwarding with remarks, the petition of M. R. Raj Venkatesa --- Aiyar, Assistant Inspector, on leave, of the Mettanan Circle, requesting for an extension of his leave up to the 12th November on the ground that he was relieved only on the 2nd October.

Letter from Mr. S. Venkatesa Aiyar, dated 30th October 1897, sub-
-mitting his final report regarding his private affairs.

Letter from the Deputy Commissioner, Southern Division, No. 5122, dated 29th October 1897, forwarding Assistant Inspector H.R. Ry. S. Venkatesa Aiyar's petition dated 30th September --- 1897, requesting for an extension of his leave by the period which elapsed between the date of receipt of telegram from the Board granting him leave and the date of his relief.

Letter from Mr. S. Venkatesa Aiyar, dated 4th November 1897, stating that V. Subba Row consented to receive Rs. 9500 in full discharge of all his claims against him.

Letter from the Inspector Tettanam Circle, No. 2180, dated 5th November 1897, submitting copy of the letter addressed to the Assistant Commissioner reporting that Assistant Inspector Mr. S. Venkatesa Aiyar has not rejoined duty and has not submitted the report called for by the Board.

Petition from S. Venkatesa Aiyar dated 16th November 1897, stating the circumstances under which he ran into debt and requesting the Board to permit him to rejoin his appointment.

Resolution:-

In February 1890 Assistant Inspector M.R.Sy. S. Venkatesa Aiyar was ordered and adjudged by the Court of Small causes, Madras to pay one Mysore Row a ^{Sum} ~~sum~~ Rs. 194-8-0 due to the latter, cost Rs. 36-9-0 interest at 6 per cent upon debt from 11th January 1890 and costs from 12th February 1890 till date of payment. As these sums remained unpaid and unsatisfied the Court issued an order in July 1890 directing the attachment of the moiety of the pay of the Assistant Inspector until the aforesaid sums amounting to Rs. 240-13-4 were liquidated. The Assistant Inspector was thereupon directed to submit a list of his outstanding debts with an explanation of the circumstances under which they were contracted. Not having submitted the list until 7th October 1890 he was again directed on that date to submit it forthwith, instead of doing so even then, he simply stated that he was one among six brothers of an undivided family, that debts had been contracted before he joined the public Service, that he could not for want of particulars submit a complete list but that the amount was roughly from Rs. 7000 to 8000 to clear which the family possessed property to about double that value. He further stated that he had no opportunity of meeting all his brothers together and coming to an understanding with them in regard to the repayment of the debt and that he had consequently instructed his uncle to take early steps to discharge the debt by the disposal or otherwise of the property, that the sale of the property was under negotiation, that some money had already been arranged for and that if the Board allowed him 4 months' time or give him a month's leave he would free himself from all encumbrance. In P.P. No: 3006, dated 9th October 1890, the Assistant Inspector was informed that he was not entitled at the time to the one month's

month's privilege leave he asked for and was directed to send up without delay a complete schedule of his debts to enable the Board to decide whether it was necessary to take action under the rules regarding the indebtedness of Public Servants. In November 1890 he applied for and was granted 24 days' privilege leave for the settlement of his affairs, but as no report regarding his debts was received, the Deputy Commissioner was requested in P.P. No: 557, dated 23rd February 1891 to see that a schedule was submitted without further delay. In February 1891 the Assistant Inspector furnished a complete schedule of his debts which together with interest amounted to about Rs. 8320 and when called upon to furnish information as to the amount of his assets he represented in July 1891 that the greater portion of his Service in the Southern District was active and Special work and consequently he could not find any opportunity to wind up his private affairs, stated that if the Board ^{would} grant him two months' leave on forfeiture of pay he would have the needful done and requested ^{that} the Board would be pleased to give him an opportunity of doing so before taking any action on his case. He was accordingly granted 2 months' leave in Board's Proceedings No: 2711 dated 22nd August 1891 and was ordered to report at the end of the leave what progress he made towards the liquidation of his debts. In September 1891, however, he requested that, as his father's annual ceremony took place during the latter part of November when all his brothers would meet together in one place, he might be permitted to avail himself from that month of one month's privilege leave which he was entitled to and which he considered was sufficient. This request was granted. The Assistant Inspector did not avail himself of the leave until the 24th December 1891 and was then allowed an extension of 6 days' privilege leave together with the Christmas holidays. He returned from leave on the 8th February 1892, but the report, called for in Board's Proceedings No: 2711, dated 22nd August 1891 (P.P. No: 2711-1892) was not submitted until after the Board had sent another special Proceedings (P.P. No: 1516 dated 15th April 1892) and even then the Assistant Inspector simply

G.O.

G.

stated "that during the few days that I remained in my native place I tried to dispose of some of my property but unfortunately for me I could not get a reasonable price". He further stated that according to a communication he had received from his cousin an offer of Rs. 8000 had since been made for the property and that, to avoid any more trouble on the part of his creditors, he had agreed to remit half of his pay since his return from leave, adding that, as such a course was likely to give him a fair opportunity of obtaining a good offer for the property, he requested that he might be allowed sufficient time to come to some final settlement with his creditors. The Board thereupon directed him (in B.P. No: 2472, 3/28th June 1892) to submit a quarterly report showing the progress made towards the repayment of his debts. The reports for the quarters ending 30th June and 30th September 1892 having shown that little or nothing had been done to redeem his previous promises the Assistant Inspector was warned (in B.P. No: 4412 3/31st Nov: 1892) that if much more satisfactory progress was not apparent from the report for the third quarter the Board would be compelled to take very serious notice of his conduct. Reports continued to be submitted for a few more quarters but as no satisfactory progress was made the Board instructed the Assistant Commissioner, Manipal Sub-Division, in whose Sub-Division the Assistant Inspector then was, to submit a report on the Assistant Inspector's debts after examining him personally on the subject and to ascertain whether there really was any family property to which the Assistant Inspector was entitled as asserted by him (B.P. No: 4241 dated 15th October 1896).

2. From the statement taken from the Assistant Inspector by the Assistant Commissioner in January last it is observed that his outstanding debts then amounted to Rs. 8287 as detailed below:-

Attachment order was received for Rs 6534-8 for further interest on Rs 3000 at 6 p.c per annum from 30-3-96 & Attachment order was received for Rs 237-2-11

(1) V. Subba Row of Coimbatore	Rs. 7000
(2) Messrs. Moses & Co.	237
(3) Veeravadi Chetti and Nagappa Chetti of Coimbatore. }	500
(4) Karuppa Goundan of Coimbatore	500
(5) Minor debts about	250

8287

As regards the first item which forms the major portion of the debt, the Assistant Inspector stated that he had mortgaged his house at Coimbatore to the creditor in liquidation of all claims against him, that the deed would be executed shortly and that the attachment order issued at the instance of the creditor would be withdrawn. He also stated that he had received an offer of Rs. 8000 for his house, that if he still to sell the house he would give it over to the creditor in satisfaction of his debt and that he expected to settle the matter one way or the other before the 31st March 1897. In regard to the other items the Assistant Inspector stated that he expected to repay them also before 31st March 1897 out of the sale proceeds of the house, if a sale could be effected, or from other property. The Assistant Inspector was thereupon finally warned in Board's Proceedings No: 832 dated 10th March 1897 that if the first item of his debts was not settled by the end of March 1897 as promised by him, the Board would be compelled to give effect to the provisions of part 40 of the Government Servants Manual.

3. As on similar previous occasion, the Assistant Inspector applied for and obtained leave for one month and 15 days for the purpose of settling his debts; but as nothing further was heard from him in the matter in reply to the Proceedings of March last, the Deputy Commissioner, Southern Division to whose charge he had since been transferred requested in Board's Proceedings No: 2753 dated

date 2nd July 1897 to report whether the Assistant Inspector had cleared off the debt referred to, and, if not, to take a final explanation from him as to why he should not be dealt with under the rules. In September ^{last} the Deputy Commissioner submitted the Assistant Inspector's final explanation dated 15th August 1897 which was to the effect that during the period of the leave granted to him in April last he was not able to finally settle the matter as his creditor Subba Row was absent in --- Cochin but that he would at any risk and cost set to his settling as soon as possible. He again applied for 6 months' leave ---- without allowances, but when the Board refused to grant it he prayed that it "will condescend to reconsider the order and --- grant me as much leave as they deem necessary to wind up the --- affairs, say for one month, and then give me one more chance". (With his petition dated 15th September 1897). The Board thereupon in its Proceedings No: 4102 dated 20th September 1897 granted him leave up to the end of October 1897 as a last chance to --- enable him to settle his affairs, directed the submission of a special report at the end of his leave and warned him that if his report was found to be unsatisfactory his services would be --- dispensed with Under Article 40 of the Government Servants Manual.

4. The third of the papers read above is the Assistant Inspector's final report; but this which is dated 30th Oct: 1897 is as little to the point as the previous reports submitted by him, and the first item of debts does not appear from it to have yet been set led. In the fifth of the papers read above the Assistant Inspector stated that he had intended to settle the debt above referred to before the 12th instant but in his letter dated 16th instant he states that he has not yet settled his affairs. As he has not availed himself of the several chances given him by the Board from time to time during the last six --- years, the Board considers it undesirable to retain such an --- Officer in Government service any longer, more especially as his work while in charge of the Theekunthalam factory ---- before he last proceeded on leave is reported by both the --- Assistant Commissioner and the Deputy Commissioner to have been most unsatisfactory. It is further observed that he has not yet

rejoined duty although he was granted leave only up to the end of October 1897. In these circumstances the Board resolves to direct that his service be dispensed with under Article 40 of the Government Servants --- Manual.

5. The following telegram has been sent to the --- Inspector, Vattanam Circle:-

"Venkatesa Aiyar removed from service. Do not --- permit him to join Circle. Proceedings follow".

/True Extract./

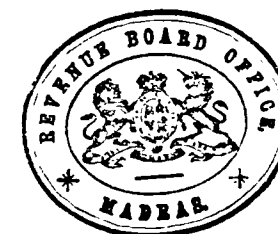
(Signed) A. Krishnasami Iyengar
Acting Assistant Secretary.

To the Deputy Commissioner, Southern Division,
with the files returned.
" " Assistant Commissioner, Tirunelveli, Sub-Division.
" " Inspector, Vattanam Circle.
" H.E.W.S. Venkatesa Aiyar through the Inspector,
Vattanam Circle.

/True Copy/

R. W. Hurley
Acting Assistant Secretary.

20
21
23/3/98



Proceedings of the Board of Revenue

(Separate Revenue),

Dated 10th March 189³.

Mis. No. 1011.

---:0:---

Read appeal petition from S. Venkatesa Iyer late Assist-
ant Inspector of Salt, Abirani and Customs Revenue, dated 23th
February 1893, appealing to Government against the order of
the Board dismissing him on the ground of his being involved
in debt.

Resolution.

Submitted to Government.

2. A copy of Board's Proceedings Mis. No. 1008, dated 20th --
November 1897 in which the grounds for the dismissal of the
petitioner have been fully set forth is also submitted.

(True extract)

R. J. Thacker

Acting Assistant Secretary.

To the Secretary to Government with the appeal petition and
its enclosure and also a copy of Board's Proceedings

Mis. No. 1008, dated 20th November 1897.

448
23/3/98

Lead Cms. 2375 of 1898.
B.P. (L.R.) no 10118 16.3.98.

For orders.

5
With the above
current the Board of Revenue
submits an appeal petition
from Mr. S. Venkatesa aiy,
late an assistant Inspector in
the Salt and Abkari Dept.,
whose services were ordered
by that ~~to~~ authority
to be dispensed with on ac-
count of his indebtedness
under article 40 of the Govt
Servants Manual.

The circumstances in which
the above order was passed
are fully stated in the
Board's Proceedings dated
the 20th November 1897 no
5095. It would appear
that the pet's indebtedness
first came to the notice of
the Board of Revenue in
July 1890 and that from
that date till the 20th Nov
1897, the pet was given
several chances of clearing
off

57/5/98

off his liabilities. The
Schedule of debts furnished
by the petr in Feb^y 1891,
after long delay, in response
to repeated calls from the
Board of Revenue showed
that the petr's debts with
interest thereon amounted to
Rs 8,320. The petr then
represented that his family
possessed property to about
~~the~~ double the amount, that
he had no opportunity to
wind up his private affairs
as the greater portion of his
service in the Southern Dis-
tricts was spent on ~~active~~
special duty and that
he would settle his affairs
if he had two months' leave.
He accordingly took leave from the 24th
December 1891 to the 8th
February 1892, but on his
return, he reported that
he was not able to dispose
of his family property
~~for~~ as he could not get
a reasonable price and
added

added that he had arranged
to remit one-half of his pay
to his creditors and that he
might be given sufficient time
to come to some final settle-
ment with ^{them} his creditors. The
Board of Revenue, thereupon,
ordered him to submit quar-
terly reports of progress made
in the liquidation of ^{his} debts.
The first two reports showed
no progress and he was
warned. The reports for
some subsequent quarters
also, ^{having} showed no satisfactory
progress, the assistant Commr
was instructed by the Board
in October 1896, to take
a statement from the petr,
of his debts, and to enquire into his
assets. The statement was
furnished by the petr in
January 1897 and it ap-
peared therefrom that his
liabilities ~~were~~ ^{still amounted to} Rs 8,287.
The petr said that he would
discharge the amount by
the end of March 1897 by
selling his house in Coimbatore.
The

of The Board of Revenue there.
upon warned him that if
he did not discharge the
big item of Rs 7,000 included
in the list, which was due
to one Subba Row, by the
end of March 1897, action
would be taken under para
40 of the Govt servants
Manual. The peti again
took leave for a month and
fifteen days ^{with the object of} settling his
affairs, but ~~the~~ in vain.
Pressed at last for a final
explanation as to why the
provision in the Manual
above referred to should
not be given effect to, the
peti gave ^{an explanation} ~~an~~ on the 15th
August 1897. in which he
said that he was not able
to effect a settlement
with his creditors owing to
the latter's absence in Cochin
and he again asked for
six months leave on loss
of pay. The Board declined
to grant the leave, but as the
peti again prayed that he
might

might be given at least
one month's leave as the
last chance he was granted
leave till the end of October
1897 and warned that if
the report ^{about his affairs} which he was
to submit ~~at the end of the month~~
then should be found not
satisfactory, his services
would be dispensed with.
In a Proceedings dated the
25th September 1897, the
Board also informed the
peti ^{that} his being permitted to
rejoin his duty would de-
pend on his report regard-
ing the settlement of his debts.
Again the peti failed to
clear off his ^{liabilities} ~~debts~~ and the
result was that the Board
passed ~~the~~ order dispensing
with his services.

Now the peti comes up
with a lengthy appeal to
Govt and alleges as follows:-
(1) that at the time of his
entertainment in the public
service he had only debts
to the extent of Rs 3,575 and

it increased to Rs 8,530 in 1891. as his creditors had put forward unjust claims, and obtained ex-parte decrees ~~therefor~~ owing to the petitioner's absence on duty in distant Districts and his not having been granted leave to contest the suits;

(2) that out of the sum of Rs 8,530, he had paid up Rs 5,380 up to the end of October 1897;

(3) that one of his creditors V. Subba Row ~~had~~ fraudulently sued him ^{& his brother} on a bond which had been executed by his father without consideration, and deprived him of the house with which he hoped to clear off his ~~own~~ personal debts, and that he lost the chance of appealing to the High Court as the Board of Revenue refused to grant him six months leave and to relieve him in time.

The

But if he had been dismissed in 1891 he would have been then about 40

SPB

It does not follow

The petitioner attributes all his troubles to the exigencies of the public service: and in para 7 II he blames the Board of Revenue for not having dispensed with his services at once in 1891. He says: — "The Board was then aware that the debts, at the time ^{though} ~~not~~ just or otherwise, were so great as not to be liquidated within the period prescribed (two years) and if they had taken any action then, he would not have been compelled to spend his further vigour and energy and after a hard service of 12 years and at an advanced age of 46 being driven to the necessity of securing his subsistence elsewhere."

It is submitted that the Board's lenient action all along has evidently ^{led} the petitioner to expect leniency for an indefinite period and that the appeal may be dismissed.

MK
2/1/98

Very

In seven years the man has ^{been} leading the settlement of his debts by one prelent or another. According to his own version, he has the assets wherewith to satisfy his debts. But he has constantly put off doing so.

All these private transactions must have consumed most of his time & he cannot have been a public servant of any value. In K.P. 5095 I do not get the Bd. edg (para 4) that his work before he last went of leave had become most unsatisfactory.

It is submitted that the Dept is well rid of him and that Govt should not interfere

Ull
6.5.78

Hu.

as he is still over head & ears in debt, & as there is no prospect of his discharging it, it would be a pity to let him

I know the man well & have heard a bad account of him for long time past. I want to interfere in his favour. I want to make out the origin of the debt to V. Subba Rao, the principal creditor - Please have this point looked into - He is stated (p. 5 of petition) to be a public servant. How did he come to be lending money & starting a bank?

9/5/78

the public interest to be fair longer in the service Govt may decline to interfere

07-7/5/78

page 8 of the petition T

With reference to the Hon^{ble} Member's query, how V. Subba Rao who is stated to be the Record Keeper in Dist Court of Coimbatore came to be lending money and starting a bank, it is submitted as follows:-

Rules 20 and 21 of the Govt Servants Manual which was first published in 1893, prohibit all Govt servants from taking part in the management of any Company or bank. It would, however, appear from the petition that the native bank at Coimbatore though started by the V. Subba Rao and his three brothers was managed by one of them named Krishna Rao till the year 1886, when it failed and that it was then purchased by V. Subba Rao in the name of his three brothers and ^{him} Govt. V. Subba Rao will evidently now deny that he has anything to do in the management

of the bank.

As regards lending money,
rule 23 of the Govt Servants
Manual as first published
in 1893,
prohibited gazetted officers
and others holding positions
of trust and responsibility
from lending money at
interest whether directly or
thru' relatives to land-hold-
ers within the Presidency,
and it was only in the revised
rules issued in 1897, that
Record Keepers in District
Courts were expressly in-
cluded in the list of officers
to whom the prohibition
was intended to apply.

V. Subba Rao will ^{now} ~~offer~~
apparently, ~~expressly~~ say that he did
not lend anything ^{to the Government} after
the issue of the rules in
1897. ~~over the border.~~

Perhaps ^{it may be left} the Judicial Deptⁿ
to institute enquiries ⁱⁿ in
view to see if V. Subba
Rao has ^{in any way} violated the spirit
of the rules. ⁱⁿ A draft order
is put up for approval.

1 Say Please see draft in which
will mark added to same

Appendix C. in page 24.

Allo!

~~Leidl~~ kept for concurrence

201578

Issued
8/2
25/9/8

Desp.
2.6.98

Please when you get
 comes in that
 P. J. 57
 P. J. 57
 in
 P. J. 57

Read C No 2375 of 18;
B. P. (Y. R.) No 1011
16.3.28

G.P. misc no. 2269d/25th May 1960

The Govt sees
no reason to interfere in the
petr's behalf.

2. Enquiries will be made in the Judicial Deptt as to whether the principal Creditor, V. Subba Rao, who is stated to be the Record-keeper in the District Court of Coimbatore and who appears to have started a bank and ^{to have} been lending money, has ~~not~~ ^{not} violated the ~~rules~~ acted in violation of the Rules.

15-5-88

MA 23.5.98 SP 20/5/98

To the Board (S.R.)
To the Just Dypt with petr
To the petr (chara)

16/5/98