

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 3407

DATED 18th Aug 98

[Despatch Abstract.]

Ordering that the memorial of Purnima
Kali Sh. Puri, Assistant Clerk, B. P. S. D. P.
for re-employment be withheld under Rule 36,
& 37 of the G.O. of Indraprastha. Rule 36
be enforced accordingly.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
		G.O. 1388 R 19-9-98					

Revenue

Judicial

(1898)

Department.

CURRENT No. 5000

From

The Board of Revenue
Said Revenue
Madras
No. 2181-110

Order No. 3407 of 18th Aug 98

Ordered that the
memorial be withheld under
rule 3(5) and (7) Section III
of the Govt. of India petition
rules quoted below and that
the memorialist be informed
accordingly.

Dated 9th August 1898

Received 13

Registered 13

Enclosures 1/1

Spare copies

SUBJECT.

Submitting to Government
petition from Ponnuramuni Pale
Tala & Peon. Cuddalore Taluk
S. Arad. D. K. appealing to the
Government of India against
the order of the Local Government
rejecting his petition praying for
reemployment.

1. Petitioner was dismissed by the District
Collector for absconding himself - 16-9-95
(2) Appealed to Collector (rejected) 1-5-96
(3) Appealed to District Collector (rejected) 19-11-96
(4) Appealed to District Collector (rejected) March 98
(5) Appealed to District Collector (rejected) April 98
(6) Appealed to District Collector (rejected) June 98
(7) Appealed to District Collector (rejected) June 98
The petitioner now appeals to the
Local Government.
15/8/98

BACK PAPERS.

G.O.	No.	Department.	Date.
10	1014	RW	22-6-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.
10	1388	RD	19-9-98

No.

His Excellency The Viceroy & Governor General
of India in Council
Through The Collector of South Arcot

The humble Appeal of Ponnusamy Let
Talug Peon residing at Manacuppam Cuddalore Talug
South Arcot District, Madras Presidency, against
the Order of the Government of Madras No. 1014
R. dated 22 June 1898. declining to interfere in
the matter of the Appellants Reappointment
as Peon.

Most Respectfully Shown to as follows.

1. That he was a permanent peon in the Cuddalore
Talug Office for a period of about 12 years. But on
16-9-95 he was removed by the Head Quarter
Dy Collector who erroneously considered the
Appellant to have overstayed his leave.

2. That the Dy Collector most unreasonably
removed the Appellant, saying that the
Appellant ought not to have omitted to give his
address in the Applications for extensions of leave &
that he should have applied personally instead of
by Post from Pondicherry.

3. That the Dy Collector was fully explained
that the Appellant's presence at Pondicherry was on
leave granted to him & after acceptance by his
immediate Superior the Talug Sheristadar, of the
Appellant's own nominee, to act for him & the
personal appearance of the Appellant was not
insisted on when the extensions of leave were

4. And no orders refusing the extensions of leave were passed or communicated to the Appellant, though the Dy Collector has proved that he was able not merely to issue summonses by Post to the Appellant at Pondicherry, but also to secure his attendance before him to enable him to take an explanation from the Appellant. The Appellant is also a citizen of the Head Quarter itself having a permanent residence & relations through whom also he may be communicated with if really no extension of the leave were granted to him. The Duffadar also claims that the Dy Collector's order of removal was delivered by him in person to the Appellant at Pondicherry. Thus it is seen that the Appellant while accessible & within the reach of communications so far as the explanation & his removal are concerned, while as to the orders on his applications for extensions of leave are concerned, the Dy Collector was without satisfying himself if any orders or orders of refusal were passed on them, at once assumes the existence of those orders & that the Appellant's superiors were disabled for want of address to communicate the same & draws the illogical conclusion that the Appellant has overstayed his leave.

x a great
support
to Appellant's
family

6.

5. The Dy Collector fully understood the absolute necessity which compelled the Appellant's absence at Pondicherry viz the death of the Appellant's Brother-in-law immediately followed by a protracted litigation in the French Courts regarding the property left by the deceased relative.

6. But on 16-9-95 while the Appellant was giving in person his explanation to the Dy Collector, the Appellant's ruined state of health in consequence of the above calamities was so serious that the Dy Collector prominently noticed it & questioned the Appellant about his health & recorded his statement that he was ill from 1 1/2 months before, that is from August 95. Thereupon the Dy Collector immediately ordered the Appellant's removal orally without delivering to him a written order at once. Yet the Appellant under such circumstances, was so unreasoned in mind & so overpowered by the concurrent influences of all the above misfortunes which overtook him in succession, that he had not the presence of mind to wait & obtain copies of the Dy Collector's order of removal & present his appeal within the time ordinarily allowed by the Law of Limitation. But his Appeal was admissible under the saving clause of the Law of Limitation from this ill-health which overtook him in August 95, the Appellant recovered & became fit for intellectual service only in April 96.

7.

8. The Appellant in recovering his health of mind & body presented his Application on the 4th April 96 to the District Collector of South Arcot. for the copies of the Dy Collector's order & presented the Appeal on the 1st May 96. But the Appeal was rejected as time barred by the Dy Collector Mr. Dance.

9. The Appellant thereupon renewed his Appeal to the Permanent Collector Mr. Stuart who failed to take a liberal & Comprehensive view of the whole circumstances, but took a very narrow view of the single fact

viz that the Appellant on 16-9-95 appeared before the Dy Collector & gave a statement. From this fact alone without looking into the contents of the said statement & the previous & subsequent circumstances & conduct of the Appellant he drew the unscientific & illogical Presumption that the Appellant could not be insound in mind & body from August 95 to April 96. & that the medical certificates produced cannot be true. He entered into the merits of the Appeal partially as if he admitted the Appeal, but did not place the Appellant

10. Against the order of the Dy Collector & against an order refusing at least reappointment the Appellant appealed to the Honorable Board of Revenue & to His Excellency the Governor in Council of Madras for his restoration or for reappointment.

10.

But it was the greatest misfortune of the Appellant that they were not pleased to consider the merits of the Appellant's case. But they ruled that they "will not interfere with the discretion of the local Officer in filling up his appointment"

11. Considering that the Appellant was only removed & that his Appeals against the improper removal were not disposed of on their merits & reasonably, your Excellency's humble

Appellant most respectfully begs, your Excellency in Council will be graciously pleased to meet the Appellant though he be a peer, as any of Her Majesty's servants & considering that the Appellant seems not a fresh new appointment but only a restoration or reappointment, wherein the superior authority never fail to see if the local Officers have exercised their discretion reasonably & not contrary to the spirit of the rules laid down by themselves for the guidance of the local Officers disturbing removal as a minor punishment from quarantined which is a capital punishment & a never ending disqualification, his prayer may be granted for this act of Justice.

20/8/98 obedient servant
shall as in duty bound

27th July 98 }
Mangacham } BLIT (1012) 1110

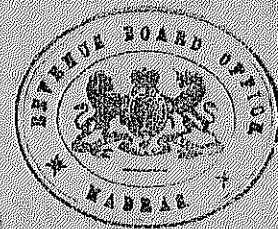
The Appellant has herewith submitted the
Proceedings of the Board of Revenue No
1669 mis dated 28-6-98 communicating
Madras No 1014 R dated 22nd June 1898 together
with the 11 enclosures marked & numbered
by the Revenue Department Government of Madras
27th July 98 } BLIT (1012) 1110
Mangacham }

No 2166 of 98 Encl 13

Submitted to the Board of
Revenue dated 1/8/98

M. W. J. C.
1/8/98

1/8/98



Proceedings of the Board of Revenue
(Land Revenue).

No 2131 - Mis. dated 9th August 1898.

Read - Endorsement of L. H. Wynch Esq.,
M. Collector of South Arcot, Refon No 2166 of 98,
dated 1st August 1898.

Resolution:-

Submitted to Government
with the remark that the Memorial is liable to be
withheld under clauses 5 & 7 of rule 3 of Section III of
B. Memorial Rules.

2. The Memorialist's appeal to the Local
Government was discussed in Board's Reference No
86 (Pet) dated 13th June 1898 and disposed of in G.O.
No 1014 R. dated 22nd June 1898.

(True & exact)

Lionel Swinchen

A. Secretary

To The Secretary to Govt. B.D.
with petn & Collsion &
act enclosures

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

189 .

READ AGAIN G.O., No.
189 .

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

SENT WITH DITTO

PAPERS NOT FILLED UP, BRING MEANT FOR DESTROY
IN ORIGINAL.

N.B.:-

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.