

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 3411

DATED 19 August 98

[Despatch Abstract.]

Declining to interfere with the orders of the Government
of the Board of Revenue refusing to grant to T.
Kondalrayadu Naidu late forester, Kurnool Dh. copies
of certain records relating to his removal from the
Public Service.

Revenue (1898) Department.

CURRENT No. 5444.

51
12/1/98

From The Board of Revenue
Lau Kew

Read B Ref Forest No 498
Order Mis. no. 3411 d/19th Aug 98

The Gov declines
to interfere

Forest No. 498 Mis.

Dated 27 July 1898
Received 4 Aug

Registered 5

Enclosures 8

Spare copies

22-8-98

SUBJECT.

Submitting Govt petition from
J. Kondalayaadu Nayudu, late
Forester Kurnood, appealing
against the Conservator's and
Board's orders of refusal
to grant him copies of certain
records relating to his re-
moval from public service

BACK PAPERS.				
G.O.	No.	Department.	Date.	

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

To Petitioner P+O
To Secy Rev P+O

BACK PAPERS.			
G.O.	No.	Department.	Date.
10	752A	Rev	26-10-98

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

res submitted
to
the
Court.

(Through Conservator of Forests: North Circular)

His Excellency the Governor in Council,
Fort St. George, Madras.

The humble Copy appeal of J. Kondala -
Rayadu Naider late Forester, Namoral,
now residing in No. 8 Nambikkayamodali Street
Triplicane, Madras.

May it please your Excellency in Council,

This is an appeal against the order of the
Board of Revenue in B. P. Forest No: 316 dated
18th June 1898. Enclosure A, declining to interfere
with the Conservator's order refusing me copy
of his no: 256 dated 26th September 1897.

2. The facts of the case are these:-

I, the petitioner, was dismissed the Service after
12 years for Incompetence and three other specific
charges.

3. The charge of Incompetence had not been
first formulated against me and my explanation
had not been taken with regard to it. In short
I was not furnished not only with the "grounds"
"evidence" and "arguments" in support of this
charge but was not even informed of the very
existence of this charge itself.

4. The result was that in submitting my
appeal to the Most Honorable Board of Revenue,
I was not able to explain away the charge
of Incompetence except in generic terms,

2.
while I could meet the specific charges (3 others) better. —

5. My appeal to the Most Honorable Board had not had its full effect; their order running thus: —

"The Board considers that the record affords ample evidence of the petitioner's incompetence, but the order of dismissal should be changed to one of removal from office." Vide Enclosure B. (to be kindly returned).

6. From its wording I am inclined to believe that the Most Honorable Board have laid greater stress on that one charge (Incompetence).

7. I, the petitioner, being desirous of getting myself informed (before laying my appeal before your Excellency in re my dismissal) of the several items of omission and commission on my part, which have been held to be indication of incompetence after 12 years service, not only for my particular situation but also to any situation in Government service, I applied for copy of Conservator's R.C. no. 256 dated 26th September 1897. —

8. This was refused by the Conservator in his Reference on Current no. 1114 dated 20-1-98 vide Enclosure C, which was evidently despatched to me on or after the 25th Decr. i.e. after the receipt of Board's Proceedings Forest No. 42 Dootie dated 19-1-98 authorising

the

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3.
the grant of the Copy vide Enclosure D. —

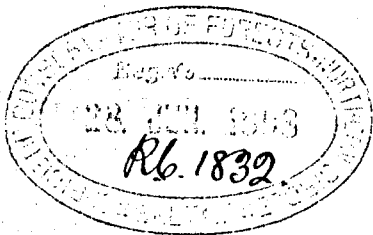
9. As soon as the enclosure B was received by me, I submitted my appeal to your Grace's Excellency, of course through the Conservator, and I received your Excellency's Resolution through Board's order Forest no. 294 mis. dated 5th May 98 referring me to the Conservator for orders on my appeal to your Excellency. Vide Enclosure E. —

10. On the 21st May 98 I received the Conservator's Endorsement Dis. no. 662 dated 15th May 98, Enclosure F, informing me that I should first submit my appeal to the Board of Revenue. Accordingly I submitted my appeal to the Board of Revenue but this time the Board said that it was not prepared to interfere with the Conservator's discretion in the matter of granting Copy of his own Endorsement. Vide Enc. G.

11. Apart from the question of the right of a dismissed servant to get copies of each and every paper, I most humbly beg to submit that in this my case especially there is an actual necessity for the grant of such Copy.

(a) The charge of incompetence had not been formulated first nor were papers showing the "grounds and evidence" furnished to me before dismissal.

(b) No Explanation was called for or



Keep file

disposed
of by Rb.
752 Rb.
26-4-98.

12

12

+ Read to Mr. Peck
with 759 Forest
2-4-98 with
752 Rb.
26-4-98

Extract from endorsement by A.W. Peck Esq., Conservator of Forests, Northern circle, dated 24th March 1898, R.C. No. 1114 on petition from J. Kondal-prayudi, late Inspector, Kurnool, dated 1st February 1898.

I declined, because a copy of that endorsement would not help the petitioner one iota as to evidence on the charge of incompetence, because I referred in that to the whole record and entered into no details, and also because I look upon an endorsement as a privileged communication.

(sd) A. W. Peck
Conservator

/ True copy /

Doneel Davidson

Acting Secretary

882
RECEIVED
1
18 OCT 1913

Enc to P.O. 7. No 498 with 8
29.7.98.

To Government (Madras office)

13 13
Waltair
September 26, 1897.

Endorsement No. R.C. 256.

In forwarding an appeal petition from J. Kandalarayudu Nayudu I have the honor to remark that an office-note from the District Forest Officer, Kurnool is enclosed with copies of two letters from the Survey of India officers complaining of want of assistance and two files. In the file from my office will be found Kondalarayudu's conduct register, which abundantly proves his incompetence. The rumour mentioned by Mr. Jackson in one of his reports about his connection with a clique of timber merchants or thieves (synonymous in too many cases) was a matter of common talk when I visited Bhadrachalam, and I removed him on suspension, passing over his bad work for the time and giving him a last chance of retrieving himself in Kurnool. I found personally that his work in Bhadrachalam was very bad: he was further inclined to be insolent and mischievous, and had trumped up some charges against the people working in the trial coal mines, which were grossly exaggerated. This Holie noted that Mr. Jackson's report dated 31.12.94 was before he had seen his range, and that of 30.6.1895 after. An example of his tendency to insinuate

is given on page 14 of his appeal, where he states that the Sub-Divisional Officer (Mr Ward) said that he had made a bad fire tracing work "simply because he was prejudiced against him".

2. The letters of the Survey Officers prove the Range officer's studied remissness.

3. The comments of the District Forest Officer show the value of the Range officer's defence of his delay in verifying the terai line: which was a matter of the utmost urgency.

4. My reasons for the 4th charge are given at full in the order of dismissal.

I have the honor to be

Sir
your most obed^t. servant.

Yours A. W. Peck.

Comd^t. A. C.

(True copy)

James Davidson

Sg. Secretary.



Proceedings of the Board of Revenue
(Land Revenue).

Forest No. 498 his, dated 29 July 1898.

Read Endorsement of E. D. M. Cooper Esquire, Acting Conservator of Forests, Northern Circle, dated 4 July 1898, R.C. No. 1832 forwarding to the Board appeal petition of J. Kondalrayadu, late Forester, Kinnool.

Resolution

Submitted to Government.

2. This is an appeal by one J. Kondalrayadu Nayudu, late a Forester in the Kinnool district against the appellate order of the Board of Revenue declining to interfere with the Conservator's discretion in the matter of granting a copy of his own endorsement on an earlier appeal preferred by the petitioner against the Conservator's order dismissing him from the public service.

3. The case has already been brought before the Government in Board's Reference Order No. 159 of 2-4-98 dealing with a petition ^{addressed} direct to Government, on the same subject. The Board then explained that it had expressly authorized the Conservator to grant the petitioner a copy of his endorsement, if he saw

No objection to doing so and added that if the petitioner presented an appeal to the Board itself he would be informed that it was not prepared to interfere with the Conservator's discretion. These proceedings were disposed of in G.O. No. 752 Rev. dated 26 April 98 but the petitioner subsequently presented a formal appeal to the Board which was rejected for the reasons already given. He now approaches Government on the same subject and the Board has no recommendation to make on his behalf.

3. A copy of the Conservator's Endorsement for which the petitioner has applied is enclosed for the information of Government together with an extract from the Conservator's reasons for refusing to grant his original application.

(True Extract)

Lonel Davidson

Ag. Secretary.

To The Secretary to Government Rd.
with ptn. & encl. & copy of Govt's End.
No 256 d. 26. 9. 87.

Proceedings of the Board of Revenue, L.R.,
No. 498 Forest d/29th July 1898 (C.No.
5444 of 1898) - submitting petition
from T. Kondalrayudu Nayudu, late
Forester, Kurnool District, appealing
against the refusal of the grant of
copy of a certain paper applied for
by him.

The facts of the case are stated
below.

The petitioner, late a Forester
in the Kurnool district, was dismissed
from the service by the Conservator of
Forests, Northern Circle, on certain
charges of misconduct and incompetence.
On appeal, the Board of Revenue, while
holding that there was ample evidence
of the petitioner's incompetence, modi-
fied the order of dismissal into one of
removal from office. (B.P.No. 1021 Mis.,
Forest d. 7th October 1897).

In a petition dated the 11th Jan'y:
1898, the present petitioner applied to
the Board of Revenue for the grant of a

copy

p. 13 of the file.

p. 1 of file B

copy of the Indorsement of the Conserva-

tor of Forests, N.C., dated 26-9-97 No.256

with which the petitioner's appeal against

the order of his dismissal was forwarded

to the Board of Revenue. This application

the Board transferred to the Conservator

authorising him at the same time to grant

the petitioner the copy required ~~if~~ if he

saw no objection to so doing (B.P.No.42 R.

Forest d.19-1-98). The Conservator re-

fused the petitioner a copy of the paper

applied for, and the latter thereupon

came up to Government appealing against

the Conservator's refusal. In submitting

this appeal to Government, the Board of

Revenue requested permission to inform

the petitioner that he should in the

first instance appeal to the Board in the

matter; and in G. O.No. 752 R. dated

26th April 1898, the Board was directed to in-

to inform the petitioner accordingly.

The petitioner next submitted a for-

mal appeal to the Board against the Conser-

vator's

Copy flagged E p.13 of file

p.2 of file C

p.3 of file

p.6 of the file D

vator's order refusing him the grant of
copy of the paper in question; but the
Board ~~was~~ was not prepared to inter-
fere with the Conservator's discretion
in the matter of granting a copy of his
own Indorsement, and rejected the ap-
peal. (B.P. No.316 R., Forest, d.18-6-98).

The petitioner now comes up to Govt.,
and requests that the Conservator may
be directed to grant him a copy of the
Indorsement in question and of the ~~map~~
papers referred to therein. In support
of his request the petitioner urges the
following considerations:-

- (i) that the charge of incompetence was
not first formulated against him;
- (ii) that his explanation was not taken
with regard to the charge;
- (iii) that no papers relating to the
charge were furnished to him; and
- (iv) that in the above circumstances he
was not able in appealing to the Board
of Revenue against his dismissal to
meet the charge of incompetence except

copy of the Indorsement of the Conserva-

tor of Forests, N.C., dated 26-9-97 No.256

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the order of his dismissal was forwarded

to the Board of Revenue. This application

the Board transferred to the Conservator

authorising him at the same time to grant

the petitioner the copy required ~~if~~ if he

saw no objection to so doing (B.P.No.42 R.

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not first formulated against him;
- (ii) that his explanation was not taken
with regard to the charge;
- (iii) that no papers relating to the
charge were furnished to him; and
- (iv) that in the above circumstances he
was not able in appealing to the Board
of Revenue against his dismissal to
meet the charge of incompetence except

in a general way.

With reference to the petitioner's allegations, it is submitted that with the papers now before Govt. it is not possible to say whether he has been given a fair opportunity ^{of} defending his conduct with reference to the several charges brought against him. It is, however, submitted that the Board of Revenue which had the records of the case before it in passing orders on the petitioner's appeal against his dismissal would have probably satisfied itself that he had not been unfairly dealt with in this respect.

The Conservator's reasons for refusing the petitioner a copy of the paper applied for will be seen from the following extract from his Endorsement on the petitioner's appeal to Govt. disposed of in G.O.No. 752 R. d.26-4-98:-

"I declined, because a copy of that endorsement would not help the petitioner one iota as to evidence on the charge of incompetence, because I referred in that

p. 12 of the file.

V

"to the whole record and entered into no details, and also because I look upon an endorsement as a privileged communication."

It is respectfully submitted that in the circumstances of the case there do not seem to be any good grounds for disturbing the Board's order declining to interfere with the Conservator's discretion in the matter of granting a copy of his own Endorsement.

Orders are requested.

P.L.
12/8/98

Learn An appellant
~~the case~~ is entitled to
get copies of the charges
framed against him, of
his explanation & of
any evidence taken but
not submit of any
of his superior's reports
to higher authority
Please see draft on
the docket PL

17/5/98

~~Here~~ The above is a correct
stat. of the rights of the
party. It is not a case
in which Govt. would interfere
Issue JP 18/8