

Revenue (189⁸) Department.

MISCELLANEOUS SERIES.

G.O., No. 4207

DATED 28th October 98

[Despatch Abstract.]

Declining to interfere in the matter of the reduction from the 3rd to the 5th grade of S. Raju Pillai, Sub-Inspector, Salt & Alkali dept, Vedaranniyam circle.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1898) Department.

CURRENT No. 6803

From

The Secretary to the Commissioner
of Salt, Abkari and Separate Revenue,
Madras.

Mis. No. 3861.

Dated 37th September 1898.

Received of Act

Registered in

Enclosures 21-2

Spare copies

SUBJECT.

Submitting to Government, with remarks,
petition from Sub-Inspector S. Raju Pillai of the Vedaranniyam Circle appealing against the order of the Deputy Commissioner, Southern Division, and confirmed by the Board reducing him from the third to the fifth grade while he was employed in the Nannilam Circle.

Order Mis. No: 4207 of 28 Oct. 1898

The petitioner should be informed that, having regard to his delay in appealing, the Govt. is not prepared to interfere in his behalf.

The Govt declines to interfere for.
28X58

To the Board of Rev. Sep. Rev. 1-11-98

with encls. (all)

To the Petr.

Done

C. 22-10-98
R. 27-10-98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To

HIS EXCELLENCY

RIGHT HONORABLE

GOVERNOR IN COUNCIL

Fort St. George,

MADRAS.

THE humble petition of S. Raju Pillai Sub-Inspector of salt, abkari and Customs Revenue Vedaraniyam circle Negapatam Sub-Division most respectfully sheweth :—

2. That your Excellency's petitioner was 3rd grade Sub-Inspector on Rs. 50 attached to the Nannilam circle and was reduced 2 grades to the 5th grade on Rs. 30 by the Deputy Commissioner Southern Division in his Proceedings No. 1161 dated 22nd March 1896 (*vide* enclo A to his appeal petition to Board which forms enclo 5 to this petition)* for 2 charges viz :—

- I. Persistent neglect of work
- II. Delay in returning T. T. 6 (application.)

3. That he appealed to the Board against the punishment and the Board was pleased to modify it to one of reduction to the fourth grade on Rs. 40 (*vide* enclo 1) in their Proceedings No. 339 Mis dated 22nd January 1897. Before receipt of this order petitioner submitted a supplemental appeal petition to the Board embodying additional information derived from copies of records furnished to him subsequent to the first appeal petition where in he prayed amongst

"In conclusion I request that my appeal petition may be personally considered by the Commissioner as Mr. N. S. Brodie the Deputy Commissioner that punished me is now the secretary in the Board's Office."

other things that the Commissioner will be pleased to personally consider his case as Mr. N. S. Brodie the then secretary in the Board's office was the very officer who passed orders of reduction on him as Deputy Commissioner. The above prayer to the great misfortune of the appellant was construed as impertinent reference against the secretary and the Board subsequently in their No. 539 dated 15-2-97 (*vide* enclo 2) therefore cancelled their own order contained in the first Board's Proceedings (enclo 1.) With all deference to the Board, petitioner most respectfully begs to submit that in making his prayer contained in para 7 of his supplemental appeal petition (construed as impertinent reference against the secretary and marginalley extracted for ready reference) no impertinence was meant to that officer as will be seen from the following :—

4. All that he wished to lay before the Commissioner was that Mr. Brodie was the officer who had passed the order of punishment that in so doing he had viewed the charges against the petitioner more seriously than the Assistant Commissioner, so much so that he considered the petitioner as deserving a punishment of reduction by two grades though the Assistant Commissioner had recommended the punishment of reduction by only one grade for which he (Mr. Brodie) should have had his own strong reasons which, the petitioner was afraid, as an injured party, might continue unimpaired in his mind and that as he was the secretary in the Board's office by the time his appeal was submitted, it must necessarily pass through his hands to the Commissioner and that he might then as secretary make his own remarks which will not be free from the opinions he had already formed of the petitioner's case. It was under such

* N. B. Enclosures denoted by numbers from 1 to 5 appertain to this petition and those marked by letters appertain to the appeal petition to Board which forms Enclo 5 to this petition.

obtaining. The only reference quoted by the Inspector in support of his assertion of having given previous orders on the subject is his No. 3241 dated 5-10-95. This he quotes in his letter No. 571 dated 25-2-97 submitting punishment roll against petitioner. A perusal of the above reference No. 3241 dated 5-10-95 in which previous orders on the subject are said to have been given will clearly show that the reference has not any bearing on the subject of the return of the T. T. 6. S. at all (*Vide* encl 4 to this petition.) Petitioner here regrets to state that the above reference is highly misleading. Your Excellency will thus observe that there was no delay at all as alleged and much less persistent delay as no orders were issued on the subject as established above. Charge II, therefore, falls to the ground entirely.

Toddy shop No. 213 inspected on 19-11-95 & 2-1-96 (Vide enclos G & H to encls 5)
17-12-95 & 16-1-96 (Vide encls J to encls 5)

215	inspected on	19-11-95 & 2-12-95			
210	...	17-12-95 & 16-1-96	(Vide encls J to encls 5)		
221	...	10-12-95	...	K	Do.
227	...	Do.	...	L	Do.
213	...	16-12-95 & 7-1-96	...	M	Do.

the Inspector makes out a charge of non inspection and paucity of inspection from the mere circumstance that he failed to initial licenses every time he inspected. The charge is not supported by any evidence except the Inspector's opinion of the petitioner's omission which was only casual. Further, there was no order or rule enjoining the initial of licenses every time a shop is inspected. There is no other evidence to support the charge which the Inspector could have obtained and would not have failed to secure (disposed as he was towards the petitioner.) The evidence of the shop keepers concerned was very material (which fact the Inspector knew fully well) and could have been easily secured if the Inspector was only morally convinced that petitioner's inspections were not true.

9. With reference to the charge that petitioner's failure to hand up his jamedar for defective patrol (also inferred from the same point viz absence of his (jamedar's) initials in the licenses *Vide* enclo C to enclo 5, Inspector's remarks on petitioner's diary for week ending 8-2-96, petitioner begs to submit that he could not make out a charge of defective patrol against the jamedar from the simple absence of initials and had not, therefore, handed him up. If the Inspector had deemed this omission on the part of the jamedar as deserving of punishment there was nothing to prevent him (Inspector) from punishing the jamedar himself when he noticed it and found him guilty. One point worthy of notice is that the omission to initial licenses which in the petitioner's case formed a charge against him was taken no notice of in the case of the jamedar the Inspector resting contented with adding the omission on the part of the jamedar as a charge against the poor unfortunate petitioner alone.

10. Lastly regarding charge I item No. 4 non-maintenance of the confidential register of toddy shop :— Though the Inspector accuses the petitioner of the non-maintenance of the register in his No. 571 dated 25—2—96 (enclo D to enclo 5 to this petition) it will be seen from his remarks in diary No. 6 for week ending 8—2—96 (enclo C to the enclo 5 to this petition) that a register was opened and entries made for almost all the shops and that only net gain or loss was not struck for each of the past months separately from 1—10—95 for each shop. The maintenance of the register was ordered in Assistant Commissioner's No. 5823 dated 30—10—95 (enclo N to the enclo 5 to this petition) communicated to petitioner on 30—11—95 a month hence Again this was only the bare proceedings without the sample form of the register which was received still later on 5—12—95. Vide date of receipt at the foot of the form (enclo O to the enclo 5,) the necessary stationery for opening the register received still later on 13—12—95 it having been despatched in the Inspector's office on 10—12—95 Vide Nannilam circle Inspector's letter No. 2277 dated 13—10—93 (enclo 3.) Here petitioner begs leave to submit that the above

having been despatched in the Inspector's office on 10-12-93. The above letter No. 2277 dated 13-10-93 (enclo 3.) Here petitioner begs leave to submit that the above

letter No. 2477 dated 11/1/54

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(b) As regard *persistence* in the return of T. T. G. S. implied in the Inspector's remarks '*In spite of previous orders on the subject,*' petitioner begs to state that no orders were given to petitioner till then as stated by the Inspector modifying the practice then

reference (vis) Assistant Commissioner's No. 5828 dated 30-10-95 was the first and the last communication he received on the subject of the maintenance of the register while the Inspector in his No. 571 dated 25-2-96 says "though several orders were sent regarding the maintenance of the register"

The Herculean labour involved in having the book ruled out and headings opened (remembering that there were 133 toddy shops in the petitioners range, that a separate opening with a separate heading for each shop (one common fly leaf heading for the whole register not answering the requirements of this register as may be clear from a perusal of the sample form (enclo O to enclo 5) and that it is not one which could be accomplished in so short a time as 3½ hours as Mr. Woodhouse would have. This work petitioner begs to submit, has to be got through in the midst of other current duties such as tree-marking, iteneration over an area of 210 square miles and the inspection of 138 toddy shops and some arrack shops, detection of crime against salt, abkari and opium laws, attendance in Magistrates Courts and gathering correct information for the above register. Besides, it was not every shop keeper that subjected quietly to such interference with his trade and its profit and loss. There were even whispers against the legality and policy of the order to institute such enquiries. There were some who were inclined to think that no law such as incometax act inquiries had authorized this sort of enquiry into the profit and loss of a shop which were entirely private concerns.

Hence very great caution and circumspection had to be used in gathering the information required without causing a storm about it. Moreover it had to be done secretly and confidentially. It had to be collected for previous months retrospectively for the Inspector finds fault with petitioner for not entering profit and loss for each of the 133 shops in petitioner's range from 1-10-95.

Thus it became a huge business to gather information for the past months for each month and for each shop. The Inspector's words go to show that he wanted figures to be wound up by months for each shop in the range. Here the petitioner earnestly solicits the gracious favour of your Excellency to condescend to consider for a while whether it is just to find fault with the petitioner for the petty defects noticed especially bearing in mind the multifarious and heavy duties of a Sub-Inspector on preventive duty and that the enquiries had to be secretly made and that accuracy was not to be sacrificed on that account at all and that within a short time is from 13-12-95 date of receipt of stationery and 8-2-96 date on which the Inspector finds fault with petitioner, Christmas holidays intervening.

In conclusion petitioner regrets to submit that the charges against him were simply the outcome of ill feeling between the Inspector and himself causes of which have been fully explained in paras 13 to 18 of his printed appeal petition (enclo 5) to Board copy enclosed for perusal with all its enclosures in connection with the existence of ill feeling.

Petitioner was not given an opportunity of explaining the cases in person at all either to the Inspector, or Assistant and Deputy Commissioners either before or after the charges were formulated. Inspector framed charges against petitioner as per A 12. (punishment roll) enclosure B on the 25-2-96 and on the same day i. e. 25th without waiting even for his explanation wrote to the Assistant Commissioner in No. 571 of 25-2-96, recommending his reduction. In fact no explanation was taken from petitioner after the charges were formulated on 25-2-96 petitioner's replies to Inspector's remarks on his diary made in the ordinary course and at a time when he had no knowledge that his remarks would be made the subject of a serious charge against him, have been taken as his formal defence. Petitioner leaves it to His Excellency to consider and decide if it speaks fair that the Inspector should decide and recommend his reduction the same day he formulated the charges against petitioner. Does not this mean that he was prejudiced and determined to punish petitioner without caring to see if he had anything to say against such proposed punishment?

Is this not an infringement of the rule contained in para 6 G. O. No. 2290 of 3-12-83 requiring that the defence in writing should be taken after the charges are formulated in writing?

The benign rules of Government of India say —

"It is very unfair that he should not know the case against him until the inquiring officer has actually committed to a decision" Vide para 6 G. O. No. 2290 of 3-12-83.

Personal hearing — The Government of India rules state that it is not enough that my explanation is taken by correspondence and direct that there should be a personal hearing given.

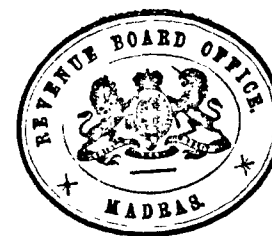
"The Governor-in-Council will now state why the late rules do not sufficiently ensure that the defence of a native Subordinate shall be patiently heard before his dismissal is recommended or ordered. The rules require that the charge shall be reduced to writing and that the decision shall be in writing and comprise certain details. But all this is compatible with the disposal of the case in a very off-hand way. It would seem indeed as if the rules were sometimes taken as meaning that the charge against the accused might be communicated to him and his explanation taken by correspondence, whereas the first principle of justice require that he should be brought before the enquiring officer in person, again it is not enough that he should be told off the charge he has to meet; he should be told also of the evidence and arguments in support of the charge before he is required to defend himself. It is very unfair that he should not know the case against him, until the enquiring officer has actually committed himself to a decision" Vide para 6 of the Government of India rule in G. O. No. 2290 of 3-12-83.

Having explained the charges in brief and proved that all the charges against him are not supported by facts and that his prayer to the Board for impartial justice in his case was to his great misfortune construed in a very different light which he did not at all intend, nothing remains for petitioner but to beg your Excellency's benign Government will be graciously pleased to consider his case and do justice by restoring him to his former grade of 3rd grade Sub-Inspector on Rs. 50 with back pay for which act of justice petitioner shall as in duty bound ever pray and begs to remain.
Petitioner begs to submit that since his reduction now under appeal, he has been recommended for promotion by two Inspectors last year and this year.

Your Excellency's
Most obedient and humble servant

Magir Pillai

24/5/98 Petitioner.



Proceedings of the Board of Revenue

(Separate Revenue),

Dated 27th September 1898.

His No. 3861.

Read letter from W.A. Fowler Esquire, Deputy Commissioner, Southern Division, No. 3023, dated 24th July 1898, forwarding a petition addressed to His Excellency the Governor in Council by Sub-Inspector Raju Pillai of the Nedaranniyam Circle appealing against the order of reduction from the third to the fifth grade passed on him by the Deputy Commissioner Mr. Brodie and

Board's reference thereon No. 687, dated 18th August 1898, requesting the Deputy Commissioner, Southern Division to submit a copy of his Proceedings No. 1161, dated 22nd March 1896, as it had not been submitted with the records connected with the petition of S. Raju Pillai addressed to His Excellency the Governor

Read also letter from the same officer No. 3548, dated 28th August 1898, submitting copy of his Proceedings No. 1161, dated 22nd March 1896 called for by the Board.

Resolution.

Submitted to Government.

2. The offences for which the petitioner was punished were:

19
REVENUE DEPT.

Encl. No.

Cut No.

committed at the close of 1895 and commencement of 1896. The order under appeal was passed on the 15th February 1897. In the circumstances the Board believes it is unnecessary to go at any length into the facts of the case.

3. At the time above named petitioner was a Sub-Inspector on preventive duty in the Nannilam Circle. He received several warnings and minor punishments for neglect and was finally handed up for reduction, the specific charges against him being delay in returning ^{his} 1.1.6 s, neglect of inspection of toddy shops and failure to maintain a register of their transactions (which is kept with a view to auctions) and failure to control his subordinates. The Deputy Commissioner held the charges proved and reduced the petitioner by two grades. The Board on appeal agreed as to the proof but considered reduction by one grade sufficient. The order had only just issued however when a supplemental appeal was received from the petitioner imputing his punishment to the fact that his offence was not so much neglect of work but failure to carry out certain orders of the Deputy Commissioner, Mr. Brodie, which he represented were impossible of fulfilment and praying that Mr. Brodie, who was then Secretary to the Board, should not be permitted to remark on the papers. The orders in question which he had neglected to carry out were not as a matter of fact, Mr. Brodie's orders at all. For this impertinence the order reducing his punishment was cancelled.

4. His present appeal alleges no new grounds for a reconsideration of the order. His failure to carry out orders is in fact practically admitted throughout and the excuses made ^{for} the same are such as cannot

be accepted. He would have been reduced for accumulation of blackmarks if his reduction on these specific charges had not first come about.

(True extract)

Q. S. S. S.
Acting Secretary.

4.10.98

To the Secretary to Government, Revenue Department, with the appeal petition and its enclosures.

Petition from S. Raju Pillai, Sub-Inspector,
Salt and Abkari Deptt, appealing against his
reduction.

$\frac{D}{4}$ 1,000-14-97.

REVENUE DEPARTMENT.

C. No. 6883 of 1898.

From the Board of Revenue (Sep. Revenue).

No: 3861 Dated 27th September 1898

Madras
12/10/98

FOR ORDERS.

Attention is solicited
to the Board's Proceedings
(the current) in which the
facts of the case are
concisely set forth. The
Board's order under appeal
is dated the 15th February
1897, whereas the date of
the petition now under
disposal is the 24th of May
last. The petitioner does
not explain why he has
allowed more than a year
to elapse without ap-
pealing to Government.

P.L.
12/10/98

Secy

From the Board's Prop:
it appears that the petitioner
was furnished for idleness
& neglect of work & that he
will

* B.P. No: 5898.R.d. 15-2-97-
page 44 of the file

prejudiced his case by
being impertinent (expecting
that Mr. Biddle formerly
Secy. & then Secy. to
the Bd. & had not been allowed
to remark on his petus)

Having regard to
the delay in presenting
the present appeal, it
seems unnecessary to
discuss the merits of the
case. I thought I should
submit a further note with the
submitted.

H.M.
21/7/0

After this lapse of time, the
fact will not be submitted.
inquiries. Pet. may be so
informed.

S.R.
27/10/78

To the Under Secretary.
Please see ^{the} draft order
on the docket of the Council.

J.M.
28/4/58

FOR ORDERS.

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

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

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B. -

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

Case
that
will