

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 15	Press ~~Mis.~~
27-28	
Dated 4-1	19-1886

3/8

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
4th January 1866.*

No. 27. Read the following letter from the Inspector General of Madras Police; to the Chief Secretary to Government, Fort Saint George, dated Kotagiri, 2nd October 1865, No. 1941.

I submit the accompanying letter to your address from Major Bates, Superintendent of Police of the Trichinopoly District, dated 16th September 1865, with much reluctance, because I am unable to solicit for it the favorable consideration of the Government.

2. I have already explained to Major Bates that his plea is futile; but he still presses it and addresses you direct. Explanation of the circumstances will save reference.

3. Major Bates was admitted into the Police service on the 24th March 1860, *on probation*, that is, on the distinct condition that he must pass the tests prescribed by Government, for good and obvious reasons, for officers in the Police service before he can be confirmed in the Police, and his service, under the general rules of Staff service, can count. This condition applies to Major Bates and the other officers admitted at the same time with himself (the only one still in the service who was gazetted on the same day as Major Bates has passed), and to all officers subsequently appointed.

4. Major Bates has failed to fulfil the condition of his admission to permanent employment. He has passed in nothing; neither has he nor any other officer, subject to the same conditions, ever been exempted from the application of the precedent departmental conditions, or of those rules which affect the Staff service in general. When an officer passes and is admitted to permanent employment, the fact is published in the Official Gazette. Major Bates is, therefore, an unpassed probationer in the Police service.

5. Major Bates at first elected Local service. He now wishes to obtain admission into the Staff Corps, with a view to applying for an appointment in connection with the anticipated re-organization of the Army service. He finds of course that he cannot, as an unpassed probationer in the Police, count his service as general Staff, and that he has therefore no claim to be admitted into the Staff Corps.

6. He now seeks to avoid this bar, without fulfilling the prescribed conditions and conforming to the rules of both the Military and Police services, on the plea that in two of the gazettings which appeared in 1860, within the first few months (one within the first few weeks) after his conditional admission as a probationer into the Police service, the word "probationary" was omitted in connection with his name.

7. The word "probationary" was, perhaps, inadvertently omitted in the Memorandum sent from my office to the Gazette Office; but more probably it was omitted because the distinct condition on which he had so recently been admitted, a condition which he well knew he had to fulfil, was thoroughly understood by him and all others subject to the same condition as a matter of course. Resort to a captious plea of this kind at some future time was not for a moment to be thought of.

8. Major Bates had not then, and never has since had, the smallest ground for fancying himself released from the original conditions of his permanent admission into the service. I have no grounds to suppose that he at that time conceived

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himself otherwise than bound to fulfil those conditions, and I believe that he did not for a time fail to make some little exertion to qualify himself to pass the tests. I must have been in personal communication with him on the subject when I visited his District, and all communications about passing were doubtless sent to him from my office in common with all other probationers. The plea has never been heard of by one until now.

9. The term "probationary" was not omitted in the official notice of transfer to Trichinopoly on the 6th of March 1863. He was gazetted as an unpassed probationer. Major Bates took up his appointment, transacted public business for same, and was for several months in the country, on leave and in harness, after he was gazetted. His attention, it will be observed, was specially drawn to the occurrence of the word "probationary" in the gazetted. He would not have failed then and since to draw attention to the matter had he at that time been satisfied that the original condition of his admission had been set aside in his case. I do not attach weight to the plea of sickness. He was thoroughly able to attend to matters affecting himself.

10. Major Bates returned to India in May last; but the first I have heard of this plea was by a letter dated 17th August, since he became anxious to obtain admission into the Staff Corps. In reply I pointed out to him that he was in error at some facts, and that the plea set up to enable him to count Staff service, for which he is not qualified, could not be admitted. I trust the Government will take the same view and reject it as it deserves.

11. I have no doubt that were the Official Gazettes searched, other probationary officers might find that the term "probationary" had been omitted in some publication affecting them. I think it had better be omitted altogether in future.

12. I read with great pain and surprise the expressions which Major Bates has permitted himself to use in paragraphs 5 and 6 of his letter. I beg to draw serious attention to them, and trust that Government will take due notice of them.

13. The matter mooted in the last paragraph of Major Bates's letter is a general one, and quite apart from the question under consideration. It cannot be considered with reference to this individual officer without producing confusion as respects others at present, and I cannot, under the circumstances and in this individual case, recommend it to the attention of Government.

From the Superintendent of Police, Trichinopoly; to the Chief Secretary to Government, Fort Saint George, dated Trichinopoly, 16th September 1865.

I have the honor to solicit the favor of your submitting the following question for the kind consideration of His Excellency the Governor:—

Major Bates clearly understood the sole condition of his admission into the Police Service. He knows that the condition has not been cancelled.
(Signed) W. R.

II. I was appointed as "Assistant Superintendent," 1st Class, on 4th May 1860, but to continue to act as "Superintendent" until further orders.
He knew that these Gazettes did not affect the condition. He was not expected to pass in a few months.
(Signed) W. R.

I. I was appointed as an Assistant Superintendent in the Mofussil Police on "probation," on 24th March 1860, but was appointed to act as "Superintendent" in South Arcot from the commencement.

III. On 9th November 1860 I was transferred to Tanjore as "Superintendent."

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IV. From the 1st May 1860 I had always supposed that I held a confirmed appointment; from that date up to 6th March 1863 the word "probationer" does not appear in connection with my name; but on 6th March 1863, for the first time, i. e., two years and ten months after I had been Superintendent, I am mentioned as "probationary," and I did not know that I had been transferred as "probationer" until it was brought to my notice by a friend just before I went to Europe; even had I known it, I was far too unwell, from the time of my transfer to Trichinopoly until my return to Madras from Europe, to make any reference on the subject.
Major Bates knew well that he had not fulfilled the condition of his appointment.
(Signed) W. R.

About a month ago I wrote demi-officially to the Inspector General of Madras Police, bringing what I considered an error to his notice, and pointed out that of all the Superintendents appointed previous to 1st May 1860, I alone was (according to G. O., 6th March 1863) "probationary." I requested him kindly to correct the error, as I wished to apply for admission to the Staff Corps. The Inspector General replied that I was in error; that Lieutenants Warlow and McCleod were appointed as probationers on the same date as myself, viz., 24th March. To this I would observe, that Lieutenants Warlow* and McCleod† were always borne on the strength of the Police as "probationers." I was not; and this, I submit, is a marked and important difference. Secondly, I never acted in the appointment of Assistant Superintendent, but as Superintendent from the first. I received the Inspector General's reply on 6th September, and copy of printed letter No. 1737 from the Inspector General to the Secretary to the Board of Examiners about the same time.

V. It may be observed by the Inspector General, that the omission of the word "probationary" in connection with my name from 1st May 1860 to 6th October 1863 was a mistake. I reply that if it was a mistake calculated to mislead, and necessary to be corrected, why was it not corrected sooner? Why was the correction made at the time it was? but if my position as probationer was not affected by the omission of the word "probationary," why was any correction made at all?
* Has fulfilled the condition of his appointment.
† Left the Service.
Others who have passed had likewise done so, as well as some who are still probationers, because they have not fulfilled the condition.
(Signed) W. R.

VI. I would respectfully ask His Excellency whether it is not an act of injustice to me (whose interests are so vitally affected by this sudden change) to allow me to remain two years and ten months as Superintendent and then suddenly to "return" me as "probationer;" and I submit for His Excellency's consideration, whether I was not justified in considering myself as holding a confirmed appointment when the word "probationer" was omitted, as in the case of several other officers who were appointed to the Police prior to 1st May 1860.

VII. Suppose that the word "probation" had been suddenly coupled with the name of either of these other officers, would he not have had just grounds of complaint? Even so have I.
VIII. In conclusion, I do not wish His Excellency to suppose that in making this appeal I am actuated by any latent wish to shirk the examination, or to avoid meeting the wishes of Government on this subject; no one is more deeply impressed with the advantages of passing, or of the necessity (if only for my own sake) of an acquaintance with the Vernacular; but I cannot perform my Police duties and study to pass at the same time; it is not possible for me to do
Major Bates knew he had to pass. It was the condition of his admission to the service. He has failed to do so, and has never been anything else but a probationer.
(Signed) W. R.
These officers were appointed before the condition of passing was laid down. Their case has no analogy with Major Bates.
(Signed) W. R.

The Government has seen good, for very sufficient reasons, to prescribe the condition, and Major Bates's duty lies in fulfilling his known part. He has never been exempted, nor has his condition as probationer in the Department ever been lost sight of.
(Signed) W. R.

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so. If I study, my other duties must be neglected, and I rather think that every Superintendent in the service holds the same opinion; and it was also the opinion of Captain C. S. Hearn, who, when officiating as Inspector General of Police, made a representation on the subject to Government. Supposing that I am a probationer, which I submit I am not as matters stand, I shall never be able to pass, and therefore must always remain "probationer."

IX. A comparison between the number of those officers who came into the service as Superintendents who have passed, with those who have passed as Assistant Superintendents, will demonstrate the truth of what I have said.

No. 28. ORDER THEREON, 4th January 1866, No. 15.

The Governor in Council has perused with much regret Major Bates's letter, which was forwarded by the Inspector General of Police with the letter above recorded. He considers that Major Bates's letter carries its own refutation with it, inasmuch as it is hardly conceivable that an officer appointed to a Department as probationer, on the distinct understanding that the probation would continue until he passed the examination prescribed, should suppose that the condition was withdrawn or abrogated by his being twice gazetted to appointments without the word "probationary" being used in the Notification.

2. The employment in the Police Force at all is probationary, and not the employment as Assistant Superintendent or Superintendent; hence, the use of the term Probationary Superintendent is, in a manner, misleading.

3. The Government are unable to see the injustice of exacting the condition on which alone Major Bates entered the Police, and they disapprove strongly of the language he has permitted himself to use in the 6th paragraph of his letter.

(True Extract).

Chief Secretary.

To the Inspector General of Police.

Exd. J. Tulloch.

From,
Major A. V. Bates,
Superintendent of Police,
Trichinopoly.

To,
A. J. Arbuthnot, Esquire,
Chief Secretary to Government,
Fort St. George,
Madras.

Sir,

I have the honor to solicit the favor of your submitting the following question for the kind consideration of His Excellency the Governor

- I. I was appointed as an Assistant Superintendent in the Mysore Police on "probation" on 21st March 1860, but was appointed to act as Superintendent in South Arcot from the commencement of the year 1860.
- II. I was appointed as Assistant Superintendent 1st Class on 1st May 1860 but to continue to act as "Superintendent" until further orders.
- III. On 9th November 1860 I was transferred to Tanjore as "Superintendent."
- IV. From the 1st May 1860 I had always supposed that I held a confirmed appointment from that date up to 6th March 1863 the word "probationer" does not appear in connection with my name, but on 6th March 1863 for the first time i.e. 2 years and 10 months after I had been Sup^t; I am mentioned as "probationary" and I did not know that I had been transferred as "probationer" until it was brought to my notice by a friend just before I went to Europe; even had I known it

Major B clearly understood the condition of his admission into the Police Service. He knew that the condition was not cancelled.

He knew that when gazetted he did not of full the condition. He was not expected to pass in a few months. Major Bates knew well that he had not fulfilled the condition of his appointment.

it, I was far too unwell from the time of my transfer to Trichinopoly, until my return to Madras from Europe to make any reference on the subject.

About a month ago I wrote semi-officially to the Inspector General of Madras Police, bringing what I considered an error to his notice, and pointed out that of all the Sup^{ts} appointed previous to 1st May 1860, I alone was (according to G.O. 6th March 1863) "probationary". I requested him kindly to correct the error as I wished to apply for admission to Staff Corps. The Inspector General replied that I was in error, that Lieuts Warlow and McCleod were appointed as probationers on the same date as myself viz. 26th March. To this I would observe, that Lieuts Warlow and McCleod were always borne on the strength of the Police as "probationers".

important difference. Secondly I never acted in the Appt. of Assist. Sup^t, but as Sup^t from the first. I received Insp^r Genl's reply on 6th Sept. and copy of printed letter No. 1737 from the Insp^r Genl. to the Secretary to the Board of Examiners about the same time.

V It may be observed by the Insp^r Genl. that the omission of the word "probationary" in connection with my name from 1st May 1860 to 6th October 1863 was a mistake, calculated to mislead, and necessary to be corrected, why was it not corrected sooner? Why was the correction made at the time it was? but if my position as probationer was not affected by the omission of the word "probationary", no correction was made. The

would respectfully ask his Excellency

Major Bates knew he had to pass - He was the condition of his admission - He has never been any other but a Probationer

These officers were appointed before the condition of passing was laid down - Their case has no analogy with Major Bates's

Has fulfilled the condition of his appt.

Others who have passed had like as much as some who are still Probationers because they have not fulfilled the condition

It is the regret of Major Bates that he did not draw attention to the omission

was made. The clerical omission had not been noticed

whether it is not an act of injustice to me (whose interests are so vitally affected by this sudden change) to allow me to remain two years and ten months as Superintendent and then suddenly to "return" me as "probationer", and I submit for His E. consideration whether I was not justified in considering myself as holding a confirmed appointment when the word "probationer" was omitted, as in the case of several other Officers who were appointed to the Police prior to 1st May 1860.

(7) Suppose that the word "probation" had been suddenly coupled with the name of either of these other officers would he not have had just grounds of complaint? Even so have I.

(8) In conclusion I do not wish His Excellency to suppose that in making this appeal I am actuated by any latent wish to shirk the examination or to avoid meeting the wishes of Government, on this subject: none is more deeply impressed with the advantages of passing, or of the necessity (if only for my own sake) of an acquaintance with the vernacular; but, I cannot perform my Police duties, and study to pass at the same time; it is not possible for me to do so. I forego study, my other duties must be neglected, and I rather think that every Sup^t in this service holds the same opinion; and it was also the opinion of Captain, C. S. Beam, who when Off^r as Inspector General of Police made a representation on the subject to Gov^t. Supposing that I am a probationer which I submit I am not, as matters stand, I shall never be able to pass, and therefore must always remain "probationer". (9) A comparison between the No. of those

The Gov^t has been very sufficient reasons to prescribe the condition and Major Bates has been in fulfilling his known post - He has never been exempted - has his condition as Probationer been departed from

Officers who came into the service as Super^{rs}
who have passed, with those who have pass-
ed as Assist. Super^{rs} will demonstrate the
truth of what I have said.

I have the honor to be,

Sir,

Trichinopoly } Your Most Obedt. Servant.

16th September 1865.

W. Bates. Major,
Superintendent of Police.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
letter from the Inspector
General of Madras Police.

(Here enter 2^d Oct/65 No 1941)

Order thereon 4th January 1866 No 15.

The Governor in
Council has perused with
much regret Major Bates's
letter which was forwarded
by the Inspector General
of Police with the letter above
recorded. He considers that
Major Bates letter carries
its own reputation with it,
inasmuch as it is hardly
conceivable that an officer
appointed to a department
as Probationer, on the
distinct understanding
that

Ind. 1853
No 2300

Enclosure one

in letter from the Inspector
General of the Police to the
Chief Secretary to Govt.
Trichinopoly dated
23 October 1865.

Ind. No 1853/1865 No 23

that the probation would continue until he passed the examination prescribed should suppose that the condition was withdrawn or abrogated by his being twice gazetted to appointments without the word "probationary" being used in the notification.

2. The employment in the Police force at all is probationary, and not the employment as Assistant Superintendent or Superintendent; - hence, the use of the term Probationary Superintendent is in a manner, misleading.

3. The Government cannot but think that Major Bates arguments are disingenuous, and that his claim to be relieved from the examination to which he is subject was only put forward when it

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it was found that the obligation to pass interfered with the attainment of his desire for admission to the Staff Corps.

4. The Government are unable to see the injustice of exacting the conditions in which alone Major Bates entered the Police, and they disapprove strongly of the language he has permitted himself to use in the 6th para. of his letter.

5. The question raised at the close of Major Bates letter is not one which the Government choose to discuss at this time, and Major Bates reference to it is not called for under the circumstances.

C.R.

16 2900
to the Insp^r General of Police desps 6/

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Major Bates, Dept
of Public Instruction

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No. 15.

PROCEEDINGS OF GOVERNMENT.

Dated 4 January 1866.

Press No. 2765, G. M.—1411-65—600.

C. 19: Dec:
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