

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1080

Dated 20 May 1895

INCURRED.

[Despatch Abstract.]

PETITION.

Declining to interfere on behalf of Paramasivan Pillay, late second class constable No. 217 of Shermadevi station, Tinnevely district, with reference to his----appealing against his dismissal and praying for restoration.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	3/26		96.				
Civ	468						
Civ	497						

CURRENT NO. 2227

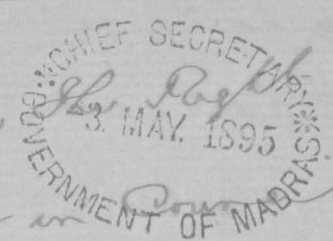
Duplicate

To

His Excellency, The Right Honorable,

The Governor in Council

Fort Saint George
Madras



The humble Memorial of Paramaswami Pillai,
late 2nd class Constable No 217 of Police
station, Ambasamudram Taluk,
Tinnevely District

Most respectfully sheweth:-

1 That with all manner of humility and
loyal submission, the Memorialist most humbly
begs to appeal against the order of the
Inspector General of Police dated 21st Jan
1894 confirming the order of dismissal
passed on him by the Superintendent of
Police Tinnevely. (The order is herewith submitted
with four enclosures)

2 The Memorialist is charged with
having been absent at b. 20. P. 2 on 23.9.94
from Vallamkudi tannik when the Super-
tendent of Police arrived there on his
way to Ambasamudram & dismissed
from

imputed to him as his right-officer not
affiliated to him

from his post on that account (vide his order herein enclosed)

3 The Memorialist begs to submit that he should attend to duty in the day time at the Petheravayal outpost and that he got his ticket at 5.30 P.M. as usual on the 23rd September at the said outpost to proceed to Vallankali Tannal for night patrol. He attended the Tannal at 6 P.M. As he suffered from slight diarrhoea, he had been to answer calls of nature from 6 P.M. to 15 minutes past 6. As the disease was of a slight nature, he did not inform it to Petheravayal petty officer and apply for a pass port.

4 When the Superintendent asked him to give a written defence accounting for his absence from the Tannal, he questioned him that he visited the Tannal at 6 P.M. and the Memorialist was not to be found there. But in his order of dismissal, the Superintendent states that he arrived at the Tannal at 6.20 P.M. The Superintendent further observes that no evidence is produced to prove his disease, it is possible for the Memorialist to produce

produce any witness in a desert-like place to prove that he was absent to obey calls of nature. After his return he was present patrolling the road throughout the night and Kalladankudi Tannal Petty Officer No. 153 has verified it by signing the watch ticket when he came & warned about the night patrol.

5 In these circumstances the order of dismissal passed against the Memorialist is quite unjust & too severe.

6 The Memorialist was enlisted in the Police on 19-3-90 and the enclosed defaulters sheet will show that the black marks given to him are so slight that they have been cancelled then & there.

7 The Memorialist was employed as Constable in Ambasamudram Station when Sd/- Subbarao Pillai was the Station House Officer. The Station House Officer stole the mangoes from the forest in the taluk catchment at Ambasamudram through his cart driver. When the forest servant complained of it to the Police, the Head Constable intervened

was dismissed & the slight offence was imputed to him as he was the only one who was present at the time.

the crime as No 59 of 1892 in the Crime Register
and applied for the sanction of the District
Superintendent to prosecute the Memoriabit
and 3 other Constables Nos 525, 566 &
655 as if they committed the theft of
mangoes. The offence is said to have
occurred on 3-4-92 and reported to the
Police on 9. Idem. The Superintendent of
Police inspected the scene of crime, made
local enquiry & found by the evidence of the
Sahuk Sheristadar, the Sahuk Peon &c
that the Head Constable has committed the
theft in question. He verbally informed
him while in the station that he would
prosecute him both for fabricating false
charges against the Constables & for com-
mitting theft & went to the halting bungalow
near the river side. But the Head Constable
went to him in the evening and gained his
favor. He therefore neither directed the
Head Constable to be prosecuted for the
two offences nor otherwise punished him.

The Memoriabit and the other
Constables having proved the mango theft
against the Head Constable, the latter
caused a forest tree theft case to

to be wrongly brought against the Memoriabit
& got him fined 300 for the same. The
defaulter sheet will show that the fine
was inflicted on 11-10-92 which was
some months subsequent to the disposal
of the mango theft case alluded to above.
In the same way the four black marks
that are given to the Memoriabit sub-
sequent to that date at distant inter-
vals are due to the malice of the said Head
Constable rather than any actual blame
against the former. Further the Memoriabit
has not been charged for the same and
sentenced to imprisonment as wrongly re-
corded in the Superintendent's minute.
If he had been punished with imprison-
ment, it would have been entered in the
defaulter sheet.

9 The Head Constable further got him
transferred by enmity to different station
after the said occurrence. The Memoriabit
was dismissed by the slight offence now
imputed to him as he, after
applied for leave.

(The order is
herewith submitted with four enclosures)

2 The Memoriabit is charged with

them

The Superintendent of Police
replied the Constable Rs 5-25 through
only for his having applied for copy of
order in the mango theft case with the
memorandum for slight neglect of duty.
In the mabeii was represented in appeal
the Dy Inspector General of Police, that
he ordered his restoration with back
pay.

This Memorandum has also been dis-
missed by the same mabeii; and if his
absence from the Larnal for 15 minutes
amounts to any blame, he may be punished
with a black mark or two annas fine.
It does not deserve dismissal. The
Memorandum has not explained the above
mabeii either to the Dy Inspector General or
Inspector General of Police through fear.

In these circumstances the memo-
randum most humbly prays that Your Excellency
Council will be graciously pleased
send for the records of the case & on
it & on this action to order the restoration
constables having been sent with back
pay against the bad Constable, the loss

and a forest tree theft case

the memorandum shall now pray.

19. 4. 95 *Wm. J. J. J.*

The original with the records has been
submitted through the Dy Supt of Police
Surreilly *Wm. J. J. J.*

377-1-
77/95-
per
Issue
2227+2377
May 1895
declines
action.
16-5-95
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1895
OF MADRAS

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Judicial Department.
CURRENT NO. 2227

G.O. 2/1-4-95 No 377 R-

Mr. Paramasivan Pillai
Late 2nd class constable
No. 217 of Shermadevi Station,

No. -

Dated 19th apb
Recd 3rd May } 1895
Reqd 4th do }
Enc: a

Subject

Submitting a duplicate copy
of his memorial to the Dist. Secy
thru the proper channel,
praying for the restoration to
his former post with arrears of pay.

Jud. (1895) DEPARTMENT.

CURRENT NO. 2377

377-1-
Ct-N^o 2277/95
+ papers

FROM Mr. Hameed Beg Is
INSPECTOR-GENERAL
OF POLICE,

To

No. 2762

Dated 8th May 1895.
Received 10th May 1895.
Enc: 1 + Enc: No. 1 to 5 to Jud. No. 1456
No. ref.

SUBJECT.

Submitting with remarks
an appeal petition of
late constable No. 217 of
Tinnevely.

1895
18/5/95

Issued
18.5.95

Ct. 2227 + 2377

Order
Mis 4/20th May 1895

The Govt. declines
on behalf of the petitioner.

18/5/95

It was a clerical error and the facts were
as set out in the original petition and
the Dy. of Police. 8 to 10 with encs. of
16.5.95

RECEIVED
25 MAY 95
IN D. M. S.
CHIEF SECRETARY
GOVERNMENT OF MADRAS
10 MAY 1895

8 The d
also having proved
the Head Constable, the latter caused
the case to be urgently
referred to the
Magistrate & J.P.

Registered
20/4/95
Official
Out of office
purposes
in absence of
Magistrate



Petition No. 317/95 of 1/4/01

Forwarded
J. W. P. L. R.
Magistrate
26.4.95
26/4

His Excellency, The Right Hon.

The Governor in Council

Fort Saint George

Madras

Enclosure 1
Letter No 2762
dated 8th May 1895
A humble Memorial of Paramasivan
late 2nd class Constable No 217
of Shermadai station, Ambasamudram
Taluk, Siveerully District.

Most respectfully sheweth:

1 That with all manner of humility &
loyal submission, the Memorialist most
humbly begs to appeal against the order of
the Inspector General of Police, dated
21st January last. Confirming the order of
dismissal passed on him by the Superin-
tendent of Police Siveerully (the order is
herein submitted with four enclosures)

The Memorialist is charged with
being absent at 6.20 P.M. on 23.1.01

caused a forest tree theft case
to

dent of Robei arrived there on his way
Ambasamudram & dismissed from his
post on that account (note his order been
closed)

The Memorialist begs to submit that
he should attend to duty in the day time
at the Veeravannur outpost and that
he got his ticket at 5.30 P.M. as usual
on the 23rd September at the said outpost
to proceed to Vallankudi tannab for night
patrol. He attended the tannab at 6 P.M.
As he suffered from slight diarrhoea
he had been to answer calls of nature
from 6 P.M. to 15 minutes past ten. As the
disease was of a slight nature, he did
not inform it to Veeravannur petty officer
and apply for a pass port.

When the Superintendent asked
him to give a written defence accounting
for his absence from the tannab, he questioned
him that he visited the tannab at 6 P.M.
and the Memorialist was not to be found
there. But in his order of dismissal the
caused a forest theft case
to

3
2

8 The d... go the
bles having proved... the latter caused
" " & Constable, the latter caused
to be urgently
no evidence is produced to prove a fault
disease. It is not possible for him
Memorialist to produce any witness in
desert-like place to prove that he was
absent to obey calls of nature. After
his return he was present patrolling the
road throughout the night & the Kallid
Kuvchi tannab petty officer No 153
verified it by signing the heat ticket -
he came and warned about the night
patrol.

5 In these circumstances the
order of dismissal passed against the
Memorialist is quite unjust & too severe.

6 The Memorialist was enlisted
in the Robei on 19-3-90 and the enrol-
ment defaulters sheet will show that the
black marks given to him are so slight
that they have been cancelled then & there.

7 The Memorialist was employed
as Constable in Ambasamudram sta-
tion when No 61 Subramania Pillai
was the station House officer. The
station House officer states the Memorialist

...ant cart driver. When the forest servant
complained of it to the Pober, the Wood
Constable entered the crime as No 59 of
1892 in the crime Register & applied for
the sanction of the District Superintendent
to prosecute the Removahit & 3 other Constables
as Nos 525, 566 & 655 as if they
had committed the theft of Mangos. The
offence is said to have occurred on
13-4-92 & reported to the Pober on the
9th Idem. The Superintendent of Pober
inspected the scene of crime, made local
enquiry & found by the evidence of the
for Sahuk Sherstadar, the taluk Bona that
the Wood Constable has committed the
theft in question. He verbally informed
him while in the station that he would
prosecute him both for fabricating false
charges against the Constables & for
committing theft & went to the halting
place near the river side. But the
Constable went to him in the evening
& gained his favor. He therefore neither
prosecuted the Wood Constable who prosecuted
caused a forest tree theft case

8 The a
... having proved ... the
the Wood Constable, the latter caused
forest tree theft case to be wrongly
brought against the Removahit & got
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sheet will show that the punishment
inflicted on 11-10-92 which was
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mango theft case alluded to above.
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been charged for the same and sent
to imprisonment as wrongly recorded
in the Superintendent's memoir. If
had been punished with imprisonm
it would have been entered in the
sheet
9 The Wood Constable for
him transferred by enmity to diff
stations after the said occurrence

(3. sheet)
gentary and pain
in his stomach he had left 4

...offence in ...
...he & other Constables applied for copy
of any order passed against the Head Con-
stable in the mango theft case for
appealing against the same.

10 The Superintendent of Police
dismissed the Constable Rs 525 through
enquiry for his having applied for copy
of his order in the mango theft case with
the remission for slight neglect of duty.
When the matter was represented in appeal
to the Dy Inspector General of Police, that
officer ordered his restoration with back
pay.

for The remission has also been
discontinued by the same officer and if his
remission from the sanction for 15 months
amounts to any blame, he may be punished
by a black mark or two arrows fine. The
charge deserves dismissal. The remission
Commissioner explained the above matter either
to the Dy Inspector General or Inspector
General of Police through fear.

22 In these circumstances the
...most humbly prays that
Your

Your Excellency
pleased to send for the records of ...
for perusal & consideration to order the
restoration of the remission - to his post
with back pay & thus protect him and
his family.

For which act of charity the
Government shall ever pray.
19. 4. 95- *[Signature]*

Submitted through the Superintendent of
Police Simla District
as per Government order
[Signature]
19. 4. 95-

...day.
...ne had dysentery and pain
in his ...

DEPARTMENT.

No. 2762

CHIEF OFFICE OF THE INSPECTOR-GENERAL OF POLICE,
Madras, 8th May 1895.

FROM

M. Hammick Esq. J.C.S.,

INSPECTOR-GENERAL OF POLICE,

TO

THE Chief Secretary
to Government,

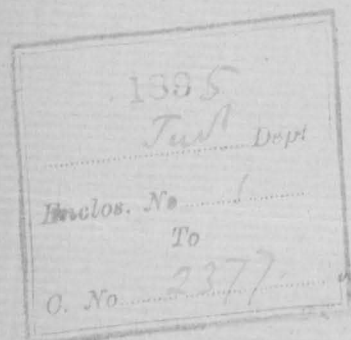
Oshtamand.

SIR,

Enclosures.

I have the honor to submit, for the orders of Government, an appeal from one Paramasivan, late Constable No 217 of Tinnevely, who was dismissed from the force by the Superintendent in his order, dated 29th September 1894.

2. The facts, as stated in the Superintendent's minute are these. Mr. Stevenson, on his way to Ambasamadram, arrived at Vellankali Tannah, a very important outpost, at 6.20 p.m. and found no constable present there. The memorialist should have been there at the time. His excuse is that he did come to the place about 6 p.m. on that day, but that as he had dysentery and pain in his stomach he had left the



real to me that he had to go to a distant
it for this as there is no water near the
Tannah. Mr Leggatt in reporting on his
appeal said that there is a well close to the
Tannah used by the constables and that
there was no reason whatever why the man
should have gone a long distance away.

The memorialist's defaulters sheet
shows that he has been continually punish-
ed for absence from duty, and I did not
believe his story about his dysentery as,
had it been true, the man would have
asked for leave and not gone on duty.
Neglect of road patrol is a constant fault
and must be severely dealt with. In this
case the man's previous history shows
him to be a persistent shirker. Probably
this road patrol had been continually
neglected.

4. The story the memorialist now tells
of enmity between him and the Head Constable
he did not tell me in his appeal. It does
not seem worth considering. I have no
recommendation to make on the petitioner's
behalf.

I have the honor to be,
Sir,

Your most obedt. Servt.

Given for copying _____
copied _____
examined _____
signed _____

189

AGAIN G.O., No.
189

DATED

SENT No.

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OF GOVERNMENT

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WITH DITTO.

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I.B.

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