

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1555

Dated 24th July 1895

INDEXED.

[Despatch Abstract.]

MEMORIALS WITHHELD.

Directing that the memorial addressed to His Excellency the Governor-General of India by Ignatius Muthoo Pillai, late Inspector of Police, Madura district, praying for restoration be withheld under clause (10) of Rule 3, Section III-B, Memorial rules.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	2212		27/10/91				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	3574		95				

Enclosure & Endorsement 11409/1 8 6.7.95 am Supd. of Police
Original
 CURRENT No. 40 of 1895
M

TO HIS EXCELLENCY THE RIGHT HONORABLE
 THE GOVERNOR-GENERAL IN COUNCIL.

SIMLA.

The humble Memorial of M. IGNATIUS MUTHOO PILLAI,
 late Inspector of Police, Madura District, in the Presidency of Madras.

MOST RESPECTFULLY SHOWETH:

1. That your Memorialist who has passed the Matriculation Examination of the Madras University, and the Handwriting Test for matriculates, was enlisted in the Madura District Police, in the Presidency of Madras, as a First Grade Head Constable in November 1881, and speedily rose to the grade of Sub-Inspector in July 1883 and to that of 6th Class Inspector in 1884, in recognition of the good and efficient work done by him.

2. That, in 1888, in consequence of certain recommendations made by the then Inspector-General of Police, the Government of Madras was pleased to rule that Inspectors of two years' service and upwards, who have not completed the prescribed test, should not be confirmed or promoted till they passed that Test, and that in no case should the period of probation be extended beyond 2 years (G. O., 19th January 1888, No. 40) Exhibit A.

3. That consequently, in 1890, a list was submitted to the Government of Madras of the names of the several Inspectors who had not passed and certain recommendations made on their behalf by the Inspector-General of Police. In some instances, exemption from passing the test was recommended, in others, further time was proposed to be given, while the probation of others was recommended to be terminated.

4. That in the recommendations thus made your Memorialist was unfortunately included in the last of the classes above specified, and in G. O., dated 19th February 1890, No. 308, passed thereon, his probation was ordered to cease and he was removed from the Police Force. (Exhibit B). *xxo 20 in the list.*

5. That it is needless for Memorialist to say that this order caused a positive and serious injury to him. He had at the time nearly completed a service of 9 years in the Police and should consequently have been treated with greater consideration and not have been thus summarily thrown out of employ. But rather, in recognition of his past good services, he should have been reverted to the subordinate position of a First Grade Head Constable,—his original position in the Force. This was, in point of fact, the procedure prescribed in G. O., dated 5th July 1889, No. 1154, wherein it was laid down that Inspectors of over 5 years' service, who have not passed or completed the prescribed tests, should be either confirmed or reduced to the ranks. Your Memorialist's service as an Inspector was, at the time of his removal from the Force, just 5 years and 1 month and he was therefore fully qualified for the concession of retention in the Force in a subordinate capacity; if not, for confirmation as Sub-Inspector, or as Inspector.

M. Ignatius Muthoo Pillai

6. That in regard to the very summary manner in which the examination rule was applied, Memorialist begs very respectfully to submit for your Lordship's consideration that he had not the remotest idea that the ultimate effect of the orders passed in 1888 would be to remove him from the service if he did not pass, nor had he any personal warning from any of his official superiors that if he did not qualify within a certain date, his name would be struck off the rolls. He therefore concluded that until he had passed he would not be confirmed or promoted. The Police Weekly Circular, dated 4th February 1888 (Exhibit A), was the only communication he received on the subject. This was quite general in its terms and did not specify what definite action would be taken as regards unpassed men already in the Force. Memorialist begs also to bring to your Lordship's kind notice that his studies were very much interrupted about this time in the discharge of very onerous duties, as he was deputed on 3 special dacoity cases and another grave crime which he detected successfully and which engrossed his time for a year and a half (*vide* Madura Sessions Calendar Cases Nos. 85 of 1888; 45, 46 and 48 of 1889).

7. That in October 1890 in view to getting his case reconsidered, Memorialist submitted an appeal to the Government of Madras against his removal from the Police and prayed that "his nine years' service and experience in the Department, and the effects of his removal on his future prospects" may be graciously considered in order that such of the concessions named in paragraph 5 as he may, in His Excellency's opinion, be deemed deserving of, may be vouchsafed to Memorialist, but to his great misfortune he was informed in reply that "the Government declined to reconsider the orders already passed." (G. O., 3rd December 1890, No. 1918) Exhibit C.

8. That being under the impression that his removal from the Police was sanctioned on the sole ground that he had not qualified according to the examination rules your Memorialist who was not trammelled at the time with duties of an official nature and having leisure at his command, devoted himself to a study of the necessary subjects and appeared for the prescribed examination in October 1890 and was successful in passing it, *i.e.* the Criminal Test, Lower Grade, (*vide* Supplement, Fort Saint George Gazette, dated 10th February 1891, page 14).

9. That with hopes revived in consequence of his success, your Memorialist in a further petition, dated 29th June 1891, brought to the notice of the Local Government the fact that he had passed the required Criminal Test and prayed that his restoration to the Force may be directed. In reply Memorialist, was much to his sorrow and disappointment, informed that his "prayer for re-instatement in the Police cannot be granted, but his removal from the Force does not hinder his re-entry in the service of Government" (*vide* G. O. 18th July 1891, No. 1437) Exhibit D.

10. That your Memorialist who was much dispirited at the loss of nine years' hard service and having in view the age-bar made one more attempt to move the Local Government, in his favor, and addressed a third petition to it in August 1891, requesting to be informed whether any other allegations were made against him than his not having qualified according to the examination rules, and if so, what their nature was and that a full statement of the charges so made may be formulated against him, his explanation taken and final orders passed thereon,—a course which every public servant, Memorialist respectfully submits, has a right to expect before his summary removal from the service is carried out. In reply Memorialist was merely informed with reference to certain subsidiary matters referred to by him in his appeal in connection with his past service, that "the questions raised by him will be considered when he finally retires should he succeed in obtaining further employment under Government". (G. O., 27th October 1891, No. 2212) Exhibit E.

M. Ignatius Muthoo Pillai

11. That among the several hardships and evils which are entailed in Memorialist's abrupt removal from the service, Memorialist begs leave to state that firstly, the order is practically one of dismissal inasmuch as he has been deprived even of his permanent rank of First Grade Head Constable, and 2ndly, that Memorialist who is now 34 years of age falls under the operation of the rules prohibiting the employment of men who are over 25 years. In addition, his past nine years' service and special experience in the Police Department all go for naught, for even, if entertained in any other Department of the public service, your Memorialist has to begin public life anew and to leave the question of his past service a matter for consideration when he ultimately retires from the service.

12. That your Memorialist next ventured to apply to the Salt and Abkari Department for employment, and was much to his surprise and disappointment informed that "his services are not required as he is very much over-aged" (Memorandum dated 13th March 1895, of the Deputy Commissioner of the Salt and Abkari Department) Exhibit F.

13. That in regard to the foregoing order your Memorialist begs very respectfully to submit that in accordance with the terms of the Resolution of the Government of India passed in January 1871, your Memorialist's present age will possibly be a bar to his entertainment were he, for the first time, seeking admission to the public service, but the Government of Madras having in their Order, dated 18th July 1891, quoted in para 9 *supra*, declared that your Memorialist's removal from the Force was no hindrance to his re-entry in the service of Government, this declaration Memorialist submits, is practically an intimation to all Heads of Departments that the age-bar be relaxed in his favor should his services be required. Such an interpretation Memorialist further submits would be quite within the purview of the later Resolution of the Government of India passed in July 1871, which, to all intents and purposes, permitted a waiver of the age rule in the case of men who become disconnected with the service and were subsequently desirous of re-entering it.

14. That, as far as the official papers which are in your Memorialist's possession goes, the foregoing is briefly a true statement of the circumstances connected with Memorialist's removal from the Police, and in fact, from the public service, and of the several unsuccessful efforts which have been made by him to get re-instated, even in a subordinate capacity. Your Memorialist has, however, reason to believe that at the time his examination non-qualification was reported, a certain matter affecting his moral character was also brought to the notice of the Local Government by the Inspector-General and probably it is this fact which is being made the ground for not permitting memorialist's re-instatement though he has since passed the required test. As regards this matter Memorialist has, in his previous appeals to the Local Government, urged valid reasons against its being made a ground to so exclude him, but, as will be observed from the orders received and appended to this Memorial, no allusion whatever is made to it, and yet the Local Government has persistently declined to restore Memorialist to the Police Force.

15. That in order that your Lordship may be acquainted with the facts of this matter your Memorialist begs to invite attention to Exhibit G which contains a summary of the facts proved before the Joint Magistrate of Madras, a European Magistrate who judicially investigated the case and who arrived at the conclusion that "there is no evidence against accused (your Memorialist) who is discharged under Sec. 209 Criminal Procedure Code". Further your Memorialist, with no desire to trouble your Lordship with the very obvious reasons which may be justly urged to this decision being accepted as conclusive proof of your Memorialist's innocence, begs, merely to bring to your Lordship's notice that the then Inspector-General of Police (Col. T. K. Guthrie) at the time of his inspection of the Madras District in July 1889,

** Original sent to the Madras Government.*

M. Ignatius Muthoo Pillai

4
went carefully into all the papers connected with this case and having heard Memorialist's explanation in person, saw no reason to decline to accept the decision of the Joint Magistrate and generously extended the period of Memorialist's probation, a matter which was at the time pending his orders. That in these circumstances your Memorialist respectfully submits that it was unfair to set aside the finding of a judicial investigation and the opinion of the Inspector-General and to constitute a charge made in 1888 a ground to remove Memorialist from the Force in 1890, or 2 years subsequently. These remarks are submitted with all due deference and respect and with the observation that, as already stated, Memorialist merely surmises that the foregoing accusation was probably urged against his retention in the the Force at the time the examination question fell under the consideration of Government.

16. That after the several unsuccessful attempts stated to have been made by your Memorialist to obtain a favorable order from the Government of Madras, your Memorialist who was much reduced in circumstances and unable to command the commonest necessities of life, was necessitated to accept a Victualling Agent's post in the Commissariat Department and to proceed to the Chin Hills expedition in Upper Burma where after a stay of two years Memorialist found the climate so unsuited to his health that he was compelled to resign his post and return to India. That owing to his having left India for Burma and to the nature of his duties requiring frequent travelling and moving about, your Memorialist was prevented preffering this appeal earlier to your Lordship and begs that your Lordship will be pleased to excuse the delay that has occurred and to accept Memorialist's appeal and to give a patient and favorable consideration to the sorrows and grievances of a distressed ex-public servant.

17. That your Memorialist has also reason to believe that your Lordship has already had under his consideration several appeals from other Inspectors of the Madras Police whose probation was terminated for not passing the prescribed examinations, and who, like Memorialist were removed from the Police and from the public service. Memorialist respectfully begs to add one more protest against the hardships inflicted by the observance of such a rule. Memorialist does not for a moment wish to under-rate the value of departmental examinations, but begs with all due respect to point out that in accordance with the general practice observed in other departments, a subordinate who may not have qualified for a particular appointment is merely reduced to a post of lower preferment, instead of being turned out of the public service in which men are doubtless now retained who have been guilty of more heinous offences than that of not passing an examination.

Finally, your Lord-Ship's humble Memorialist respectfully prays that your Lord-Ship will take into his generous consideration the pitiable circumstances of your Memorialist's sad and unfortunate case, and considering that your Memorialist has been suddenly deprived of the pensionary benefits of nearly 9 years' arduous service in the Police Department, will be pleased to direct that your Memorialist be restored to the grade of an Inspector now that he has passed the requisite examination, (for want of which he was removed) and thus relieve your Memorialist from the distress and disgrace which he is now suffering.

For which act of mercy your Memorialist will, as in duty bound, ever pray.

Madras,
20th June 1895,
address: *M. Ignatius Mathias Pillai*
Door No 67 Petty Brahmmin Street
Pondicherry

CURRENT No. 3241

Le. No. 4094 dated 6.7.95.

Submitted to Government.

Enclosures }
8.

Mammick
Inspector General of Police

To

The Chief Secretary
to Government,
Aotearoa.

Exd. mk
—

M.

5
Jusl
8
3241.

RECO

... ESQ., C.I.E.,

Offg. Secretary to the Government of India,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS.

Home Department.
Public.

Simla, the *27th* July 1895.

SIR,

IN continuation of Home Department Resolution No. ^{36-Public}₁₀₇₀₋₁₀₈₀, dated the 20th June 1894, I am now directed to convey the following orders on the points referred to in paragraphs 2 and of your letter No. 2364, dated the 15th November 1893.

2. The Government of India will further consider the suggestion of the Inspector-General of Registration that a column should be provided in statement No. V of the statements which have to be appended to the annual reports of the Registration Department, in order to show the amount of fees levied for copies of documents and of memoranda transmitted to other offices under sections 64—67 of the Indian Registration Act, whenever the further revision of the prescribed forms is taken up. Meanwhile there is no objection to the Government of Madras directing that the amount of these copying fees shall be shown separately in their Provincial annual returns.

3. It appears to the Governor General in Council that, if a provision is made in section 89 of the Act so as to require revenue officers and Civil Courts to send to the registration offices, in view to their being filed there, copies of awards under the Land Acquisition Act, much information will be sent to the Registration Department for which it has no use. What is required is that the Department should receive information as to what land has been finally acquired under the Land Acquisition Act, and this end could, it appears to the Government of India, be secured by the issue of executive orders to Collectors to send to the officers of that Registration Department information on this point, and by requiring the officers of that Department to maintain a record of the land so acquired.

I have the honour to be,

SIR,

Your most obedient Servant,

J. P. HEWETT,

Cg. Secretary to the Government of India.

No.

COPY forwarded to the Department of Revenue and Agriculture for information.

By order,

H. LUSON,

Offg. Depy. Secy. to the Govt. of India.

RECO

No.

FROM

J. P. HEWETT, Esq., C.I.E.,

Offg. Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS.

Home Department.
Public.

Simla, the July 1895.

SIR,

IN continuation of Home Department Resolution No. ^{70-Public}₁₀₇₀₋₁₀₈₀, dated the 20th June 1894, I am now directed to convey the following orders on the points referred to in paragraphs 2 and 3 of your letter No. 2364, dated the 15th November 1893.

2. The Government of India will further consider the suggestion of the Inspector-General of Registration that a column should be provided in statement No. V of the statements which have to be appended to the annual reports of the Registration Department, in order to show the amount of fees levied for copies of documents and of memoranda transmitted to other offices under sections 64-67 of the Indian Registration Act, whenever the further revision of the prescribed forms is taken up. Meanwhile there is no objection to the Government of Madras directing that the amount of these copying fees shall be shown separately in their Provincial annual returns.

3. It appears to the Governor General in Council that, if a provision is made in section 89 of the Act so as to require revenue officers and Civil Courts to send to the registration offices, in view of their being filed there, copies of awards under the Land Acquisition Act, much information will be sent to the Registration Department for which it has no use. What is required is that the Department should receive information as to what land has been finally acquired under the Land Acquisition Act, and this end could, it appears to the Government of India, be secured by the issue of executive orders to Collectors to send to the officers of that Registration Department information on this point, and by requiring the officers of that Department to maintain a record of the land so acquired.

I have the honour to be,

SIR,

Your most obedient Servant,

J. P. HEWETT,

Offg. Secretary to the Government of India.

No.

COPY forwarded to the Department of Revenue and Agriculture for information.

By order,

H. LUSON,

Offg. Depy. Secy. to the Govt. of India.

G. C. Press, Simla, No. 592 H. D.—4-7-95—72.

Seven Se. 9 Twp. 3343 9/5

Ind. 155 y Ind
24-7-95