22/9 R/03

4/8/04

29-8-04

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1950

Dated 17th Sept. 1895

INDEXED.

[Despatch Abstract.]

DISMISSED CONSTABLE THUNGAVELU.

Converting the order of dismissal passed on constable No.336 Thungavelu of the Chingleput District Police Force into one of suspension until the date of his restoration to duty.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	971		1896				

CURRENT NO. 3575

Jud! (1895) DEPARTMENT.

124 D. 8-6-95 Mis

Jom at No 2733/95

1211
8-6-95

FROM

M. HAMMICK, Esq., I.C.S.,
INSPECTOR-GENERAL OF POLICE,
Madras,

TO

THE Chief Secretary
to Government,
Ootacamund.

No. 4371.

Dated 24th
Received 26th
June 1895.

Encs: 5-

26 JUL 95

SUBJECT.

Forwarding for the orders of Govt. an appeal from Cons. No 336 Thangavela of the Chingleput Dt. appealing against his dismissal by Colonel Portman

MR 61
30/7
US 31/7

Reference only. 1817. D/3-8-95

The I.G. of Police is requested to furnish Govt. with a copy of the petitioner's defaulter sheet and the discharge certificate passed in his case

D
2-8-95

To
the I.G. of Police

Despd 4/8

MR
31-7-95

P. Copy

Cover

CURRENT No. 570 of 1895 OR.

Enclosure No. 1

er No. 4371/724-2-95

Fr... Inspector-General of Police.

H.S.
2.7.95

OFFICE OF THE INSPECTOR GENERAL OF
12 JUL 95
MADRAS.

1st July 1895
Terruppowr

To

The Chief secretary to the
Govt of Madras

Through The Superintendent of Police
Chinglepat District

Honored Sir

I, Thungavaloo late Police Constable No 336 of Chinglepat Dist most respectfully beg to submit this my humble appeal petition against the orders of the Inspector-General of Police dismissing me from the Police service for the alleged fault detailed below, and to request that your honor will be pleased to lay this before His Excellency the Governor-in-Council for redress from unequitable punishment.

Forwarded thro' D. I. G.
2/7/95
H. Sweet
Offg: Supt Police

W. 1244

Forwarded.
J. H. Collins
D. I. G. of Police
C. Range

Vellore
11.7.95

2 I a 2nd Class Constable doing duty at the rural party station Conjeevaram was placed in temporary charge of that station for a few months from March 1894, on that station House officer's place falling vacant suddenly by the death of the permanent incumbent. While

Thus

this in charge I prosecuted on the 17th April 1894 3 persons under Sections 109 & 110 C.P.C. in crime No 79 of that station and sent them up on the 18th April before the Joint Magistrate who was then at Walajabad with an usual Charge Sheet accompanied by suspicious properties. I found out from them on their personal examination when arrested on the previous day, under the custody of Police Constables 620 & 496.

3 On these constables presenting them before the Joint-Magistrate at Walajabad with the charge sheet and the properties he endorsed at once on the charge sheet remanding the prosecuted to the Sub jail of Conjeeveram for about one day which was subsequently extended to 6 days and sent them back, at the same time returning the properties unusually. On their return I directed the constables to give charge of the prisoners and the properties to the stationary Magistrate

that

Magistrate who was in charge of the Sub-jail. This officer received the prisoners but not the properties saying that the properties might be retained by the Police & taken to the Joint Magistrate's court with the prisoners on the next day of enquiry.

4 While thus the properties were in my custody again for a few days from the 18th instant a gold ring (estimated to be of value of from Rs 10 to 25) one of the above properties, was stolen away on the night of the 21st April 1894 from the Station House. With the ring a couple of rupees was also stolen away from the very box in which the properties were kept out of a sum of about Rs 50 kept in the box.

5 On the 21st April I had seen the properties safe in the Station House box. On the evening of the 22nd April 1894 when I

was about to open the box for taking out blank forms from it I found the box unlocked which led me to suspect the safety of its contents. Thereupon I examined all the contents of the box and found out a gold ring & a couple of rupees missing. Being alarmed by the loss which, I believed, could have been brought about only by any of the constables who were on duty the previous night at the Station House, I began to enquire quietly constables, No 594, 496, 620 & 359 who were on duty the night at the subjail in which building the Station House was located, how there was a theft of a ring & a couple of rupees from the Station House box that night to which they said that no one of them knew any thing about the theft

6 Believing that some one of the Constables did the Thing

I went home that night,
that

thing with the object of putting me into troubles and that he might perhaps put back the ring into the Station House secretly I went on expressing to all constables that some one of them only must have done it with a bad heart against me and that the culprit would be brought into ruin shortly by the help of God in return of his attempt to ruin me. On this hope I detained reporting the occurrence to the Inspector who was away then on Circuit until his return to the station which was expected in a day or two. Here I beg to state that I expected the secret return of the ring only before the expected return of the Inspector to the station.

7 The Inspector returned to the station on the night of the 24th and on the next morning I myself went to the Inspector

and

that

and reported the occurrence in person. On his enquiry of me regarding the occurrence I told him all the following facts connected with it. As already mentioned above I stated how the properties inclusive of the ring came in my possession and that for more than 24 hours & when & how I came to know the theft. Other facts were that I closed the station House at 7 P. M. on the 21st. April 1894 and gave the Key of the house as usual to the officer who was incharge of the sub jail who was then Police constable No 359 in the presence of Police Constables 594, 496 & 620 & went home; and that I came to the Sub jail & to the Treasury on patrol at the forepart of that night & instead of returning home I took my bed at the station House only. For taking my bed there on the night I took the Key of the

Station House from Police Constable No 359 who was in charge of the subjail, opened the Station House, took out a bench from it to sleep on, locked the door of the house & returned the key immediately to the Police Constable No 359 in the presence of Police Constables 594 & 496. I took my bed at a distance of about 10 ft from the entrance of the house & that to the side of it. These facts alone I told the Inspector of Conjeeveram & also to the Inspector of Chingleput who made subsequent enquiry of the case

8 Here I beg to explain that the Station House formed one of the rooms of the subjail building & for this reason the subjail guard only formed the guard of the station House too. Guns &c which would be required for any emergency by the subjail

guard were only inside the Station House. Therefore it was usual to leave the Key of the Station House with the sub-jail guard head.

9 Statements given before the Inspector by the Police constables who were on duty that night were these:— No 359 Police constable denied the fact of having received the Key of the Station House from me that night; No 594 Police constable stated that he knew the giving of the Key to P.C. No 359 when I No 336 went home that night and also that I came on patrol that night, slept at the Station House taking out a bench from the Station House & returned the Key immediately to P.C. No 359; No 496 constable stated the same facts. No 620 P.C. stated that he saw me giving the Key to P.C. No 359 at 7 P.M. when I went home that night;

that he knew not from sleep what took place after it until 12, O'clock when he had his turn of guard for 3 hours & that he saw me sleeping at the Station House during his guard hours. Besides he stated that he saw P. C. No 359 who was the head of the subjail guard going into the Station House at about 1-30-A.M. but that he knew not what he did inside & that he soon closed the Station House and went towards the guard of the Treasury which was close by. On the Inspector enquiring P. C. No 590 who was on guard at the Treasury from 12. to 3 that night he stated that he saw P. C. No 359 Coming to the Treasury guard at about 1-30. that night

10 When the evidence obtained on the Inspector's enquiry regarding the theft of ring has stood as above said, I & other constables 359, 496, 594 & 620 were suspended

on the 6th July 1894 until further orders. Not having received final orders up to last March I applied to the Superintendent of the District to be favoured with the final orders passed. The Superintendent of Police sent on the 27th March 1895 the enclosed order informing me that I was dismissed from the service by the Inspector-General of Police. The copy of the Inspector-General's orders which was obtained subsequently shows that he has passed orders that the theft of the ring lies between Constables 336, 620 & 359; further that no one of them has spoken the truth & that therefore they should be dismissed.

11 Here I respectfully beg to submit if there was evidence to show to the Inspector-General that the theft lies only between these three it would have been just if he had placed them before a Magistrate who could,

with the help of law discern the culprit & award him deserving punishment, at the same time acquitting the innocent. Instead the Inspector General of Police in an unequitable manner dismissed the 3 - extreme degree of punishment, also making them ineligible for entertainment in any other department of Government service - the innocent & the guilty together, with all the doubt entertained by himself in the case.

12 Lastly I beg to submit that from the above facts it will be seen that I am innocent in the case. Further I am to state if I had not been honest & able in my work the Inspector of the division would have not placed me incharge of that station for some months when there were 1st class constables, and this thing might be known from the report of the Conjeeveram Inspector on the case.

13 Copies of my applications to the Superintendent of the District & his replies to them are here inclosed

I beg to remain
honored sir
Your most obedt Servt
C. Thungavaloo

My address

C. Thungavaloo
Brother of Hospital assistant
C. Arumukha Naykar
at Tiruppore

No. O. 49.

Department.

CURRENT No. 3578

~~Chief~~ Office of the Inspector-General of Police,

No. 4371. Govalcheruvu, Cuddapah Dt. ~~Madras~~, 24th July 1895.

From

M. HAMMICK, Esq., I.C.S.,
Inspector-General of Police,
Madras,

To

The Chief Secretary
to Government,
Ootacamund.

Sir,

Enclosures. 5

I have the honor to forward, for the orders of Government, an appeal from Constable No 336 Thangavelu, Chingleput, appealing against his dismissal by Colonel Porteous in his order, dated 11 December 1894.

2. The facts appear to be these:- The appellant a 2nd class Constable was in temporary charge of the Police station at Conjeeveram. He had in his charge on the 18th April 1894 a gold ring and certain other property kept in a box in the Police station. The gold ring had to do with a case before the Joint Magistrate at Walajabad, and that Magistrate had returned the ring to the appellant on the 18th April 1894 and the appellant alleges he put the ring into the box in the Police

station in the usual way. On Sunday afternoon the 22d April 1894 the box was examined by the appellant and the ring and two rupees were found to be missing. Some other valuable property was left in the box of which it appeared the lock (a common bazaar one) had been picked.

3. Obviously one of two things had happened - either the appellant had stolen the property himself, and lied in saying he had put it in the box, or some thief had broken open the box. If the box had been broken open, it was probably broken open on the night between the 21st and 22d and the enquiry which was made was chiefly directed to trying to find out exactly what happened that night at the station.

4. The Police station is in the Subjail and it was the custom apparently to lock up the Police station every night, and the whole place was guarded by the Subjail guard. The Subjail guard consisted of the following Constables:-

1st class Constable 359 in charge of the guard.
2d class Constable 496 on duty from 6 to 9 p.m.
Do. 594 do. 9 to 12 "
Do. 620 do. 12 to 3 a.m.;

according

according to rule, 359 should have relieved each guard and signed the book to show he had done so.

5. The Station House officer 2d class Constable 336 (appellant) had been put temporarily in charge of station over the head of 1st class Constable 359, which had caused probably some jealousy. The appellant stated that he locked the door of the station on the evening of Saturday the 21st at 7.30 P.M. and gave the key to 359. The appellant at first made a mistake as to date and said it was the 22d and not the 21st it all happened. He corrected himself subsequently. I do not myself see anything very suspicious in this though the Deputy Inspector-General and Colonel Porteous both thought it was so. The appellant said he left the station at 7.30, came back at 8.30, took the key then from 359 and opened the station door, took out a bench on which he lay down for the night. He says that after opening the door and taking out the bench, he locked it again and gave the key back to Constable 359 who retained it all night.

6. Constable 359 denies this. He said that Constable 496, who was sentry from

6

and don't seem to care much what happens to them. For myself after reading the papers I am inclined to think that the appellant was not the guilty man. It is clear, however, that his subsequent conduct was grossly irregular and it was through his trying to hush up the case that he got into trouble. It was a disgraceful occurrence for it seems quite clear that the theft was committed by one of the Constables in the station and under the circumstances I consider the appellant was rightly dismissed. He was the man responsible for the safety of the ring, which was in his charge and it was through his irregularities that all chance of detecting the culprit was lost. He must bear the consequences.

13. I enclose the records in the Case.

I have the honor to be,
Sir,
Your most obedt. servt.,

AMcCormick

Superintendent of Police.

En[illegible]

To letter No. 487 J/30-8-95

From Inspector-General of Police.

Enclosure .1

To ~~Petition~~ current No. 644 of 1895

PR

FORM No. 13.

MADRAS POLICE

Chingleput DISTRICT,

19 - 8 - 1895.

Age 29 years
Height 5 feet 7 1/2 inches
Eyes "
Hair "
Complexion Dark brown
Country Chingleput
Caste Vanniah

I hereby certify that 2nd Class Const. No 336 Thungavaloo (description as per margin) joined the Police Force of the Chingleput District on the 13th October 1887 — and has ~~this day~~ been Dismissed ~~for~~ from 3-7-94 date of Suspension as per Minute attached

Rank on Enlistment 3rd Class
Rank on leaving the Force 2nd Class
General Character Bad

Chas. J. Stewart

Supt. Superintendent of Police.
Chingleput District

NOTICE.

No appeal from this Order will be attended to by the Deputy or Inspector-General, unless accompanied by this Paper, a copy of the Superintendent's Minute on your case, and the extract from your Defaulter Book.

விளம்பரம்.

இந்த உத்தரவின்பேரில் செய்துகொள்ளும் அப்பீல் மனு, இந்த கடுதாசியும் உன் விஷயத்தில் சூபரின்டென்டெண்டு அவர்கள் செய்த மினிட்டின் நகலும், உன் டிபால்ட்டர் புஸ்தகத்திலிருந்து எடுத்து எழுதின எக்ஸ்திராக்ட்டும், இவைகளோடு வாராதபட்சத்தில் அது டிப்டி இன்ஸ்பெக்டர் ஜனரல் அவர்களாலாகிலும், இன்ஸ்பெக்டர் ஜனரல் அவர்களாலாகிலும் பிடிக்கப்படமாட்டாது.

ఇస్తిహారు.

ఈ హుకుంమీద చేసుకొనే అప్పీలు, యీ కాగితమున్ను నీ విషయములో సూపరింటెండెంటు గారు చేసిన మినిటుల నకలున్ను, డిఫాల్టరు పుస్తకములోనుంచి యెత్తివేసిన యెక్స్ట్రాక్టున్ను వీటితో కూడా రానియెడల దాన్ని డిప్టి ఇన్స్పెక్టరు జనరలు గారుగాని, ఇన్స్పెక్టరు జనరల్ గారుగాని, పట్టరు.

اطلاع

یہہ حکم صادر ہوا بعد کوئي مرافعہ پر بہي ڈپٹي ہو یا انسپکٹر جنرل ہو ملاحظہ نہین کریگی جبتک کے اسکي ہمراہ سوپرانٹنڈنٹ کي منٹ کي نقل تمہارے مقدمے مین اور تمہاري خطیات کي کتاب کا انتخاب نہو۔

Copy of Minute and Defaulter's Extract.

1. 2d Class Constable No. 336 Thungavaloo. } Cunchi Taliqs Station; Conje Dn
× × ×
× × ×

2. For Suspicious Conduct.

3. For suspicious Conduct in not speaking the truth regarding the theft of a ring in Cunchi Taliqs Station on 21-4-94 which lies between him and certain other Constables of the Station.

4. The Explanation of this Constable was sent to Chief Office with District Superintendent's report on 19th May 1894

5. Dismissed under the orders of the Inspr General of Police vide Chief Office Memo No. 7306 d/ 11-12-94.

6. Suspended from 3-7-94 to 13-12-94 pending Enquiry

Date	Nature of Offence	Punishment.
19-2-88	Absence from duty without leave on the 19th Inst.	1 B.M & stopped a days' pay 24-2-88
17-4-90	Wilfully overstaying leave by 8 days when refused Extension –	1 B.M. & forfeited 8 days pay 25-4-90
5-11-90	Absenting himself without leave for 16 days	1 B.M. & forfeited 16 days pay 29-11-90
28-2-91	Quitting his post of Sentry on Treasy Guard	1 B.M & fined 1 Re. 6-3-91
19-3-92	Conspiring with one Tomiah Pundaram and Concocting a Case of robbery & other Charges against Head Constable No 46 –	Transferred to Tirr Saidapet Division 6-6-92
17-9-92	Wilfully absenting himself without leave for 10 days from 17-9-92	1 B.M & the absence treated as leave without pay 26-10-92
24-6-93	Petitioning the Superintendent to go back to his Division from School when he was already ordered to stop in School on a former petition to Supdt	Warned. 18-7-93.
14-8-93	Absenting himself without leave for 13 days from 14th to 26th August/93 –	1 B.M & the period treated as leave without pay & warned he will be treated as a confirmed absentee if he does not look out 6-9-93.
20-11-93	For absenting himself without leave for 8 days	1 B.M. & warned that for another offence of this nature he will be dismissed the period of absence to be treated as leave without pay 7-12-93

1895
2
4156

Ag. Superintendent of Police
Chingleput Dst

CURRENT No. 4156

Department.

No. 4807.

Chief Office of the Inspector-General of Police,
Madras, 30th August 1895.

From
M. HAMMICK, Esq., I.C.S.,
Inspector-General of Police,
Madras,

To
The Chief Secretary
to Government
Ootacamund.

Sir,

Enclosures two.

With reference to memo No. 1817 dated 3rd August 1895. J. D. I have the honor to forward a copy of the discharge certificate of late 2nd class constable Thangavalu No. 336 of the Chingleput District Police, which also contains an Extract from the Defaulter Sheet and a copy of Colonel Porteous' order No. 7306 dated 11th December 1894 dismissing the man from service. The Superintendent of Police reports that the petitioner did not apply for his discharge certificate.

I have the honor to be,
Sir
Your most obedt. Servt.,
M Hammick
Inspector General of Police

CURRENT No. 4156

Regd No. 1817/95

Jud.l (1895) DEPARTMENT.

FROM

M. HAMMICK, Esq., I.C.S.,
INSPECTOR-GENERAL OF POLICE,
Madras,

TO

THE Chief Secretary to Government. Ootacamund

CHIEF SECRETARY
-1. SEP. 1895
No. 4807
GOVERNMENT OF MADRAS

Dated 30th } August 1895.
Received 1/9

Regd 2/9
Enclos. 2

SUBJECT.

Forwarding a copy of the discharge certificate &c of late 2nd cl. Constable Thangavelu No 336 of the Chingleput Dt. Police.

M. 4/9
W. 4/9

C.W.O.

Cur. 3575 & 4156/95

Order
Mis.

The Govt. declines to interfere on behalf of the petitioner and he should be informed accordingly.

D
7-9-95

The man's record is bad & his conduct in this case suspicious & grossly irregular
D

To
The I.G. of Police, &c
with cy of Enclos retd.

M
4.9.95

I am not satisfied that in this ~~case~~ instance there was a clear case for dismissal and I therefore submit it to H.E.

The case is briefly this. Certain property and some Rs. 50 in cash were placed in a box with a common country lock on it in the Police Station at Conjeeveram. Out of the property a gold ring and of the cash two rupees were stolen apparently during the night. The appellant was the officer in charge of the station. The evidence that he was the guilty man is of the barest. Col Porteous the then I.G. was unable to fix the theft on any particular man but having reduced it to ~~lying amongst~~ between three men (the appellant and two others) he dismissed all three. What seems to have chiefly weighed if not actually turned the scale against the appellant was that he did not report the matter to the Supdt. at once or report the theft and made no report until the Supdt. had returned from tour some three days afterwards.

The appellant's explanation, and a very natural one it is — is that having made a great row about the loss and suspecting some of the men of the theft he hung on in the hope that the ring at any rate would be restored; this is just what a native would do. He seems when the Supdt. returned to have not delayed in reporting matters. There is to my mind no reliable evidence or approximately reliable evidence to ~~show~~ even raise strong suspicion against the appellant.

[G/25]
600—23-7-95.

DEPARTMENT.

C. No.

FOR ORDERS.

I do not see ~~him~~ what he did subsequently anything to raise the presumption that he was the thief. It was in the last degree improbable that he was as he — only a 2nd Class Constable — had been put over the head of a 1st Class man who was at the Station and was pro tem Station House Officer: he had everything to lose and nothing to gain by committing himself. I believe that the theft was perpetrated in order to spoil him on account of his having superseded his senior.

HW

I submit that it will be quite enough in the case of the appellant ~~for~~ for not having made immediate reports, "suspended" from date of dismissal to date of restoration to duty, and that the orders of the I.G. be modified accordingly.

AS
11/9/95

The appellant's character is set down as bad but it has evidently been entered as such by Mr. Stuart who could not have known much about him: his Defaulter Sheet does not show many entries and there is only one which at all looks a serious offence. It could however not have been so much →

Discharged Constable Thangavelu

FOR ORDERS.

As it reads as the man was newly transferred
LD
10/9/95

c 17/9
K 12/9.

---

given for copying
copied
examined
signed

AGAIN G.O., No.
189 ,

RRENT No.

ENCLOSURES TO G. NO

ORDER OF GOVER

LETTER OF GOV

STATEMENT W

PAPERS NOT
IN

[G./24.]
500—23-7-95.

Judicial DEPARTMENT.

Papers to be read in proceedings :—

Again G.O., dated 189 , No.
Again G.O., dated 189 , No.
Current No. 3575 of 1895, dated 24.7.95, from the I. G. of Police
" " 4156 " 1895, " 30.8.95, " — do —
" " " 189 , " , "

ORDER. G.O. 17th September 1895, No. 1950.

There is no reliable evidence proving that the appellant dishonestly removed the ring and the money which were lost from the Police Station on the night of 21st April 1894. He was a second class constable and had been placed in charge of the station in supersession of a first class constable who was dismissed in connection with the same case and has not thought fit to appeal against his dismissal. On a consideration of the whole matter, the Govt. is therefore disposed to believe that the theft was perpetrated in consequence of this supersession and in order to get the appellant into trouble. He was, however, guilty of a grave irregularity in not making an immediate report of the occurrence and for this he deserves punishment. The order of dismissal will accordingly be converted into one of suspension until the date of his restoration to duty ~~and~~ for which the I. G. should make arrangement immediately on receipt of this order.

(From Orders)

D
13.9.95

No 19/96

To

The I. G. of Police } despd
with 4 enclo in one
(with ~~of~~ Jewels) 23/9/95

---

re: Dismissed Constable
Thungavelu

C. S.
Tms

(From Orders)

---

n given for copying
n copied
n examined
n signed } 189

2,000—9-93.

DEPARTMENT.

(xxvi)

No. 7306

CHIEF OFFICE OF THE INSPECTOR-GENERAL OF POLICE,
Madras, 11 December 1895.

OFFICIAL MEMORANDUM.

Enclosure No. 1
To letter No. 4817 J 30.2.95
From Inspector-General of Police.

Read

Letter from the Superintendent of Police Chingleput No. 1291, dated 29.11.94.

Remarks.

Constables 336, 620 and 359 should be dismissed - not one of them is speaking the truth and the theft of the ring lies between them.

(Sd) Chas. A. Porteous &c,
Inspr Genl of Police.

To
The Supt of Police
Chingleput.

(True Copy)

Asst Inspr Genl of Police

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