

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 236/.

Dated 16th Nov: 1895.

INDEXED.

[Despatch Abstract.]

M.R.RY. A. CHATHU.

Informing--, late Tahsildar and Taluk Magistrate of Padda-gara, in the district of Malabar, that the Secretary of State has commuted the order of dismissal passed on him into one of retirement on the pension to which his services entitled him at the time of his dismissal, and that his supplementary memorial has not been transmitted to its destination, inasmuch as the Secretary of State's orders had meanwhile arrived.

encl.

Telhor 8/11/95 01/11/95

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	5667		95				
	5816		95				
	627		96				

1011.

INDIA OFFICE,

LONDON. 3rd OCTOBER 1895.

JUDICIAL,

No. 4.

TO HIS EXCELLENCY THE RIGHT HONOURABLE THE GOVERNOR
IN COUNCIL FORT ST. GEORGE.

My Lord,

I have considered in Council your Letter No. 5 Judicial dated 12th July last, with which you transmit the memorial of A Chathu, late Tahsildar and Taluk Magistrate of Badagara in the district of Malabar appealing against an order of your Government directing his dismissal for cowardice and mismanagement resulting in the loss of the life of a Moplah.

2. While I agree with Your Excellency's Government that it is necessary to take serious notice of any failure on the part of an officer who exercises the power of a magistrate to act on an emergency, with courage calmness and self possession I think that in the case of the memorialist a less severe punishment than dismissal would have been adequate. I should have preferred to transfer him to some lower office where he would not have to undertake the responsibilities of magisterial duty

duty. In present circumstances I do not propose that this course should be taken, but I desire that the memorialist may be allowed the pension to which his services entitled him at the time of his dismissal.

3. The difficulty of dealing with this case is increased by the fact that the procedure prescribed when there is question of dismissing an officer from the public service was not followed.

It may be true that the statements made by the memorialist on May 25th contain sufficient material for judging of his conduct, but he was entitled by the rules to have the charges against him furnished to him in writing, and to submit his defence in writing before he was condemned. The neglect of the standing orders, even if it does not materially prejudice the accused, supplies him with ground for complaint that he has suffered injustice, and it is much to be regretted that in this and another recent case the regular procedure should have been disregarded.

4. Your Excellency's Government will no doubt see the propriety of also re-considering your orders with regard to the Head Constables and the Constables who have been dismissed.

I have the honour to be,
My Lord,

Your Lordship's most obedient humble Servant,

George Hamilton

already done. G.O. 1467
12.7.95

12 Nov 1911

140 20/11

N^o 13.

CURRENT NO 5124

Judicial
3rd October 1895

The
Letter to Fort St. George

N^o 4

W
25 x
7

Recd 25.10.95
Resp 31-10-95

Subject.

Re A Chatur Lath
Jansidhar and Taluk Mast
of Badagun

Recd 25.10.95

[G.]
25
300-5-10-95

Ind.

DEPARTMENT.

C. No. 5124

From Sec. of State

FOR ORDERS.

I would specially call the
attention of the Sec^y to para 3.
of the Sec. of S's despatch. I mentioned
this very point in Council - and
much regret that I did not
insist at the time on my
views being carried out. It is
a warning to me - and I hope it
will be to the Sec^y whose special
business it is to see that there is
no departure from the procedure
laid down. W

W
25
25

Imuloomy so
W 25 8/11/95
Tehor 24/95

It is understood that the
Despatch No. 2146 was not signed
by Hon. Members as this current
had meanwhile arrived.

That despatch & the go. con-
nected may therefore be cancelled &
Chatur informed that his sup-
plementary memorial was not sent
on as the S. of S's orders had
meanwhile arrived.

2. Only one point in the current
appears to require orders, that is
the last sentence of para. 2.

Orders in accordance with
this may be issued

3. As to para. 4. The
punishments of all the four
police constables have already
been reduced to six months
suspension. Please see G.O. 1467
12.7.95

Should the S. of S be informed
which has been done re the
W 25 8/11/95

Office. The Proceedings of this Govt. on
the subject have gone on in the
ordinary course

2d
5/11/95

Secretary of State's
despatch on the
Badagara Case. -

FOR ORDERS.

H. E. THE GOVERNOR.

THE HON'BLE MR. H. W. BLISS, C.I.E.

THE HON'BLE MR. J. GROSE.

[G.
24.]
300-23-7-95.

Judl. DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated 1st July 1895, No. 1386, Judl. min.
Again G.O., dated 19 Oct. 1895, No. 2146
Current No. 5724 of 1895, dated 25 Oct., from the Rt. Honble the Secy. of State.
" " " 189 " " " "
" " " 189 " " " "

ORDER. 16 November 1895 No 2361
min

With reference to his memorial to
the Rt. Honble the Secretary of State of
2 April last, Mr. R. A. Chatterji will
be informed that that authority has com-
muted the order of dismissal passed on
him into one of retirement on the pension
to which his services entitled him at the
time of his dismissal. The necessary
orders for the payment of pension will
be issued in the Pension Dept.
He will also be informed that his
2. ~~The~~ supplementary memorial has
not been transmitted & its destination in
as much as the Secy. of State's orders
had meanwhile arrived. G.O. No. 2146
of 19 Oct. 1895 is hereby cancelled.

To the memorialist, A. Chatterji, 81
St. Malabar to. 1895.
Rev. Dept.
Pension Dept. } 9 + para.
Acct. Genl. } 1 only
copy 1/11/95

3. The following letter will be despatched
to the Rt. Honble. the Secy of State.
(From orders)

07/11/95
RM/11

14/11/95
W. H. H. S.

P.T.

Copy 21-11-95
with GO no 1467 of 1895

Letter no 11

To

The Right Honble the Secretary of
State for India.
(with copy of GO 1467
12-7-95)

My Lord,

We have the honor to acknowledge
the receipt of your Lordship's despatch
no. 4, Tudd, of the 3rd ultimo, and with
reference to para. 4. thereof to submit
the accompanying copy of the order
of ^{this} Govt - no. 1467 Tudd of
12 July 1895 - in which the punish-
ments of all the four police constables
concerned in the Badagara shooting case
have already been reduced to six
months' suspension.

We have the honor to be,
My Lord,

Yours Lordship's most obedt. humble
servants

For the Secy } 15/11/95
19th Nov 1895 } J. C.

Copy Despatch with GO 1467 of 1895
sent to Secy India - 23-11-95.

Secy. of States' Despatch
on the Badagara case.

(From orders)

C/S
mis

Printed

When given for copying

When copied

When examined

When signed

189

READ AGAIN G.O., No.

189

DATED

CURRENT No.

ENCLOSURES TO O. No.

ORDER OF GOVERNMENT

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.