

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 733.

Dated 6th Apr 1895.

INDEXED.

[Despatch Abstract.]

P. SAMATI.

McA.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	81	X	12-1-95				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1365		95				
	2484		95				

Relatd no 101/75



To,

The Right Honorable the Governor in Council Fort St. George Madras



Forward
Hunt
8/2/95

The humble memorial of P. Samati late 1st grade Head Constable No 387 of the Malabar Police residing in Calicut.

Most respectfully sheweth,

1. That your Excellency's humble memorialist had the misfortune to be found fault with by your Excellency in what was known as the Badgara shooting case and was dismissed from Public service by G.O. No 2107 dated 30th August 1894.

2. That memorialist has now been driven almost to starvation. The Government service either execution or otherwise in its entirety has been shut up against him; other departments of life where bread is earned by the pen are indifferent to patronize him as he is styled "dismissed Police Officer."

3. That the memorialist though in the good graces of his departmental superior officers before the unfortunate incident that brought about his dismissal occurred was after it in the most pitiable position of not being able to get their opinions of his character in record as he has by his act incurred the direct displeasure of your Excellency.

4. That the memorialist unlike ordinary Head Constables has a tolerable education in the English language. He has passed the Matriculation Examination of the Madras University and has in addition to other minor tests passed the Judicial test Criminal higher grade (vide page 6 supplement to the Fort St. George gazette dated 14th January 1890) an examination that is considered to be equal in standard so far as the Criminal law is concerned to the Pleaders test. He had a service of 6 years in the Police Department of which 1 1/2 years he had acted as a Police Inspector. He is besides a young man of 29 years of age and has worked with zealous energy in the Department. The deprivation of his private

at so early an age with no prospect of getting any post to earn a decent living for the remainder of his life is he submits a punishment too severe for the offence he is found to have committed.

5. It was open to memorialist to become a Pleader but that has also been barred against him as he has not passed the Pleaders test. It has also become impossible for him to appear for the Pleaders test as he has not passed according to the new rules the F. A examination of the Madras University

6. The memorialist begs to submit that according to the new rules the educational qualification for the Pleaders test is the same as the one required for the Criminal Higher examination which he has passed. Under the above circumstances memorialist prays that he may be allowed to appear for the Pleaders test 2nd grade by exempting him from the Educational qualification required for that test and if this cannot be granted he prays that he may be allowed to be entertained in any of the non executive branches of the various services that exist under your Excellency's Government.

Calicut 3
1895

P. S. M. A. T.

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Calicut 3
1895

P. S. M. A. T.

No 1073

Chief Office of Inspector General of Police,
Madras 28 February 1895.

Submitted to Government for
favor of disposal.

Macaulay
Asst. Inspector General of Police
for Inspector General of Police.

To
Mr. The Chief Secretary
to Government
Fort St. George

1895
Jury
C. No. 1024

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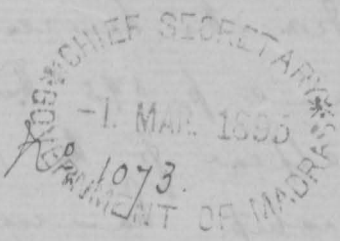
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Judicial (1895) Department
CURRENT NO. 1024

From

M. Hammick Esq, J.C.S.,
Inspector General of Police,

317/94 SE
Rebucula



Dated 28 " } February 1895.
Received 1/2
Resd 12/3

Encl. 1

Subject.

Submitting Memorial from
P. Sumati, late, Grade Head
Constable, No. 389 of the
Malabar Police.

4/3/95.

(For orders)

11/3/95

Sp. 390: 212-95 Mem
papers

For orders.

Please see the note for orders in
of 12 Jan'y. 95, No. 81 Judl, Mis, in which Govt.
declined to reconsider the order of dismissal
it is submitted,
It is for the High Court to consider whether the
petitioner may be permitted to appear for the Pleaser
Ship exam'ts.
Under a rule, having the force of
law, the condition of having passed the
F.A. is a necessary antecedent to
admission to the Second Grade Pleaser-
ship Exam'ts. Neither Govt. nor the
High Court can dispense with this
condition.
The only question is whether petitioner may
be entertained in a non-exception
branch of the public service? Having once
been dismissed, his re-entertainment
is presumably open to objection, but no
notification

[G.]
25.
100-21-12-94

DEPARTMENT.

No.

From

Dated

651 189

Order.

The Govt. does not
consider the pet'r entitled to
any indulgence & declines to
interfere in his behalf
(from orders)
19. 3. 95

To Pet'r.

FOR ORDERS

Under S. 6 of the Legal
Practitioners Act XVIII of 1879
- the High Court affirmed
the rule in the letter
recorded in G.O. 1633
27. 12. 90

I think it may be taken that,
even in the absence of a formal
order, a man once dismissed
cannot be re-entertained in the
S.O. service. We cannot do
anything further for him -

He is lucky not to be at
the Andamans. But suppose
he doesn't see it in that
light.

18/3/95

Order.

The Pet'r will be informed
that Govt. sees no reason
to accede

Under the views of the majority in
the original case but this point
was pursued very severely & I
am glad to see that in our
judged again in our non-exception
branch of 22/3

Please see para 6 of petition
from the Lawrence Reglam
Almanac p. 348 that only F.A.'s
can appear for the Second Grade
Pleaser's Examination. This is
a rule having the force of law &
cannot be modified to suit the
pet'r's case.

2. As regards his admission to
other branches of the public service,
it does not appear to be barred by
his dismissal. No notification
prohibiting his re-entertainment has
been published & with reference to para
2 of his letter to the Govt. of India
No. 561 of 31 July 1890 and to
B.S.O. No. 266 referred to therein he
may apparently re-enter Govt. service
if otherwise eligible

13. 3. 95

11/3/95

Under B.S.O. 266 sec 2. I take it that he
can be permitted to re-enter Govt. service.
I always thought that he was very harshly
dealt with, and I would be glad to do
anything which would mitigate the severity
of his sentence. I therefore agree with
the hon. Mr. Gove.

25 Mar.

Badayare. ^{Police}
(admission & public
service)

✓
from order
H.H.

For orders

Circulated ^{to} 21/3/95

Submitted to the Hon. Mr.
Bliss for perusal of notes
by other Mr. D.

26.3.95
27/3/95

Seen - It is for the majority
to decide what order should be
passed. I confess I can offer
no suggestions on the subject

28/3/95

Note
File of books & etc.
relayed in office.

21/3/95 22/3/95 23/3/95 24/3/95
25/3/95 26/3/95 27/3/95 28/3/95

[G.]
24
20-12-94

Papers to be read in Proceedings:-

Again G.O., dated
Again G.O., dated
Current No.

18, No.
18, No.
of 18, dated from

Current No. 1024 of 1895, dated 25 Feb from the J.H. of Police

rules requiring certain

Seen
4/4/95

Order of 6 April 1895 No 733
The Govt has no power to
except the pett. from the Educational
qualifications in the case of candidates
for the Pleadership Examination, but
will raise no objections to his
re-entertainment in the public service
in a ministerial capacity

(from orders)
D

29.2.95
Copied to the pett., through the J.H. of Police
(for staff)

10 APR 95
IN M.S.

Badagana police office

H.M. (as the dissentient member)
C.A.
(from orders)

Issued
5/11

24/4
25/4

in given copying
on copied
on examined
on signed

189

ADAR 3.O., No.
18

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

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.