

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 863.

Dated 26th Apr 1895

INDEXED.

[Despatch Abstract.]

PETITION.

Endorsing paragraph V (3) of C. Petition rules on--- from
P. Ponnusawmi Pillai, late Police Inspector of Shiyali taluk,
Tanjore district, praying for restoration.

met.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
fp	2828		94				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C.N.	3954		198				

Komaleeswarupettah
CURRENT No. 1648
Madras 21st March 95

To,
The Chief Secretary
Fort St. George Madras
Most Honoured Sir,

I beg to request
that your honor will be so good as
to submit the accompanying
Memorial to His Excellency the
Governor in Council with your
recommendation, taking my
exceptional and piteful case
to your honor's favourable
consideration.

I beg to remain
No Sir
Your most obedt. Servt
N. Sundaram Pillai
Late Police Inspector

Duplicate

To

His Excellency the Right Honorable

BEILBY LAWLEY BARON WENLOCK, G. C. I. E.,
GOVERNOR AND PRESIDENT IN COUNCIL,
FORT SAINT GEORGE.

*The humble Memorial of P. Ponnusawmy Pillai
late Police Inspector of Shealli Taluq,
Tanjore District.*

MOST RESPECTFULLY SHEWETH,

Your Memorialist most respectfully begs, in accordance with the Petition Rules, to submit his unfortunate and miserable case again to your Excellency's sympathetic consideration and justification, as fresh matters have been introduced since the appeal was last made on the order of the Inspector General of Police.

Your Memorialist humbly begs to submit that he, the brother of P. Murugasem Pillai late Head Quarter Inspector of Madura who died after 25 years meritorious service without enjoying his Pension, entered the Tanjore Police in June 1879 as Sub-Inspector and worked well and gave entire satisfaction to all his superiors. The Sub-Inspector's grade was only probationary to that of the Inspector and none could be promoted to Inspector unless tried and found fit. Your Memorialist was long tried and found in every way competent and then promoted to the Inspector's grade although he had not passed a portion of the required tests. This would not have been done unless it were for your Memorialist's merit and ability. As Inspector, he was put in charge of several Divisions and although it is very difficult for Policemen to steer clear of shoals and rocks yet he managed all through the long period of 10 years service in a District like Tanjore without any hitch. His Service Register contains no defaulters—no entry of disapproval—no reflection—no far off suggestion of doubt—but on the contrary he was always thought well of.

Your Memorialist though of unblemished character, is now dismissed after having put in a Pensionable service on charges very vague, and general. The order of dismissal run thus:—

"The permission of the Deputy Magistrate, Tanjore, was asked for the prosecution of Inspector Ponnusami Pillai for Perjury. The Inspector having made explanations on two points before the Deputy Magistrate, that officer has accepted them and declines therefore to sanction the prosecution for perjury. There remain however the other less grave charges against the Inspector which he has been unable in my opinion to meet and on them and the fact that he has not taken pains to pass his tests I order his dismissal from the force".

5 years 4

Your Memorialist begs respectfully to show in manner hereinafter following the inequity of his dismissal.

INSPECTOR GENERAL'S ORDER.

"The permission of the Deputy Magistrate, Tanjore, was asked for the prosecution of Inspector Ponnusawmi Pillai for Perjury."

MEMORIALIST'S EXPLANATION.

In October 1887 a Case of Rioting was reported to your Memorialist by a Constable. The first report of the case was sent by your Memorialist immediately to the Station House Officer of Therukaravasal, who after registering the case, sent the Occurrence Report to the Magistrate having jurisdiction, dated 8th October 1887. Here the S. H. O. failed to attach the first report to the Occurrence Report as required by the Departmental Order. This fact was not questioned by the Magistrate who first received the report. The case was committed to the Session Court of the Tanjore District. In this Court the question was raised why the 1st report was not attached to the Occurrence Report, then on search, the first report was found amongst the other records in custody of the Station House Officer and the same was submitted by the Court Inspector, on which it was ordered not to file the report with the other records as it was too late. This case was stretched on for nearly two years and the Sessions Judge at last threw out the Case as false and concocted one and ordered the prosecution witnesses to be prosecuted for perjury and approved the conduct of the Police in this case vide Session Judge's Judgment in Cases No. 2 and 5 of 1888.

When the prosecution witnesses were accordingly charged for perjury before the Deputy Magistrate, he after enquiry dismissed the Case and remarked from the records before him at the time that the Inspector should be prosecuted for perjury.

"The Inspector having made explanations on two points before the Deputy Magistrate, that Officer has accepted them and declines therefore to sanction the prosecution for perjury."

Your humble Memorialist gave a clear and full explanation to the charge made by the Deputy Magistrate. It was on this explanation that the very Magistrate who formed his opinion from the records that declined to sanction the prosecution for perjury. The explanation was accepted and the charge fell through.

The Supdt. of Police of Tanjore District, communicated the result of the Deputy Magistrate's decision to the Inspector General of Police saying that your Memorialist's case fell through judicially. It is on this, that the Inspector General, having some how then contracted a prejudice against the Tanjore Police as a body, directed, in his Memo. No 2423 dated 23d May 1889, to the Superintendent to send a Punishment Roll.

According to the Inspector General's order the Supt. of Tanjore Police, then framed the following charges.

"There remain however the other less grave charges against the Inspector which he has been unable in my opinion to meet."

No. 1 Charge.—Utterly failing to make a thorough and searching investigation into the Kondel Rioting case and exhibiting great partiality in the way he made what enquiry he did, and neglecting to keep any notes of his enquiry in the case.

It is after a thorough and searching investigation of the case that your Memorialist charged the aggressors only in conformity with the decisions of the High Court of Madras and the Departmental Orders.

It was, your Memorialist submits, only in accordance with the expressed decisions and rulings above referred to, that he omitted to charge others than the aggressors and not thro' any partiality as expressed in the order.

Your Memorialist submits that he kept Notes of such matters only as appeared to him material.

No. 2 Charge.—Suppressing a most important document in the said case, viz., the first report of the Crime made to him by a Constable.

When the Case in question was reported to your Memorialist, he, in course of business, sent the first report immediately to the Station House Officer of Therukaravasal, who registered the case and sent the first information report to the Magistrate having jurisdiction **without attaching the first report**, which he should have done. The first report after all was found amongst the papers which were in the custody of the Station House Officer and the same was afterwards produced before the Sessions Court.

It is only the Station House Officer and not your Memorialist that, is the custodian of the first report. Criminal Procedure Code is very clear on the point. Thus it may appear that it is the Station House Officer that suppressed the document and not the Inspector (Memorialist).

The Station House Officer is he that registered the crime, and he could not have done the same, had he not got the first report; It being from the first report the Station House Officer should draw the substance for the first information report as per Section 154 C. P. C., Act X of 1882. The Perjury in question was therefore committed by the Station House Officer and not by the Inspector as specified in the order.

Your Memorialist had nothing whatever to do with the report after he once gave the document to the Station House Officer and it was the Station House Officer's duty to send the first report attached to the First Occurrence Report.

No. 3 Charge.—Being utterly untrustworthy and unfit for the post of Inspector.

Your Memorialist served the Police Department for Ten Years with trustworthiness and received promotion from Sub-Inspector to Inspector after approved service. The charge, Your Memorialist submits, is too vague to admit of any explanation, it is not based upon facts and records.

"and on them and the fact that he has not taken pains to pass his tests I order his dismissal.

No. 4 Charge.—Failing to pass the required Tests though he has been in the Force since 1879 and was repeatedly urged and warned to do.

Your Memorialist has passed the General Test examination and the Departmental Test (now called Part II).

Your Memorialist would have passed the Law Test (Part I) had it not been for the heavy Division charge given him and the misfortune befallen him.

Your Memorialist has put in 10 years pensionable service which entitles him to a pension of $\frac{10}{60}$ under the new rules.

Your Memorialist humbly submits that he is entitled to an exemption from passing the Law Test (Part I) under the following grounds.

First.—That your Memorialist served the Police Department as a Sub-Inspector for 5 Years and was then promoted to Inspector after approved service.

Second.—That your Memorialist served as Inspector for the other five years without any fault whatever as will be seen from the Service Register.

C. M. No. 33 } **Third.**—By the following order of the Madras Police
2nd August 1876. } **540. Inspectors—Sub are merely Probationary.**

"Sub-Inspectors are purely on probation until they pass Inspector's Test and are promoted to that grade. It is therefore unnecessary to apply for renewal of the term of a Sub-Inspectors probation. Whenever it becomes apparent that a Sub-Inspector is not likely to become an efficient Inspector, the District Supdt. should immediately recommend that probation may cease. Sub-Inspectors will not as a rule be promoted before passing the full Tests for Inspector's grade. A special report will be made on Sub-Inspectors who fail to pass these Tests within 2 years from date of appointment."

Your Memorialist begs to submit that, as per order, the passing of the Test is a condition precedent to the promotion to the grade of an Inspector and that your Memorialist was after five years service as Sub-Inspector promoted to the grade of an Inspector and served as such for no less than five years more before the non-passing of the other half of the Test was made a ground for his dismissal.

Your Memorialist hopes that he has thus clearly shown that he is not guilty of any of the minor charges too referred to in the order.

To your Memorialist's great misfortune the matters regarding him occurred at a time when the then Inspector General Colonel Guthrie was prejudiced against the Tanjore Police as a body in the Kombakonam murder case. The Inspector General consequently punished the then Superintendent by a transfer and dismissed and suspended no less than 4 Inspectors including your Memorialist, out of whom all the three, except your Memorialist, were re-instated in service.

Your Memorialist begs further to submit that there could be no object for his keeping back the 1st report from sending. Just because the Station House Officer, through ignorance, neglected to attach the Report in question to the Occurrence Report, he, when questioned, deliberately lied, that the Inspector did

not give the Report evidently to save himself. It is proved beyond doubt, that the Station House Officer did send the Occurrence Report and it is much to be pitied, that it did not strike the authorities, how the Station House Officer could have got up the Occurrence Report without having first seen the first report wherefrom the matters for the Original Report were to be drawn. It is after this explanation and on the evidence of the Constable Coopposawmy that the Deputy Magistrate was convinced of the illegality of his previous remark and declined to give sanction to prosecute your Memorialist for Perjury.

Your Memorialist begs also to claim exception from passing the only remaining Test, Part 1, in consideration of his long pensionable service of Ten Years in the Department without any default and to this, Your Memorialist claim, a precedent is afforded by the case of one Veloyada Moodellyar who with your Memorialist entered the Police as sub-Inspector and is now exempted from passing the Law Test, Part I.

And now your humble Memorialist having submitted his unfortunate case, respectfully appeals to your Excellency's sympathies, with the hope, that your Excellency will grant him the justice that the case deserves.

Your Memorialist begs in conclusion to submit, that he entered the Police Department when he was only 22 and served there 5 Years as Sub-Inspector and 5 years more as Inspector and is now only 37 years old. Under the circumstances your Memorialist prays of your Excellency to re-instate him in the Service and thereby save your Memorialist and his large family from misfortune brought about by the order in question.

For the act of Benevolence your Memorialist and his large family shall as in duty bound ever pray.

Comaleeswaran Pettah,
Sawmy Chetty Street,
Madras, 31st October 1894.
21st March 1895.

P. N. S. S. Pillai

N. B.

*Original sent to the Inspector General
of Police, Madras this day.*

2228-234-59

CURRENT No. 1648

From

P. Ponnusami Pillai
Late Police Insp.
Sheyali St

CHIEF SECRETARY
2 APR. 1895
GOVERNMENT OF MADRAS

Dated 21/3/95
Recd 2/4/95

Subject

Forw^d, a duplicate of his
Memorial request that he
may be reinstated in the
Service

To await receipt of the
original petn. sent to the Secy.

2
4.4.95

MP
4.4.95

Notes for Refuse:

Please put up all the papers in the note
in order to go 1742. 7. 11. 90 min before
the court. 8 o'clock. MR. A. T. S. S. S.

Enclosure one to the memo
No 2257 of 18/4/95
Copy to

To

His Excellency the Right Honorable

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GOVERNOR AND PRESIDENT IN COUNCIL,

FORT SAINT GEORGE.

(Thro' Insp. Genl. of Police)

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late Police Inspector of Sheyali Taluq,
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The memo
appears to have been
during long ago. I have
1880s. I have seen it
and I have seen it
in the
23-4-95
Please see note
on docket.
2/4

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Comaleeswaran Pettah,
Sawmy Chetty Street,
Madras, 31st October 1894.
21st March 1895.

N. Velu Samy Pillai

CURRENT NO. 1966.

No 2257.

Submitted to Government with
reference to G. O., 1742, dated 7th November
1890 T. D. -

Chief Office of the
Inspector General of Police,
Madras, 18th April 1895. } M.

M. M. Munnick
Inspector General of Police

To

The Chief Secretary.
to Government,
Coatacamund.

1035
To
O. No. 1966

Judicial (1895) Department

CT No 1648/95 *made*

CURRENT NO. 1966.
From

C

M. Hammick Esq. A.C.J.
Inspector General of Police

nos. 1648 + 1966/95

for order.

The Dy. simply submit the petn. about
with reference to G.O. 7 Nov. 90 no. 1742, Judl. mis.
Attention is invited to the notes under cover of
that G.O. detailing the petn's case clearly.

No. 2257

Dated 18 }
Received 20 } April 1895.

Ex. 1.

ORDER 26th April 1895, No 863.
Para V.3 of C. Pet. Rules.

CHIEF SECRETARY
20 APR. 1895
Subject
MINIST. OF MADRAS

18
25/4/95
24-4-95
The Dy. Police
DESPATCHED
3 MAY 95
IN M.S.

Submitting a Memorial from
Mr. Ponnulwami Pillai, late
Inspector of Police, Shealli
Taluk, Tanjore District.

hs 24/4.

M. Hammick

MR 4-4-95

When given for copying _____
When copied _____
When examined _____
When signed _____

189.

READ AGAIN G.O., No.
189.

DATED

CURRENT No.

ENCLOSURES TO G. 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.
- C = Copy heading only.