Public Works (1898) Department.

G.O., No. 1753 W

DATED 11 July '98

[Despatch Abstract.]

Wm. J. Joseph, driver of the Steam launch
at Periyar. Passing half pay to
for the period he was under suspension
for the alleged offence of abetting the shooting
of certain Elephants in the Travancore territory

Indexed. 11/7

[P. W. 81. / 1,000—23-6-98.]

BACK PAPERS.

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

FURTHER PAPERS.

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

P. W. DEPARTMENT.

10

Papers to be read in Proceedings :—

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. 2512 of 1898, dated 17th March , from the Chief Engineer for Irrigation.

" " 4112 " 1898, " 11th May , " —— Do ——

" " 4869 " 1898, " 8th June , , the Examiner, P.W. Accounts.

Quote S.E.'s letters also, in fair copies

ORDER.

No 1753 W. dy 11.7.98

~~Full~~ Half pay will be passed to Driver F. Joseph from 30th November 1897 to the date of his reinstatement.

22.6.98
W

The Chief Engineer for Irrigation.
" Suptg. Engineer, VI Circle
" Examiner, P.W. Accounts

Issue the order as amended.

5.7.98
W

Mis

Note.

F. Joseph, driver of the steam launch at Periyar, was, in November 1897, convicted by the District Magistrate, Cardamon Hills, of abetting the shooting of elephants in Travancore Territory, and sentenced to four months simple imprisonment.

On appeal, the sentence was reversed and the accused acquitted by the Sessions Judge, Alleppy.

On the original conviction, the Superintending Engineer proposed not

[P. W. 4.
500—24-3-98.]

H.E. 22.6.98 R. 5-7-98

[1,000—23-6-98.]

not to reemploy the man at Periyar, but on his subsequent acquittal, he was reinstated from 16th April 1898.

The question now arises, as to the pay to be allowed to F. Joseph, for the period he was under suspension, viz, from 30th November 1897 to 15th April 1898. The Executive Engineer, Madura Division, considers that the man was honourably acquitted, but the Superintending Engineer does not appear to share this opinion. The latter officer thinks there were strong reasons for believing the man to be implicated in the case, and that if he was blameless, the case must have been concocted by Mr. Johnson, another subordinate Government employe at Periyar. The District Judge's verdict is more "not proven" than honourably acquitted.

The Superintending Engineer proposes to grant Joseph half pay for the period of his suspension under Art. 215 b (ii), C.S.R, but the Examiner remarks that the case falls under Art. 216, and that Government may order any adjustment of allowances that it thinks fit. Under the latter Article full pay, or any portion of pay may be given. The case is a difficult one to decide because the Judgment of the Sessions Judge is the only record we have of its details. This being the case I think we have no right to go outside this Judgment, which fully acquits the accused, and it is therefore proposed to give him full pay for the period in question.

22.6.98

I do not think we can accept the finding of the Sessions Judge as a full acquittal. He says that "on the whole, he does not think the "evidence conclusively proves the appellant "to be guilty". This is in the nature of a Scotch verdict of "not proven". In the circumstances, I consider it will suffice to give the man half pay only for the period during which he was under suspension.

A.S.H
4.7.98

HC

P. W. DEPARTMENT.

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Current No. 2512 of 1898, dated 17th March 1898, from the Chief Engr. for Irrigation.

" " 4112 " 1898, " 11th May 1898, " - Do .

" " 4869 " 1898, " 8th June 1898, , the Examiner, P.W. Accts.

Enter 3 of letter also, in fair copies

Chn. 4869

ORDER.

Full pay ~~may~~ will be issued

The ~~Suptg: Engineer's proposal to grant half pay~~ to Driver F. Joseph from 30th November 1897 to the date of his reinstatement ~~is approved.~~

ACK
N: 6. 98.

The Chief Engineer for Irrigation.
" Suptg: Engineer, VI Circle.
" Examiner, P.W. Accounts.

W

Note.

F. Joseph, driver of the steam launch at Periyar, was, in November 1897, convicted by the District Magistrate, Cardamon Hills, of abetting the shooting of elephants in Travancore Territory, and sentenced to four months simple imprisonment.

On appeal, the sentence was reversed and the accused acquitted by the Sessions Judge, Alleppy.

On the original conviction, the Suptg: Engineer proposed not to reemploy the man at Periyar, but on his subsequent acquittal, he was reinstated

P. W. 4.
500—24-3-98.

reinstated from 16th April 1898.

The question now arises, as to the pay to be allowed to F. Joseph, for the period he was under suspension viz, from 30th November 1897 to 15th April 1898. The Executive Engineer, Madura Division, considers that the man was honourably acquitted, but the Suptg: Engineer does not appear to share this opinion. The latter officer thinks there were strong reasons for believing the man to be implicated in the case, and that if he was blameless, the case must have been concocted by Mr. Johnson, another subordinate Govt. employee at Periyar. The District Judge's verdict is more "not proven" than honourably acquitted.

The Suptg: Engineer proposes to grant Joseph half pay for the period of his suspension under Art. 215 b(ii), C.S.R., but the Examiner remarks that the case falls under Art. 216, and that Govt. may order any adjustment of allowances that it thinks fit. Under the latter article full pay ×, or any portion of pay may be given, ~~and it is proposed therefore to approve the Suptg: Engineer's suggestion to grant half pay, which sufficiently meets the case.~~

APR
11-6-98

W

The case is a difficult one to decide because the judgment of the Sessions Judge is the only record we have of its details. This being the case I think we have no right to go outside this judgment, which fully acquits the accused, & it is therefore proposed to give him full pay for the

× Full pay is only admissible "in the event of the officer "being acquitted of blame."

period of suspension

LWS
10-6-98

Remitting
LWS
10-6

Public Works (1898) Department.

CURRENT No. 4869

From E. A. Dennys Esquire
Exr. P.W. Accounts,
Madras & Coorg

Order

No. 1911 B/2

Dated 7 June 1898.
Received } 8.6.98
Registered }
Enclosures to 7
Spare copies

SUBJECT.

Mr. F. Joseph, Driver —
Informs that it is open to Government to order any adjustment of the allowance of — as it thinks fit — and points out that his case falls under Article 216 C.S.R. & not under 215(b)(ii)

o L.S 177

R7/7

BACK PAPERS.

No.	Date.
2568c	18-5-98
3992C	9-11-96
3719C	26-10-96
2585w	4-9-96
2785C	10-7-96
2646C	24-6-96
1757w	12-6-96
873w	10-3-96

FURTHER PAPER

No.	Date.

No. 379. I. D.

OFFICE OF THE SUPERINTENDING ENGINEER,
6TH CIRCLE,
Trichinopoly, 14th March 1898.
D/14.

From
Lt Col. O. V. Boddy R.E.
Superintending Engineer,
6th Circle.

EXAMINER,
P. W. ACCOUNTS.
20 MAY. 1898
No.

To
The Chief Engineer,
for Irrigation

SIR,

ENCLOSURES.

I have the honor to inform you that Mr: Francis Joseph, the driver of the Steam Launch on the Periyar, ~~and~~ whose exemption from the operations of the Examination Rules was sanctioned in G.O. No: 2585 W dated 4 September/96. has been prosecuted by the Travancore officials for abetting the shooting of two elephants in Travancore territory.

The Executive Engineer, Madura Dn, now informs me that the District Magistrate, Cardamom Hills, reports that Mr: Francis Joseph has been sentenced to 4 months simple imprisonment.

Mr: Joseph will not be re-employed at the Periyar.

I

I have the honour to be
Sir,
Your most obedient Servant

J. V. Bosdelly Lt Col. R.E.
Supg Engineer, VI Circle

CHIEF ENGINEER
FOR IRRIGATION.
15 MAR. 1898
No. 29 I.D.

Public Works (1898) Department.

S.Z
CURRENT No. ~~2512~~
~~29 I.D.~~
1865/98

EXAMINER,
P. W. ACCOUNTS.
20 MAY. 1898
No

Order No 30 EW of 15-3-98.

Forwarded to the Chief Engr, P.W.D., General branch.

W Hughes
15.3.98
Chief Engr for Irrigation

15/3

No 1830 C of 24/3/98

Recorded.

Curtis
22/3/98.
on
~~[illegible]~~

24/6/98

From The Supg Engineer VI. Circle

No. 379. I.D.

Dated 14th March 1898.

Received ~~15~~ 17.3.98

Enclosures ~~[illegible]~~ 1

Spare copies

SUBJECT.

Mr. Francis Joseph. Driver of the Steam Launch on the Periyar — Informs that — has been convicted of a criminal offence & will not be re-employed.

17/5-3-9

BACK PAPERS.

No.	Date.
3992 C	9-11-96
3719 C	6-10-96
2585 W	4-9-96
2785 C	10-7-96
2646 C	24-6-96
1757 W	12-6-96

FURTHER PAPERS.

No.	Date.

EXAMINED
P. W. ACCOUNTS
20 MAY 1898
No......

In the Sessions court of Alleppey
present

M. R, Ry, M. K, Ramachandra Row
avergal.

Sessions Judge.

Criminal Appeal No 43 of 1073
Calendar cas no 14 of 1073 of the
Cardamom hills Districts Magistrate.

Appellant: Mr Francis Joseph 1st
accused.

Respondent: Sirkar.

Judgment.

1. This is an appeal against a conviction for offences under sections 109 and 379 of the Penal code and section 46 of Regulation 2 of 1068.

2. The first information of the alleged offences was conveyed to the authorities by a pseudonymous petition dated 4th Kanny 1072. This was referred to the Police and the 1st witness who is a Head constable investigated the matter with the result that he found two carcases of Elephants on 8th Vrichigom 1073 and prepared yadastu about the same.

The prosecution 2nd, 3rd, and 4th witnesses pointed out the carcases to the police. They swear that they were invited by a party of 4 persons possession. The witnesses 2 to 4 are not reliable. Their statements appear to have been recorded long before the appellant was tried. They are illiterate hill men and could be induced to swear falsely. The appellant further alleges that they bear him a grudge because the subdivisional officer reduced their wages at prisoner's representation. The defence 1st witness supports the appellant's allegation regarding the reduction of wages. But he was not asked whether the prosecution witnesses were the hill men whose wages he ordered to be reduced.

6. The evidence of prosecution witnesses 2 to 4 is full of discrepancies regarding the place where they divided, the compensation which they got for their trouble and the place where they slept that night.

7. On the whole I do not think the evidence conclusively proves the appellant to be guilty. I would therefore reverse the judgment and acquit the prisoner. He shall be forthwith released.

Declared in Open Court this day the 16th of Meenom 1073.

(Signed) M. K. Ramachandra Row.
(True Copy)
Sessions Judge.

persons including the 2nd accused to shoot two Elephants and that the tusks were conveyed to the appellant the 1st accused. The 5th witness deposes that the 1st accused sent the party with provision and ammunition for shooting Elephants.

3. According to the evidence of the 5th witness the offence was committed about 8th September. The defence 1st witness, a subordinate officer in the British D. P. W., who gives the appellant who was a Steam Launch driver drawing a salary of (60 Rupees) a very good character, swears that he had the appellant under his eyes from 1st to 10th September and that the appellant could not have committed any offence of the kind. The 5th witness was the appellant's domestic servant. He was dismissed by him about 12th September. The witness deposition shows that she does not bear a good character at all. I therefore do not believe the 5th witness at all.

4. It is conclusively proved by the evidence of the defence 1st witness that the appellant and one Mr Johnson are enemies and it is suggested by the appellant's Vakil that this charge was concocted by the said Johnson. It seems quite probable.

5. The tusks have not been found in the appellant's possession.

SUPG. ENGR'S OFFICE
No. 1/1380
25 APR. 1898
P.W.D.
SIXTH CIRCLE.

89
Enclosure to No 380/20-4-98

C... FOR ...
4-MAY. 1898
No. 40

OLS. 2 3
5/12/98
2869

EXAMINER,
P. W. ACCOUNTS
20 MAY. 1898
No ....

From A. Joyce Esquire, Executive Engineer, Madura Dn, to the Supg Engineer, VI Circle, No: 38 S.E. d/ 20 April 1898.—

I have the honor to forward herewith a copy of Judgment on appeal in the Travancore Court Concerning the Case of Mr: Francis Joseph who was accused and Convicted in the Lower Court of abetting illicit Elephant slaying. You will I think be able to perceive from this (as I am very glad to write) that Mr: Francis Joseph has been honorably acquitted. Under these Circumstances I have pending your sanction reinstated him in his former position of Launch Driver. He rejoined his duties on 16 April 1898 from which date his new service has pending your sanction been reckoned to commence. Concerning his back pay from 30 November/97 I would strongly recommend that under the circumstances it be granted him.

I would wish that this matter be brought to the notice of the Chief Engineer for Irrigation. I think that some steps might be taken to remedy this state of things. If the few irrigation servants which Government have in Travancore territory can be harassed in this manner Government interests must eventually suffer for there will be almost of necessity deterioration in the style of men who take the appointment.

True Copy

O. V. Boddy Lt Col. R.E.
Supg Engineer, 6th Circle
1st May 1898.

4 MAY 1898
No. 40 I.D.

No. 638. I.D.

OFFICE OF THE SUPERINTENDING ENGINEER,
6TH CIRCLE,
Kodaikanal ~~Trichinopoly~~, 1st May 1898.
D/3.

From
Lt Col. O. V. Boddy R.E.
Superintending Engineer,
6th Circle.

EXAMINER,
P. W. ACCOUNTS.
20 MAY. 1898
No.

To
The Chief Engineer,
for Irrigation

2 ENCLOSURES.

SIR,

I have the honour to forward herewith in continuation of this office No: 379 I.D. dated 14th March 1898, a copy of letter No: 38 S.E. dated 20th April 1898, from the Executive Engineer, Madura Dn, together with a copy of Judgment on appeal in the case of Mr: Joseph.

2. It will be seen that the Sessions Judge did not consider that the evidence conclusively proved Mr: Joseph to be guilty, and that therefore he reversed the judgment and acquitted Mr: Joseph.

3. I propose under Art. 215 (b) (ii) of the Civil Service Regulations, to allow Mr: Joseph one half of his pay from 30th November 1897.

4. I do not agree with the Executive Engineer that Mr: Joseph has been

unduly harassed.

5. There were strong reasons for considering that he was implicated in the case; and if he was entirely blameless, from para 4 of the Judgment it would appear that it is probable that the case was concocted by Mr. Johnson, the Sluice Superintendent at Thekady, who is himself a servant of Government serving in Travancore.

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

J. V. Bodley Lt Col. R.E.
Supdg Engineer, W Circle

CHIEF ENGINEER
FOR IRRIGATION.
4-MAY. 1898
No. 40

EXAMINER,
P. W. ACCOUNTS.
20 MAY. 1898
No.

No. 43 E.W. d/ 7-5-98

Forwarded to the Chief Engineer P. W. Dept., in continuation of this office Endorsement No 30. Ed. dated 15th March 1898.

Ootacamund }
7th May 1898 }

W Hughes
Chief Engineer for Irrign.

To
The Chief Engineer.
P. W. Dept

Public Works (1898) Department.

CURRENT No. ~~4112~~ E.7 4865/98

EXAMINER,
P. W. ACCOUNTS.
20 MAY. 1898
No.........................

From the Chief Engr for Irrn

No. 2568E d/18-5-98.

~~Order~~ O. C.

To C

No. 43 E W.

For favour of remarks with reference to para 3 of the Supdg Engr's letter of the 1st May 1898.

The Supdg Engr's letter No 379 M.D. dated 14.3.98 is attached.

Dated 7-5-98

Received 11-5-98

Registered 11-5-98

Enclosures 2. 3

Spare copies

16.5.98

SUBJECT.

Driver Mr Francis Joseph — letter from the S E VI reporting that on appeal — was acquitted and that he proposes to grant him half pay for the days he was in jail — Forwarded to E W. in continuation of this office No 30 E W of 15-3-98.

Cn

O.L. 5109 18/5

BACK PAPERS.

No.	Date.
1830C	24-3-98
3992C	9-11-96
3719C	26-10-96
2585W	4-9-96
264 6C	24-6-96

FURTHER PAPERS.

No.	Date.

E. No. 27.
1,000—6-9-97.

GOVT. OF MADRAS. } 189~~7~~8. { P. W. DEPT.

EXAMINER, P. W. ACCOUNTS.

KEEP-WITH CURRENT NO.

dated 189 .

Madras, 7 June 189~~7~~8.

OFFICE NOTE No. 1911 B/E

To

W.

Your O.N.No.2568 C dated 18th May 1898.

No pay has been claimed for Mr Francis Joseph, Driver, from 1st December 1897, and in the salary bill for December 1897 a note is made as follows " The Driver is under arrest by the Travancore Police for shooting elephants . Will be claimed when the result of enquiry is known".

2. His case falls under article 216 Civil Service Regulations, and not under 215 (b) (ii), and it is open to Governme to order any adjustment of his allowan that it thikks fit according to the circumstances of the man's case.

W/7.6.98

C.

7.6.98