

1931

Kenya

No. 17070

SUBJECT

C0533/407

Mr. E. G. de Souza

Petition against termination of services

Previous

Subsequent

See 17119/31.

1. E.P. de Souza

12th January.

Protests against termination of his services on the grounds of reduction in establishment; state as to his services and encloses copy correspondence re his dismissal etc.

Wait 3 months for Governor's despatch

(Sgd) C.G. Eastwood.

12.2.31.

2. A/Gov's desp. Marten 61

24th January.

Trs. petition from Mr. E.P. de Souza requesting reconsideration of decision to retrench him; encloses copy correspondence etc. in the case and comments on Mr. de Souza's service. Requests decision by telegraph, as passage has been reserved to India for him on boat sailing about end of February.

I spoke to Mr Lloyd about this & he says that it is a matter which should be dealt with departmentally. The proposal is not to ~~return~~ return Mr de S. on grounds of inefficiency or other such cause but to retrench him in view of the need for economy.

I presume that the ^{reduced} provision in the Estimates may be regarded as approved. No

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I spoke to Mr Lloyd about this & he says that it is a matter which should be dealt with departmentally. The proposal is not to ~~retire~~ retire Mr de S. on grounds of inefficiency or other such cause but to retrench him in view of the need for economy.

I presume that the ^{referred} provision in the Estimates may be reported as approved. No

reference was made to the reduction
 in the Mon. & the 50%, so that
 select Com. were not aware of
 that the reduction in establish-
 -ment would involve an increase
 - pensions of £70 odd. Mr
 deak's salary was £252 a
 year.

He has clearly been
 inefficient & there does not
 appear to be much substance in
 his contentions as to medical
 unfitness.

There would appear to be
 no case for the S.P.'s
 intervention.

? reply - by tel. that
 the S.P. is not prepared to
 intervene.

E. Easton
 17.2.31

(in view of his resignation letter
 "about the end of February")

* The minimum of a
 1st Grade rate is £450
 & in the above the
 pension was to
 be £160/-
 = 15/60 of (£450 + 680)
 = 1431 not
 1416

Pension's Branch

Please see para 6. Can you

(1) say on what basis they have calculated
 his pension & under what authority it
 would be granted? W. Allen
 9/2/31

(1) On service of 15 completed years
 and on salary of 5040/- + 624/- for
 quarters. As the addition for quarters is 15%
 of the minimum of the grade (see 328 in
 Code of Regulations) that minimum should
 be £160/-

(2) Under Reg 327(c) - copy attached
 J. Hunter
 Feb. 17, 1931.

On reading of the same the feeling that
 the Reg. & Notice (Stages minute) was
 putting the case against the de. since
 too high especially in service that even
 those under whom he has served state that
 that he is useless - unless the officers
 colluding in circumstances or in the fact
 has been and/or lenient. It will be
 seen however that that the precise point was
 that the decision was made & entered
 into that the recommendation of
 the Board was of labor affairs
 the result of the Enquiries into

See the minute of the
 Ag. Comm. Nov. 3
 2nd 30 (1930) &
 the subsequent Min. They
 show that the Secretariat
 took the point as to
 increments & efficiency
 for certificate 1931

feel
Ceci I do not ~~feel~~ that there is
any sufficient ground on which the
Dept can intervene.

18/2/31

1/2/31
I need this through the Dept,
for safety sake, especially
the first minute.

As proposed.

As proposed
18.2.31

There is perhaps some misunder-
standing on the point of
procedure. It was originally
suggested that we should take
this over at once as a
"discipline" case, but Lloyd
however pointed out that it
was a case of abolition of office,
& as such would normally
be annulled in the first instance
in the Dept. It was not
suggested that we were not
concerned.

The reply should I
think be that the S.D. is
not prepared in this
instance to question the

O.A.G.'s decision in the matter
of selecting the victim for
retrenchment.

J. Jeffries
18/2/31.

Mr. Jeffries' formula implies a little too
much readiness, on the part of the S.D.,
to intervene in such cases generally.
It might be necessary in any
particular case, but only for strong reasons
or the local Govt. will make no
economies at all. There are certainly
no strong reasons in this case.

Hope to endorse the proposal
- "in substance" -
18.2.31.

19.2.31.

Dr. Stanton
Would you please look into this case and
give me a report from the evidence here available
as to whether this officer has some reason to say
that his condition which necessitated treatment and
operation in India had been allowed to develop in
Kempas in a manner implying any carelessness of me
Superintendent? Also would the condition as diagnosed in
India have an effect on this officer's efficiency for a
considerable period before his visit to India?
T. B.S. 20.2.31.

PTO

5
Lt de Souza was treated in
Kenya by Govt. Docs and by
private medical practitioners;
it is stated that he was
suffering from typhoid.
In two certificates from
India, supporting applications
for extensions of leave,
mention is made of nasal
catarrh, deflected septum
and ^{impacted} accessory sinuses -
nothing very serious apparently.
On his evidence, such as it is
there are no grounds for thinking
that medical treatment in
Kenya was defective or that
the officer's general health was
seriously impaired.
Lt de Souza says that he
was ill. His departmental
chiefs say that he was lazy
and incompetent. These two
states may be confused but

not easily even by a non-medical
observer. From the medical point
of view I find very little to
support Lt de Souza's claim to
special consideration.

A. Hunter
23.2.31

As Mr Eastwood proposes:

T.S.
23.2.31
At once.

3 Col No 62 to General Kenya 24/2/31

DESTROYED UNDER STATUTE

[Handwritten signature]

H Col. Sec. ipm. _____ 22nd March
No. for information and record, please form
in respect of Lt de Souza.
Correct. Put By Hunter 28.2.31
at once

[Handwritten signature]



THE SECRETARIAT,
NAIROBI,
KENYA.

WHEN REPLYING
PLEASE QUOTE
No. S. 19/1/1186/15.
AND DATE

RECEIVED
20 APR 1931
COL. OFFICE

22nd March, 1931.

The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies and with reference to the Secretary of State's telegram No. 62 of the 24th February, begs to transmit, for information and record, the usual pension form in respect of Mr. E. P. de Souza, 1st Grade Clerk, Police Department.

Form.

No. 3

2. Instructions are being issued to the Treasurer to pay Mr. de Souza a pension at the rate of Shs. 1,431/- a year with effect from the 16th March, 1931, inclusive.

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MJM

13. Dates of Commencement and Termination of the several Appointments held by applicant, with their Emoluments, distinguishing Salary from other Allowances, and specifying such Allowances.

| Designation of post and scale of salary. | From | To | Salary p.a. | | Value of quarters p.a. | | ANY OTHER ALLOWANCE. | | Total emoluments p.a. | Amount for Appropriation. |
|--|---------|----------|-------------|------|------------------------|-----------|----------------------|--|-----------------------|---------------------------|
| | | | EN. | p.a. | p.a. | Rate p.a. | Nature. | | | |
| Temporary Clerk | 28-1-16 | 31-3-16 | 1660 | 1660 | | | | | | |
| 5th Grade Clerk (En. 1660 by En. 120 to En. 2040 a year) | 1-4-16 | 31-3-17 | 1800 | 1920 | | | | | | |
| 4th Grade Clerk (En. 2160 by En. 144 to En. 2880 a year) | 1-4-17 | 31-3-18 | 2160 | 2304 | | | | | | |
| 3rd Grade Clerk (En. 3000 by En. 240 to En. 4320 a year) | 1-4-18 | 31-3-19 | 2880 | 3240 | | | | | | |
| 2nd Grade Clerk (Scale same as above) | 1-4-19 | 31-3-20 | 3480 | 3720 | | | | | | |
| 1st Grade Clerk (En. 4560 by En. 240 to En. 6000 a year) | 1-4-20 | 31-12-21 | 4200 | 4320 | | | | | | |
| | 1-1-22 | 31-12-22 | 4560 | 4560 | | | | | | |
| | 1-1-23 | 31-7-23 | 4560 | 4560 | | | | | | |
| | 1-8-23 | 31-12-23 | 4560 | 4560 | | | | | | |
| | 1-1-24 | 31-12-24 | 4560 | 4560 | | | | | | |
| | 1-1-25 | 31-12-25 | 4560 | 4560 | | | | | | |
| | 1-1-26 | 31-12-26 | 4560 | 4560 | | | | | | |
| | 1-1-27 | 31-12-27 | 4560 | 4560 | | | | | | |
| | 1-1-28 | 31-12-28 | 4560 | 4560 | | | | | | |
| | 1-1-29 | 31-12-29 | 4560 | 4560 | | | | | | |
| | 1-1-30 | 15-3-31 | 4560 | 4560 | | | | | | |
| TOTAL | | | | | | | | | | |

14. Whether each of the Appointments held by the Applicant has been on the Fixed Establishment of the Colony: YES
15. Whether the duties of the several offices or situations held since the Applicant entered the C Service have been such as to require that the holder should give his whole time to public service: YES
16. Whether holding any other Public Appointment, or receiving or claiming to receive any public money by Compensation, Half-pay or otherwise: NO
17. If any kind of Pension or other Allowance has been commuted under the Imperial Pensions Commutation Acts, 1869 and 1871, the annual amount or Pension or Allowance so commuted and the date of commutation should be inserted: None
18. Statement, if the circumstances warrant it, that the Applicant "has discharged his duties with diligence and fidelity, to the satisfaction of the Head Officer of his Department," to be signed by any two of such Head Officers, if there shall be more than one, or by such Head Officer, if there shall be but one, together with "such a statement as will exhibit the merit, and value, and labour of the services of the person recommended, embracing as long a period of his public service as can be authentically stated," and observations as to Special Services, Suspension, Reprimand, & with full particulars of any injuries received on duty, or other claims or matters for consideration.

Until 1928 this Clerk's work was satisfactory. It was then found necessary to warn him on several occasions regarding the manner in which he was performing his duties. As a result of being warned he showed some little improvement, which, however, did not last for any length of time.

He was discharged on grounds of general inefficiency to meet the reduction of staff in the 1931 Police Estimates. This was confirmed by the Secretary of State.

James Curran
 ACTING COMMISSIONER OF POLICE.

19. Computation, by the Treasurer, of the pension, &c.—

I certify that the pension which may be paid to the Applicant according to the Rules of the Colonial Service, amounts to one thousand four hundred and thirty one shillings (En. 1431/-) a year.

and I base my Certificate on the following calculation:—

Date of 1st appointment 28th January 1916

Date of Retirement 15th March 1931

Transfer

| | Years. | Months. | Days. |
|------------------------------------|--------|---------|-------|
| Actual service | 15. | 1. | 16. |
| Deduct period of leave without pay | 0. | 1. | 8. |
| Balance | 15. | 0. | 8. |

Paragraph 327 of the Kenya Code of Regulations.

An officer can only be granted pension subject to the following provisions:-

(a) That he is the holder of a permanent and pensionable appointment carrying a salary of not less than £100 per annum.

(b) That he has completed at least ten years actual service.

(c) That he has reached the age for retirement as defined in sections 47 and 50 or that he produces satisfactory proof that he is incapable from infirmity of mind or body of discharging the duties of his situation; or that ~~his~~ his post has been abolished; or that he has been removed from office by reason of the re-organization of his Department provided that greater economy or efficiency is thereby affected.

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10
2

17/1/31



KENYA.

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

No. 61

RECEIVED
16 FEB 1931
COL. OFFICE

24 January, 1931.

My Lord,

I have the honour to transmit for your consideration a petition addressed to Your Lordship by Mr. E. P. de Souza, 1st Grade Clerk, Police Department, in which he asks for a reconsideration of the decision of this Government that he should be retrenched.

Petition.

de Souza Feb 24/31

2. As Your Lordship is aware a reduction of two clerks in Head XIX Item 87 of the Draft Estimates has been made and Mr. de Souza is one of the two clerks recommended by the Acting Commissioner of Police for retrenchment.

Correspondence.

Conf. Reports.
1927 to 1930.

3. I enclose copies of various correspondence relating to Mr. de Souza's case, together with copies of his Confidential Reports for the last four years from which I feel sure that Your Lordship will agree that his period of usefulness has come to an end and that in the interests of economy and efficiency it is to the advantage of Government to get rid of him.

4. In regard to this Clerk's promotion in 1928 the Acting Commissioner of Police states that it was subsequent to his promotion that it was found necessary to warn him that his work was unsatisfactory. As a result of this warning he showed some improvement and the increment due on 1st January, 1929, was therefore granted. The first sentence of paragraph 7 is, therefore, not true. Moreover so far from Messrs. Selby and Trafford having been satisfied with this Clerk's work I would invite Your Lordship's attention to the Confidential Report for the year 1929

THE RIGHT HONOURABLE
LORD PASSFIELD, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON S.W.

submitted

submitted by Mr. Trafford while Mr. Welby's opinion is evidenced by the enclosed copy of his letter of the 28th March last addressed to the Commissioner of Police.

Fr. Mr. Welby.
28.3.1930.

5. In so far as petitioner's statements regarding his state of health are concerned, it is true that his tour was extended but the Acting Commissioner of Police states that he was not the only clerk who, owing to heavy congestion in the Leave Roster, had to be detained for a considerable time. I am assured, however, that the position in the Police Department in this respect has now improved.

The Director of Medical and Sanitary Services is not prepared to admit, without ascertaining further details from the Medical Officers who treated this clerk in India, that the cause of his disability was due to the diseased condition of his nose although this would undoubtedly be a contributory factor. Dr. Gilks further states that Mr. de Souza was suffering from definite pyorrhoea before going on leave and was advised to see the Medical Adviser in Bombay in this respect, and that he cannot agree that the petitioner did not obtain proper medical treatment in this Colony.

6. Mr. de Souza who is a first grade clerk entered the Service on 28th January, 1916, and was promoted to his present grade on 1st January, 1928. He is now receiving salary at the rate of Shs. 420/- per mensem. On retirement he will be entitled to a pension of approximately Shs. 1,416 per annum.

7. I am satisfied that the case has been fully considered in the best interests of the Service and as it has not been possible to transfer the petitioner to

another

another post at a lower salary commensurate with his capabilities a passage to India has been provisionally reserved for him on a steamer sailing at the end of February. In the circumstances I shall be glad if Your Lordship's decision can be conveyed to me by telegraph.

I have the honour to be,
My Lord,
Your Lordship's most obedient,
humble servant,

H. J. Martin

ACTING GOVERNOR'S DEPUTY.

NAKURU,

12th January, 1931.

The Right Honourable
Sydney Baron Passfield, P.C.,
His Majesty's Principal Secretary of State
for the Colonies,
Downing Street, London, S.W.

Through His Excellency the Governor,
Colony and Protectorate of Kenya.

Thro' The Acting Commissioner of Police,
Nairobi.

Your Lordship,

May it please your Lordship.

The humble petition of E. Peter de
Souza, 1st Grade Clerk, in the Police Department,
most respectfully sheweth,

1. That your petitioner has been on the
permanent and pensionable staff of the Colony and
Protectorate of Kenya for the past 15 years, having
previously served in the Treasury and Administration
Departments.

2. Your petitioner has now been given
to understand by the Acting Commissioner of Police
that in order to meet the reduction in the Clerical
establishment provided in the 1931 Estimates your
petitioner's services will be terminated, and in
reply to further representations to local Government
the Petitioner has been informed that the decision
cannot be re-considered, the Petitioner has therefore
no alternative but to appeal to the Colonial Office
for a sympathetic consideration of his case, which
is as under:-

3. It is usual in cases of retrenchment
to begin with the most junior non-pensionable staff,
but in selecting the petitioner for retirement

Appendixes
"A" & "B"

NAKURU,

12th January, 1931.

The Right Honourable
Sydney Baron Passfield, P.C.,
His Majesty's Principal Secretary of State
for the Colonies,
Downing Street, London, E.W.

Through His Excellency the Governor,
Colony and Protectorate of Kenya.

Thro' The Acting Commissioner of Police,
Nairobi.

Your Lordship,

May it please your Lordship.

The humble petition of E. Peter de
Souza, 1st Grade Clerk, in the Police Department,
most respectfully sheweth,

1. That your petitioner has been on the permanent and pensionable staff of the Colony and Protectorate of Kenya for the past 15 years, having previously served in the Treasury and Administration Departments.

2. Your petitioner has now been given to understand by the Acting Commissioner of Police that in order to meet the reduction in the Clerical establishment provided in the 1931 Estimates your petitioner's services will be terminated, and in reply to further representations to local Government the Petitioner has been informed that the decision cannot be re-considered, the Petitioner has therefore no alternative but to appeal to the Colonial Office for a sympathetic consideration of his case, which is as under:-

3. It is usual in cases of retrenchment to begin with the most junior non-pensionable staff, but in selecting the petitioner for retirement

Appendixes
"A" & "B"

although he is pensionable, is 34 years of age and feels good enough to work for another 10 years at least, the reason given is that his work has been found to be unsatisfactory.

4. Your petitioner has rendered the greater part of his fairly long and faithful and loyal service at different stations, many of which are classed as unhealthy, devoid of any social amenities and away from civilization, at such stations as Serenli in the Northern Frontier Province Kisumu and Mumias stations, which are notorious for Malaria and Blackwater.

Throughout all this service of privations and hardships your Petitioner does not recollect a single occasion when his superiors had anything but commendations and appreciations for his work.

5. Even in the Police Department where your Petitioner has been serving from March 1924, whatever shortcomings on his part have been noticed are fairly and entirely attributable to his continued ill-health due partly to the service conditions and partly to the failure, on the part of the local Government medical Officers and private medical practitioners to diagnose the nature of his malady. The petitioner ventures to attach for Your Lordship's information the relative medical certificates which will show how erroneous local diagnoses aggravated his illness and perhaps also might have easily led the medical authorities as well as his superiors to interpret what was acute suffering as malingering.

This is forwarded in form's 1/1/27

Appendixes "C", "D" & "E"

6. That Col. Spicer, the Commissioner of Police, and the Petitioner's previous superiors took a more equitable view of his difficult efforts

to cope with his work in the face of the many handicaps, continued ill-health, is proved by the fact that he was granted his promotions and annual increments as they fell due without any question or qualification. In this connection the petitioner ventures to attach for your Lordship's information a copy of the strongest efficiency certificate which the Head of a Department must sign to enable an Asian Clerk to obtain promotion to 1st Grade. This certificate was signed in the petitioner's case as late as 1928, so that there can be no question that he had given every satisfaction in the discharge of his duties at that date.

*See para 4
last page
1/11/31*

Appendix "F"

7. The Petitioner respectfully submits that the first intimation that his work was unsatisfactory was received by him in October 1930, when he returned from leave, curiously both the District Commissioners Messrs Welby and Trafford under whom the Petitioner had the honour and pleasure to work as the Clerk in Charge of Central Motor Bureau appear to have been satisfied with his work as they had nothing but a kindly word for him at all times.

Appendix "G"

*All the
transcripts
from 2. 8
25 October
1/11/31*

8. It is of course possible that after the petitioner's departure on leave some omissions and commissions on his part might have come to light and reported to the Commissioner of Police, if so, none regrets such mistakes more than the petitioner who, however, humbly submits that there are very strong extenuating circumstances which only heart hardened by vigorous discipline can fail to sympathise with. It has already been established that the petitioner was suffering from continued illness which the local medical authorities failed to diagnose. To make matters worse the petitioner's

leave had been deferred on public grounds for the most unusual period of over 2 years inspite of his repeated applications to be allowed to go so as to permit his malady to be attended to.

9. The petitioner need hardly emphasise that it would be more than human to keep up to the usual standard of work and efficiency in such a situation.

Appendix "H"

10. Your petitioner would like to refer to the Acting Commissioner of Police's letter of 13th November, 1930, informing him that his increment would be withheld. Your petitioner is very much surprised at this letter and fails to understand the reasons therefor, as the report of his immediate superior stipulated in Appendix "G" was not due at that date. In fact your petitioner has reasons to believe that his immediate superior Officer has since submitted a satisfactory report on your petitioner's work as called for in letter No.P.181/85 of 30th September, 1930. Appendix "G".

11. Your petitioner begs to state that notwithstanding the notification of pending forced retirement and treatment meted out to him in other respects, is still doing his work conscientiously and to the satisfaction of his immediate superior Officer.

Appendixes "I"
"J" "K" & "L"

12. Your petitioner having explained all the material facts begs leave to enclose copies of certain correspondence which your petitioner hopes may serve to form an opinion of his case and humbly begs to submit same for your Lordship's favourable consideration with a view to retaining him for the full tour of service in the light

that your petitioner is :-

- (a) a young man, with wife and children.
- (b) has 15 years past service.
- (c) he has just returned from India, and has spent considerable amount of money to bring out his family.
- (d) He has spent while in India large sum of money in medical fees, surgical operation fees etc. for the disease he contracted in Kenya.
- (e) he will have to spend more money in connection with his family passage and loss by forced sale of his furniture etc.
- (f) the effect of forced retirement will have on your petitioner's future career as it virtually amounts to discharge with ignominy.

In duty bound your petitioner shall ever pray for any act of kindness which may be extended to him in this connection and your petitioner has the honour

to remain,

Your Lordship's obedient servant.

E. W. M. de Souza

1st Grade Clerk.
Police Department.

CONF.

Ref.No.P.181/95.

The Kenya Police Headquarters,
Nairobi.

29th November, 1950.

Mr.E.P.de Souza,
1st Grade Clerk,

Through
The Superintendent of Police,
Nakuru.

I am to inform you that to meet the reduction in the clerical staff of this Force provided for in the 1951 Estimates, Government has approved that you be retrenched.

2. You will be eligible for a free passage to India. Please let me know if you wish to avail yourself of this concession. Arrangements will then be made to book your passage on a boat sailing towards the end of February.

Sd. J.F.Wolseley-Bourne.

for Ag.Commissioner of Police.

Ref.No.P.181/97.

The Kenya Police Headquarters,

Nairobi, 6th January, 1930.

The Supdt. of Police,

Nakuru

MR. E.P.de SOUZA.

Ref.your P.F./E.P.de S./12/30 of 9.12.30

Please inform Mr.de Souza that his petition dated the 9th December, 1930, was transmitted to the Colonial Secretary who now informs me that Government cannot reconsider the decision conveyed in my letter No.P.181/93 of the 29th November, 1930.

Please let me know what passage arrangements he would like made.

Sd. J.F.Walseley-Bourne.

AG. DEPUTY COMMISSIONER OF POLICE.

COPY. =

COLONY AND PROTECTORATE OF KENYA

Form of Medical Advice, and Recommendation to be
handed to Officers proceeding on Leave.

Mr. E. P. de Souza of the Administration
should be examined by a Medical Adviser to the Colonial
Office on arrival in India.

I have advised him as follows:-

To receive dental treatment while on
leave, he has been under treatment for Pyorrhoea
for the last two years.

Not necessary to take Quinine while
on leave.

Sd. W.N. Sargent, A.S.

Medical Officer.

General Dispensary,

Nairobi.

COPY.

SICK SHEET - EXTENTION OF LEAVE

Name - E.P.de Souza.

Appointment and Department - Administration.

1. I, Major D.P. McDonald, I.M.S. hereby certify the above mentioned Officer is suffering from Purulent Rhinitis and Dyspepsia and I recommend an extension of leave for three months.

2. Particulars of present illness:-

- (a) Duration of illness for about a year.
- (b) Physical signs and symptoms. Infection and inflammation of nasal mucus membrane synechiac and turbulent enlargement Purulent discharge which he swallows, giving rise to dyspepsia.

Sd. D.P.McDonald, Major I.M.S.
Staff Surgeon, Bangalore.

Bangalore,

14.4.50.

COPY.

SICK LEAVE -- EXTENTION-OF LEAVE.

Name - Mr. E. Peter de Souza.

Designation - Clerk, Police Department, Kenya.

1. I, H.B. Mylvaganam, hereby certify the above named Officer is suffering from nasal catarrh due to deflected septum of nose, and sinusitis and I recommend an extension of leave for one and half months.

2. Particulars of present illness:

(a) Duration of illness, from September 1927 up till now.

(b) Physical signs and symptoms. Septum of nose deflected to the left, causing narrowing of the left nostril. The accessory sinuses of the nose are in a catarrhal condition, discharging muco-pus.

(c) Remarks - Since the operation on the septum there is marked improvement in his nasal condition. He needs further treatment to complete the cure.

Sd. H.B. Mylvaganam.

F.R.C.S. (England).

SPECIALIST IN EAR, THROAT AND NOSE
DISEASES.

SENIOR SURGEON TO MYSORE GOVERNMENT.

(Retired).

17th July, 1950.

Bangalore.

S. India.

COPY.

SICK LEAVE -- EXTENTION OF LEAVE.

Name - Mr. E.Peter de Souza.

Designation - Clerk, Police Department, Kenya.

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(c) Remarks - Since the operation on the septum there is marked improvement in his nasal condition. He needs further treatment to complete the cure.

Sd. H.B.Mylvaganam.

F.R.C.S. (England).

SPECIALIST IN EAR, THROAT AND NOSE
DISEASES.

SENIOR SURGEON TO MYSORE GOVERNMENT.

(Retired).

17th July, 1930.

Bangalore.

S.India.

COPY.

I certify that Mr. E. P. de Souza is in every respect an efficient clerk and that he is in possession of the requisite qualifications; that he is zealous in all the branches of his work and is a credit to his Department in all respects. He has completed 6 years satisfactorily in II Grade. I consider him deserving promotion and recommend that he should pass the efficiency bar at Shs.360/-.

He passed the Confirmation Examination in.....
and I recommend that his promotion may be dated from 1st January, 1928.

COPY.

I certify that Mr. E. P. de Souza is in every respect an efficient clerk and that he is in possession of the requisite qualifications: that he is zealous in all the branches of his work and is a credit to his Department in all respects. He has completed 6 years satisfactorily in II Grade. I consider him deserving promotion and recommend that he should pass the efficiency bar at Shs.360/-.

He passed the Confirmation Examination in.....

and I recommend that his promotion may be dated from 1st January, 1928.

COPY.

No.P.181/85.

KENYA POLICE

Office of the Commissioner,

P.O.Box No.88,

Nairobi.

30th September, 1950.

Mr.E.P.de Souza,
1st Grade Clerk.Through:- The Supdt.of Police,
Nakuru

Owing to the unsatisfactory manner in which it is reported you performed your duties as a Motor Bureau Clerk, prior to proceeding on leave, I am to warn you that unless greater interest and improvement is shewn in your work, the next increment due to you on the 1st January 1951, will be withheld.

Since you have disregarded repeated warnings (both verbal and written) given you, you are further warned that should your Executive Officer have cause to complain of your work or general conduct, a recommendation will be made to Government that your services be terminated

Sd: J.F.Wolseley-Bourne.

for Ag.Commissioner of Police.

P.S.

The Supdt.of Police, Nakuru, will please submit a special report on the 15th December, 1950.

COPY.

NO. P.181/91.

The Kenya Police Department.

Nairobi.

15th November, 1950.

Mr. E. P. de Souza,
1st Grade Clerk.

Through

The Superintendent of Police,
Nakuru

INCREMENT.

In view of the unsatisfactory manner in which you are reported to have performed your duties for sometime past you are hereby warned (in terms of Section 74 of the Code of Regulations) that the next increment due to you on the 1st January 1951, will be withheld.

Sd. J.F. Wolseley-Bourne.

for Ag. Commissioner of Police.

Copy to:-

The Headquarter Supdt.
Nairobi.

NAKURU,

16th October, 1930.

The Commissioner of Police,
Thro' The Superintendent of Police,
Nakuru

Sir,

With reference to half pay paid to me during the extention of leave granted whilst in India, I wish to point out that the extention was necessitated by the fact that I was advised by a very prominent Medical Authority in Bangalore, Dr. McDonald, that I should undergo an operation and as such as the extended leave was beyond my control, I beg therefore respectfully to apply for full pay for the period and I trust that you will kindly forward this my application to the proper authorities for same. The necessary Medical certificate was submitted by me at the time.

I was further informed by this Doctor that, unless I underwent the operation that it was likely that my health would be affected very seriously and I would have to suffer much pain and trouble in the future. At it was, he said, the seriousness of the malady was due to the delay in treatment which should have been taken in hand some two years ago.

I would respectfully take this opportunity to mention that, whilst in Kenya before proceeding on leave I had been suffering from periodical attacks of headache and nervousness and never was myself for a very long time. It was the same during the whole period of my leave.

Repeated visits to the Local Government Medical Authorities failed to detect the cause and none suspected the seat of trouble was in the nose. For your information I attach a copy of the medical certificate given me at the time of proceeding on leave.

As a matter of fact, I have had the very unpleasant experience of having been told that I was malingering and this opinion unfortunately, I am reluctantly led to believe, mitigated against my prospects in the service.

That the treatment was urgent and serious is borne by the fact that my nose had to be cauterized a fortnight before the operation and I had to actually lie in bed for 18 days after the operation.

Even now inspite of the fact that I have been continuously under treatment in the hospital at Bangalore I am required to exercise great care and use medicines given to me.

I would like to mention here that I have had to undergo much expense on account of the operation and treatment at Bangalore, Bombay and Goa, it therefore makes it all the more harder when one has to loose a part of his salary.

I may also add that I had completed the usual tour of service of 43 months on 20th November 1927, and although I applied for leave it was not granted until 30th September 1929. During this period I had to attend hospital now and again for treatment.

In these circumstances, and in view of the fact that I did not have proper medical treatment prior to proceeding on leave, I would respectfully submit that my case for extention of leave on full pay is one which deserves sympathetic consideration and I shall therefore be ever grateful if my application is favourably considered.

I attach a copy of certificate by Dr. Mylvaganam.

I have the honour to be
Sir,

Your most obedient servant.

Sd. E.P. de Souza.

1st Grade Clerk.

COPY.

NO. P.181/87.

The Kenya Police Headquarters,
Nairobi.

22nd October, 1930.

The Superintendent of Police,
Nakuru

Re. Extention of Leave - Pay.
Ref. Your Memorandum of 16.10.30

Please inform Mr. E.P. de Souza that the Acting
Commissioner is not prepared to recommend that he
(Mr.Souza) be granted full pay for the period of
extention granted to him in India.

Sd. J.F.Wolseley-Bourne,

ACTING DEPUTY COMMISSIONER OF POLICE.

COPY.

NO. P.181/87.

The Kenya Police Headquarters,
Nairobi.

22nd October, 1930.

The Superintendent of Police,

Nakuru

Re. Extension of Leave - Pay.
Ref. Your Memorandum of 16.10.30

Please inform Mr. E.P. de Souza that the Acting
Commissioner is not prepared to recommend that he
(Mr. Souza) be granted full pay for the period of
extension granted to him in India.

Sd. J.F. Wolseley-Bourne,

ACTING DEPUTY COMMISSIONER OF POLICE.

OFFICE OF THE SUPDT. OF POLICE,
NAKURU.

3rd December, 1930.

The Ag. Commissioner of Police,
Thro' the Supdt. of Police,
Nakuru.

Sir,

I am greatly indebted to you for the interview you were good enough to grant me at Nakuru, with regard to my claim for full pay while on leave which had to be extended to enable me to undergo an operation on account of sickness contracted in this country and for the expression of sympathy in regard to the said claim, and as desired by you I beg to submit copies of correspondence on the subject.

I may state, Sir, for your information that, had the cause of my disease been discovered earlier and properly treated in its early stage, I am assured that there would not have been any necessity for the operation I was made to undergo, and also for the large sum of money I had to spend to treat a complaint which the Government Medical men as well as the best known local Medical practitioners failed to detect.

The complaint was further aggravated by refusing to grant me my leave when it was due, in spite of my repeated reminders, I was detained for 2 years.

During the said period of two years I was compelled to go off duty now and again which gave cause to a complaint being recorded against me to the effect that I was getting sick often and taking little interest in my work.

During my 15 years service I have always tried to loyally do any work which was entrusted to me, and I submit that to now penalize me and stigmatize me for unsatisfactory service, in the evening of my career so to speak is somewhat too heavy a penalty.

OFFICE OF THE SUPDT. OF POLICE,
NAKURU.

3rd December, 1930.

The Ag. Commissioner of Police,
Thro' the Supdt. of Police,
Nakuru

Sir,

I am greatly indebted to you for the interview you were good enough to grant me at Nakuru, with regard to my claim for full pay while on leave which had to be extended to enable me to undergo an operation on account of sickness contracted in this country and for the expression of sympathy in regard to the said claim, and as desired by you I beg to submit copies of correspondence on the subject.

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During my 15 years service I have always tried to loyally do any work which was entrusted to me, and I submit that to now penalize me and stigmatize me for unsatisfactory service, in the evening of my career so to speak is somewhat too heavy a penalty.

I contend that prior to the complaint referred to above there was nothing against me as to my ability for performing my duties to the satisfaction of my superiors, and this is supported by the fact that I have been granted my promotions and usual increments regularly until January 1930, and no complaint was brought to my notice as to the unsatisfactory work performed at the District Commissioner's office, as Clerk in Charge of Central Motor Bureau.

In fact Sir, before leaving the District, Commissioner's Office on privilege leave, I was recommended by Mr. Welby and Mr. Trafford, that I should be re-posted to that office on my return from leave, to the Hon'ble the Colonial Secretary.

As regards Government having approved my being retrenched from the service, I earnestly hope that, in view of heavy financial loss suffered by me during my illness and in bringing out my family to the Colony with me, Government will re-consider my case and retain my services, if not in the Police Department, by transferring me to the Administration or to any other Department, until such time as I may become entitled to short leave.

Thanking you in advance and trusting that you will forward my previous correspondence and this letter to the Hon'ble the Colonial Secretary for favourable consideration.

I have the honour to be

Sir,

Your most obedient servant.

Sd. E.P. de Souza.

1st Grade Clerk.

I contend that prior to the complaint referred to above there was nothing against me as to my ability for performing my duties to the satisfaction of my superiors, and this is supported by the fact that I have been granted my promotions and usual increments regularly until January 1930, and no complaint was brought to my notice as to the unsatisfactory work performed at the District Commissioner's office, as Clerk in Charge of Central Motor Bureau.

In fact Sir, before leaving the District Commissioner's Office on privilege leave, I was recommended by Mr. Welby and Mr. Trafford, that I should be re-posted to that office on my return from leave, to the Hon'ble the Colonial Secretary.

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Thanking you in advance and trusting that you will forward my previous correspondence and this letter to the Hon'ble the Colonial Secretary for favourable consideration.

I have the honour to be

Sir,

Your most obedient servant.

Sd. E.P. de Souza.

1st Grade Clerk.

COPY.

Est.19/1/1186/117.

6th January, 1931.

The Commissioner of Police,
Nairobi

Mr.E.P.de Souza - 1st Grade Clerk.
Ref.Your No.P.181/96 of the 11th December,1930

I am to inform you that no special or exceptional circumstances exist to justify the grant of full pay to Mr. de Souza for the period he was granted an extension of leave in India on medical grounds.

2. With regard to Mr. de Souza's retrenchment from the service, I am to state that the matter has been carefully considered, but that it is regretted that in all circumstances no reason is seen why the decision already conveyed to Mr. de Souza should be varied.

3. Please inform Mr. de Souza accordingly in reply to his petition of the 3rd ultimo.

Sd. R.C.M. Wood

for Ag. Colonial Secretary.

The Superintendent of Police,

Nakuru

Copy sent you for the information of
Mr. E.P. de Souza.

Sd. J.F.Wolsley-Bourne.

Ag.Dy. Commissioner of Police
Nairobi, 9th January, 1931.

24.10.1930

The Hon. Ag. Colonial Secretary,
Nairobi.

REDUCTIONS - 1931 ESTIMATES.

To meet the reduction of two Asian Clerks provided for in the 1931 Estimates, I have the honour to recommend that the undermentioned clerks be pensioned or discharged as totally unfit for further service in this Force.

| <u>Name.</u> | <u>Grade.</u> | <u>Date of joining Service.</u> |
|-----------------------|---------------|---------------------------------|
| (1)..... | | |
| (2) Mr. E.P. de Souza | 1st Grade | 28.1.1916. |

(Transferred from Administration to Police with effect from 1/1/25.

2. They are "time servers", purely and simply, and it is just waste of money keeping them in the Force any longer. Every Officer under whom they have served states they are useless. They are constantly being corrected, and are apt to report sick at the slightest pretext. The occasions on which they have been warned in regard to slackness etc. are too numerous to mention, and it is only because of their length of service, and the consequent difficulty of getting rid of them, that their services have not been terminated earlier.

3. I trust that this recommendation will receive the approval of Government, so that the services of these two useless men may be brought to an end.

sd. JAMES LUMLEY,

AG. COMMISSIONER OF POLICE.

Extract from Ag. Colonial Secretary's letter No. 8/Est.
19/1/622/117 of the 10th November, 1930, addressed
to the Commissioner of Police.

I am to.....enquire whether in the case of
.....Mr. de Souza increments have been withheld.

I am also to invite your attention to the
Efficiency Bar Certificates submitted by you with your
memorandum No.P.191/29/26 of the 27th February, 1928,
and having regard to your statement in your letter under
reference that "every officer under whom they have served
states that they are useless" it is not understood how
each of such officers could have been certified to be
"a credit to his Department in all respects".

I shall be glad to be furnished with your comments
in this connection.

-----00000000-----

MJM

I have the honour to acknowledge receipt of your letter No. S/Est. 19/622/117 of the 10th instant and to inform you that:-

(I).....

(II). Mr. E. P. de Souza. Ever since his transfer to the Kenya Police this Clerk was, until recently, employed first as a Passport and then as a Motor Bureau Clerk.

From the attached copy of my letter written in 1928 to the Superintendent of Police Nairobi, then his Executive Officer, it will be observed that this Clerk's work was never satisfactory. As a result of the warning contained in that letter he shewed some signs of improvement towards the close of that year but again relapsed during 1929, which fact was amply exhibited in the Annual Report submitted on him by the District Commissioner (Mr. Trafford), Nairobi, under whose command he was then serving.

Copy of a further report received from the (Last Enclosure) District Commissioner (Mr. Welby) is also attached for information.

On account of repeated representations (both written and verbal) made by two separate District Commissioners stating that Mr. de Souza was totally unsuited for duties in the Motor Bureau and that a Clerk far too junior to him was preferred in his place, he, on his return from leave in September last, was re-transferred to the Police and warned in writing that his next increment was likely to be withheld.

(III). My remarks to the effect that "every officer under whom they have served states that they are useless" was, it will be observed, based on reports

received from different officers, and there is no doubt in my own mind that they are purely and simply "time-servers".

I have nothing further to add to what I have already said in my letter No.P.181/88 of the 24th ultimo, but would like to impress upon Government that this Force has no place for clerks, or indeed any other members, who do not pull their full weight and carry out their duties conscientiously.

-----000000000-----

IJM

No.P.181/33.

Kenya Police Headquarters,

Nairobi.

18th April, 1930.

The Superintendent of Police,
Nairobi.CLERK E. P. D'SOUZA.

Please inform Mr.E.P.D'Souza (Motor Bureau Clerk) that owing to the very unsatisfactory reports concerning the manner in which his duties are discharged, and to the fact that on the slightest pretext he reports off duty as feeling unwell, he is hereby warned that unless very great improvement is made by him in future, it is the intention of the Commissioner to withhold increments of pay due to him, and to report to Government that he be censured in respect to his general conduct.

2. The Director of Medical Services reported in November last that an examination of this clerk revealed no sign of disease, and there appeared no reason for recommending a medical board or that he should have priority for proceeding on leave. In the circumstances it is not understood why this clerk should report sick so frequently. Please have him up before you and give him a copy of this letter, a receipt for which is to be sent to me.

3. He is to be warned that unless his conduct improves (not only will he have his increment withheld) but an endeavour will be made to have him dismissed from the Service. Clerks, or indeed any other member of the Police Force, who do not pull their weight and carry out their duties satisfactorily and conscientiously, will not be retained.

4. Please report on this clerk from time to time, as unless he shows some improvement in the next 3 or 4 months, drastic action will have to be taken regarding him.

5. You should keep a special roster showing the number of days this clerk reports off duty in future, also a memorandum of the occasions on which it be found necessary to reprimand him for carelessness and general inattention of duty.

sd. J.F.Wolseley-Bourne
for COMMISSIONER OF POLICE.

MJM

Secretariat,

Nairobi,

No. S/Est.19/1/622/120.

26th November, 1930.

The Commissioner of Police,
Nairobi.Messrs. I.J.Mendonca and E.P.de Souza,
1st Grade Clerks.
Ref.Your conf.No.P.181/90 of 12th inst.

With reference to the correspondence terminating with your memo above mentioned, I am to inform you that on the assumption that the Secretary of State approves your Draft Estimates for 1931 in which a reduction of two clerks is shown, the retrenchment of Messrs.Mendonca and de Souza is sanctioned.

2. They should be warned accordingly and arrangements should be made for their passages to be booked to India approximately at the end of February. You will no doubt submit their leave papers in due course.

sd. J.E.S.MERRICK
for AG. COLONIAL SECRETARY.

MJM

No-P.181/87

THE KENYA POLICE HEADQUARTERS,
NAIROBI,

22nd October, 1930.

The Superintendent of Police,
Nairobi.

EXTENSION OF LEAVE - PAY.
Ref. Your memorandum of 16.10.30.

Please inform Mr.E.P. de Souza that the
Acting Commissioner is not prepared to recommend that
he (Mr.Souza) be granted full pay for the period of
extension granted to him in India.

sd. J.F.Wolseley-Bourne,

AG. DEPUTY COMMISSIONER OF POLICE.

MM

CONFIDENTIAL REPORT.

NON-EUROPEAN CLERICAL STAFF.

(Vide Secretariat Circular No. 83 of 1925).

1. Name in full: Eleuterio Peter De Souza Grade: Old 3rd.
2. Date of birth: 17th October, 1896
3. Date of joining Service: 28.1.1916 present salary: Shs. 369/-P.M.
4. Date of passing Confirmation Examination: -
5. Duties of present post; and past experience: Treasury Clerk, Dist. Clerk (posts previously held): & Postmaster, Kericho, Customs Clerk, Serenli, Passport Clerk, now Motor Licensing Clerk.
6. Ability in:—
- (a) Typing: Good.
- (b) Accounts work: -do-
- (c) Storekeeping: Fair
- (d) Shorthand: ----
- (e) Filing and Registration: Good.
- (f) Drafting letters: Fair.
7. Any other special qualifications: -----
8. Languages: English, Portuguese, Swahili, little Hindustani
9. General Conduct: Good.
10. In cases of Senior Clerks:
- Ability in supervising and aiding the work of juniors: -----
11. Remarks:
- (If a Clerk is inefficient the reasons for considering him so should be given in full.) Vary apt to report sick on slightest excuse.
12. Whether fit for promotion: Yes but I consider that he does not show enough endeavour to warrant this.

Countersigned.

sd. J. F. Wolsley-Bourne,
for AG. COMMISSIONER OF POLICE.

sd. H. P. Rice.....
Head of Department.

NOTE:—The replies to Items 1-4 should be typed.

COLONY AND PROTECTORATE OF KENYA.

CONFIDENTIAL REPORT.

NON-EUROPEAN CLERICAL STAFF.

(Vide Secretariat Circular No. 83 of 1925).

1. Name in full: Eleuterio Peter De Souza Grade: 1st Gde. Clerk
2. Date of birth: 17th October, 1896
3. Date of joining Service: 28.1.1916 present salary: Shs. 380 p.m.
4. Date of passing Confirmation Examination: -----
5. Duties of present post; and past experience: Temporary a/c Dist. Clerk,
(posts previously held):
Postmaster, Kericho, for 2½ years, Customs Clerk, Serenli,
Passport Clerk and Motor Licensing Clerk.
6. Ability in:—
- (a) Typing: Good.
- (b) Accounts work: Good.
- (c) Storekeeping: Nil.
- (d) Shorthand: Nil.
- (e) Filing and Registration: Good.
- (f) Drafting letters: Fair.
7. Any other special qualifications: -----
8. Languages: English, Portuguese, Swahili and little Hindustani.
9. General Conduct: Moral Good. Attitude towards work inclined to indifference.
10. In cases of Senior Clerks:—
- Ability in supervising
and aiding the work
of juniors: } Fair.
11. Remarks:
- (If a Clerk is inefficient the reasons
for considering him so should be
given in full.) } Very apt to report sick on
slightest excuse.
12. Whether fit for promotion: No.

Countersigned.

sd. H. P. Rice
Head of Department.sd. J. F. Wolseley-Bourne,
for Commr. of Police.

NOTE: The replies to Items 1-4 should be typed.

COLONY AND PROTECTORATE OF KENYA.

CONFIDENTIAL REPORT

NON-EUROPEAN CLERICAL STAFF.

(Vide Secretariat Circular No. 83 of 1925).

1. Name in full: Eleuterio Peter D'Souza Grade: 1st
2. Date of birth: 17th October, 1896
3. Date of joining Service: 28.1.1916 present salary: Shs. 400/-
4. Date of passing Confirmation Examination: _____
5. Duties of present post; and past experience: Clerk in Central Motor
(posts previously held):
Registration Bureau.
Formerly Dist. Clerk, Postmaster, Custom Clerk, Passport
Clerk.
6. Ability in:—
- (a) Typing: fair
- (b) Accounts work: good
- (c) Storekeeping: fair
- (d) Shorthand: nil
- (e) Filing and Registration: inaccurate
- (f) Drafting letters: fair
7. Any other-special qualifications: nil
8. Languages: Concani, English, Hindustani and Swahili.
9. General Conduct: good
10. In cases of Senior Clerks: This man has been negligent in his work
Ability in supervising } and therefore unreliable.
and aiding the work }
of juniors: }
11. Remarks:
(If a Clerk is inefficient the reasons } AS No. 10
for considering him so should be }
given in full) }
12. Whether fit for promotion: nil.

COUNTERSIGNED.

SD. M. St. C. Thom.
for COMMISSIONER OF POLICE.sd. H. H. Trafford.
Head of Department.
District Commissioner.

NOTE:—The replies to Items 1-4 should be typed.

CONFIDENTIAL REPORT

NON-EUROPEAN CLERICAL STAFF.

(Vide Secretariat Circular No. 83 of 1925).

1. Name in full: Elauterio Peter de Souza Grade: 1st
2. Date of birth: 17th October, 1896
3. Date of joining Service: 28.1.1916 present salary Shs. 420/- p.m.
4. Date of passing Confirmation Examination: Confirmed 8.6.21.
5. Duties of present post; and past experience: District Police Clerk Nakuru
(posts previously held):

Formerly - Administration Clerk.
Passport Clerk,
Motor Bureau Clerk.

6. Ability in:—

- (a) Typing: Fair
- (b) Accounts work: Fair
- (c) Storekeeping: Fair
- (d) Shorthand: Nil
- (e) Filing and Registration: inaccurate
- (f) Drafting letters: fair

7. Any other special qualifications: Nil
8. Languages: Concani, English, Hindustani and Swahili.
9. General Conduct: Good.

10. In cases of Senior Clerks:—

Ability in supervising and aiding the work of juniors: } Negligent in his own duties and therefore unreliable.

11. Remarks:

(If a Clerk is inefficient the reasons for considering him so should be given in full.) } No interest in work - purely a time-server.

12. Whether fit for promotion: No.

3 Jan. 1931.

sd. J. F. Wolsley Bourne

Head of Department,
for AG. COMMISSIONER OF POLICE.

CONFIDENTIAL REPORT

NON-EUROPEAN CLERICAL STAFF.

(Vide Secretariat Circular No. 83 of 1925).

1. Name in full: Eleuterio Peter de Souza Grade: 1st
2. Date of birth: 17th October, 1896
3. Date of joining Service: 28.1.1916 present salary Shs. 420/-p.m.
4. Date of passing Confirmation Examination: Confirmed 8.6.21.
5. Duties of present post; and past experience: District Police Clerk Makuru
(posts previously held):

Formerly - Administration Clerk.Passport Clerk,Motor Bureau Clerk.

6. Ability in:—

(a) Typing: Fair(b) Accounts work: Fair(c) Storekeeping: Fair(d) Shorthand: Nil(e) Filing and Registration: inaccurate(f) Drafting letters: fair7. Any other special qualifications: Nil8. Languages: Concani, English, Hindustani and Swahili.9. General Conduct: Good.

10. In cases of Senior Clerks: _____

| | | |
|--|---|--|
| Ability in supervising and aiding the work of juniors: | } | <u>Negligent in his own duties and there- fore unreliable.</u> |
|--|---|--|

11. Remarks:

| | | |
|---|---|--|
| (If a Clerk is inefficient the reasons for considering him so should be given in full). | } | <u>No interest in work - purely a time-server.</u> |
|---|---|--|

12. Whether fit for promotion: No.

3 Jan. 1931.

Ed. J. F. Wolseley Bourne

Head of Department

for AG. COMMISSIONER OF POLICE.

NOTE:—The replies to Items 1-4 should be typed.

NAIROBI,

28th March, 1930.

No. ST. 2/2/7/29.

The Commissioner of Police,
Nairobi.

YOUR NO. P.185/40 of 25. 3. 30.

Reference your paragraph 4, I hope you will be able to re-consider this.

2. I would refer you to your No. P.181/32 of the 18th April 1928 to the Superintendent of Police, Nairobi. Mr. de Souza's work since being transferred to this office, with the Motor Bureau shows no particular reason to revise the opinion of him which you then held.

3. The accuracy and efficiency of the Central Motor Bureau is of almost more importance to the Police than to any other department and it is for this reason that I ask your co-operation in allowing Mr. Mistri, who is efficient, to be retained in this office.

4. The records of the Motor Bureau are now in a satisfactory state, and as a consequence I am in a position to supply to the Hon. Colonial Secretary certain statistical information required by him for the year 1929, but I see no hope of being able to supply the same information for the four previous years which have been asked for, from the records as kept by Mr. de Souza.

5. You will remember that when I agreed to take over the Central Bureau, it was a stipulation that I should have a clerk who could satisfactorily carry it out. I do not like having to ask you to give me a good man in place of an indifferent one, and only do so because, as stated above, these records are absolutely essential from a Police point of view and I feel a considerable amount of responsibility in the matter towards your department.

sd. H. E. Welby
District Commissioner.

NAIROBI,

28th March, 1930.

No. ST. 2/27/29.

The Commissioner of Police,
Nairobi.

YOUR NO. P. 185/40 of 25. 3. 30.

Reference your paragraph 4, I hope you will be able to re-consider this.

2. I would refer you to your No. P. 181/32 of the 18th April 1928 to the Superintendent of Police, Nairobi. Mr. de Souza's work since being transferred to this office, with the Motor Bureau shows no particular reason to revise the opinion of him which you then held.

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Advance Copy

RECEIVED 46

6 FEB 1931

COL. OFF

6 FEB 1931

GOL. OFFICE

HARURU,

12th January, 1931.

48

R

The Right Honourable
Sydney Baron Passfield, P.C.,
His Majesty's Principal Secretary of State
for the Colonies,
Downing Street, London, S.W.

Through His Excellency the Governor,
Colony and Protectorate of Kenya.

Thro' The Acting Commissioner of Police,
Nairobi.

Your Lordship,

May it please your Lordship.

The humble petition of E. Peter de
Souza, 1st Grade Clerk, in the Police Department,
most respectfully sheweth,

1. That your petitioner has been on the permanent and pensionable staff of the Colony and Protectorate of Kenya for the past 15 years, having previously served in the Treasury and Administration Departments.

2. Your petitioner has now been given to understand by the Acting Commissioner of Police that in order to meet the reduction in the Clerical establishment provided in the 1931 Estimates your petitioner's services will be terminated, and in reply to further representations to local Government the Petitioner has been informed that the decision cannot be re-considered, the Petitioner has therefore no alternative but to appeal to the Colonial Office for a sympathetic consideration of his case, which is as under:-

3. It is usual in cases of retrenchment to begin with the most junior non-pensionable staff, but in selecting the petitioner for retirement

Appendices
"A" & "B"

although he is pensionable, is 34 years of age and feels good enough to work for another 10 years at least, the reason given is that his work has been found to be unsatisfactory.

4. Your petitioner has rendered the greater part of his fairly long and faithful and loyal service at different stations, many of which are classed as unhealthy, devoid of any social amenities and away from civilization, at such stations as Sereni in the Northern Frontier Province Kisumu and Mumias stations, which are notorious for Malaria and Blackwater.

Throughout all this service of privations and hardships your Petitioner does not recollect a single occasion when his superiors had anything but commendations and appreciations for his work.

5. Even in the Police Department where your Petitioner has been serving from March 1924, whatever shortcomings on his part have been noticed are fairly and entirely attributable to his continued ill-health due partly to the service conditions and partly to the failure on the part of the local Government medical Officers and private medical practitioners to diagnose the nature of his malady. The petitioner ventures to attach for Your Lordship's information the relative medical certificates which will show how erroneous local diagnoses aggravated his illness and perhaps also might have easily led the medical authorities as well as his superiors to interpret what was acute suffering as malingering.

See para 1 defect

Appendixes
"C", "D" & "E"

6. That Col. Spicer, the Commissioner of Police, and the Petitioner's previous superiors took a more equitable view of his difficult efforts

to cope with his work in the face of the many handicaps, continued ill-health, is proved by the fact that he was granted his promotions and annual increments as they fell due without any question or qualification. In this connection the petitioner ventures to attach for your Lordship's information a copy of the strongest efficiency certificate which the Head of a Department must sign to enable an Asian Clerk to obtain promotion to 1st Grade. This certificate was signed in the petitioner's case as late as 1928, so that there can be no question that he had given every satisfaction in the discharge of his duties at that date.

Appendix "F"

7. The Petitioner respectfully submits that the first intimation that his work was unsatisfactory was received by him in October 1930, when he returned from leave, curiously both the District Commissioners Messrs Welby and Trafford under whom the Petitioner had the honour and pleasure to work as the Clerk in Charge of Central Motor Bureau appear to have been satisfied with his work as they had nothing but a kindly word for him at all times.

Appendix "G"

*Not true
- see para 4
L.H.
V.M.*

*- do
V.M.*

8. It is of course possible that after the petitioner's departure on leave some omissions and commissions on his part might have come to light and reported to the Commissioner of Police, if so, none regrets such mistakes more than the petitioner who, however, humbly submits that there are very strong extenuating circumstances which only heart hardened by vigorous discipline can fail to sympathise with. It has already been established that the petitioner was suffering from continued illness which the local medical authorities failed to diagnose. To make matters worse the petitioner's

leave had been deferred on public grounds for the most unusual period of over 2 years inspite of his repeated applications to be allowed to go so as to permit his malady to be attended to.

9. The petitioner need hardly emphasize that it would be more than human to keep up to the usual standard of work and efficiency in such a situation.

10. Your petitioner would like to refer to the Acting Commissioner of Police's letter of 15th November, 1930, informing him that his increment would be withheld. Your petitioner is very much surprised at this letter and fails to understand the reasons therefor, as the report of his immediate superior stipulated in Appendix "G" was not due at that date. In fact your petitioner has reasons to believe that his immediate superior Officer has since submitted a satisfactory report on your petitioner's work as called for in letter No. P.181/85 of 30th September, 1930. Appendix "G".

Appendix "H"

11. Your petitioner begs to state that notwithstanding the notification of pending forced retirement and treatment meted out to him in other respects, is still doing his work conscientiously and to the satisfaction of his immediate superior Officer.

12. Your petitioner having explained all the material facts begs leave to enclose copies of certain correspondence which your petitioner hopes may serve to form an opinion of his case and humbly begs to submit same for your Lordship's favourable consideration with a view to retaining him for the full term of service in the light

Appendices "I"
"J" "K" & "L"

that your petitioner is :-

- (a). a young man, with wife and children.
- (b). has 15 years past service.
- (c). he has just returned from India, and has spent considerable amount of money to bring out his family.
- (d). he has spent while in India large sum of money in medical fees, surgical operation fees etc, for the disease he contracted in Kenya.
- (e). he will have to spend more money in connection with his family passage and loss by forced sale of his furniture etc.
- (f). the effect of forced retirement will have on your petitioner's future career as it virtually amounts to discharge with ignominy.

In duty bound your petitioner shall ever pray for any act of kindness which may be extended to him in this connection and your petitioner has the honour

to remain,

Your Lordship's obedient servant.

E. Peter de Sousa

1st Grade Clerk.

Police Department.

COPY.

Ref. No. P. 181/85.

The Kenya Police Headquarters,
Nairobi.

29th November, 1950.

Mr. E. P. de Souza,
1st Grade Clerk,Through
The Superintendent of Police,
Nakuru.

I am to inform you that to meet the reduction in the clerical staff of this Force provided for in the 1951 Estimates, Government has approved that you be retrenched.

2. You will be eligible for a free passage to India. Please let me know if you wish to avail yourself of this concession. Arrangements will then be made to book your passage on a boat sailing towards the end of February.

Sd. J. F. Wolsley-Bourne.

for Ag. Commissioner of Police.

Ref.No.P.181/97.

The Kenya Police Headquarters,
Nairobi, 6th January, 1930.

The Supdt. of Police,

Nakuru

MR. E.P.de SOUZA.
Ref.your P.F./H.P.as B./12/30 of 9.12.30

Please inform Mr.de Souza that his petition dated the 9th December, 1930, was transmitted to the Colonial Secretary who now informs me that Government cannot reconsider the decision conveyed in my letter No.P.181/93 of the 29th November, 1930.

Please let me know what passage arrangements he would like made.

Sd. I.F.Wolsley-Bourne.

AG. DEPUTY COMMISSIONER OF POLICE.

COPY

COLONY AND PROTECTORATE OF KENYA

Form of Medical Advice and Recommendation to be
handed to Officers proceeding on Leave.

Mr. E. P. de Souza of the Administration
should be examined by a Medical Adviser to the Colonial
Office on arrival in India.

I have advised him as follows:-

To receive dental treatment while on
leave, he has been under treatment for Pyorrhoea
for the last two years.

Not necessary to take Quinine while
on leave.

Sd. W.H. Sargent, A.S.,
Medical Officer.

General Dispensary,
Nairobi.

COPY.

SICK SHEET - EXTENSION OF LEAVE

Name - E.P.da Sousa.

Appointment and Department - Administration.

1. I, Major D.P. McDonald, I.M.S. hereby certify the above mentioned Officer is suffering from Purulent Rhinitis and Dyspepsia and I recommend an extension of leave for three months.

2. Particulars of present illness:-

- (a) Duration of illness for about a year.
- (b) Physical signs and symptoms. Infection and inflammation of nasal mucous membrane synchia and turbulent enlargement Purulent discharge which he swallows, giving rise to dyspepsia.

Sd. D.P.McDonald, Major I.M.S.
Staff Surgeon, Bangalore.

Bangalore,

14.4.50.

COPY.

SICK SHRETT - EXTENSION OF LEAVE
-----**Name - R.P.de Sousa.****Appointment and Department - Administration.**

1. I, Major D.P. McDonald, I.M.S. hereby certify the above mentioned Officer is suffering from Purulent Rhinitis and Dyspepsia and I recommend an extension of leave for three months.

2. Particulars of present illness:-

- (a) Duration of illness for about a year.
- (b) Physical signs and symptoms. Infection and inflammation of nasal mucous membrane synechiae and turbulent enlargement Purulent discharge which he swallows, giving rise to dyspepsia.

Gd. D.P.McDonald, Major I.M.S.
Staff Surgeon, Bangalore.

Bangalore,

14.4.50.

COPY.

SICK LEAVE - EXTENSION OF LEAVE.

Name - Mr. E. Peter de Souza.

Designation - Clerk, Police Department, Kenya.

1. I, H. B. Mylvaganan, hereby certify the above named Officer is suffering from nasal catarrh due to deflected septum of nose, and sinusitis and I recommend an extension of leave for one and Half months.

2. Particulars of present illness:

(a) Duration of illness, from September 1927 up till now.

(b) Physical signs and symptoms. Septum of nose deflected to the left, causing narrowing of the left nostril. The accessory sinuses of the nose are in a catarrhal condition, discharging moco-pus.

(c) Remarks - Since the operation on the septum there is marked improvement in his nasal condition. He needs further treatment to complete the cure.

Sd. H. B. Mylvaganan.

F.R.C.S. (England).

SPECIALIST IN EAR, THROAT AND NOSE
DISEASES.

SENIOR SURGEON TO MYSORE GOVERNMENT.

(Retired).

17th July, 1930.

Bangalore.

S. India.

COPIE.

I certify that Mr. B. P. de Souza is in every respect an efficient clerk and that he is in possession of the requisite qualifications: that he is zealous in all the branches of his work and is a credit to his Department in all respects. He has completed 6 years satisfactorily in XI Grade. I consider him deserving promotion and recommend that he should pass the efficiency bar at Rs.360/-.

He passed the Confirmation Examination in.....
 and I recommend that his promotion may be dated from 1st January, 1928.

COPY.

No.P.181/85.

KENYA POLICE

Office of the Commissioner,
P.O.Box No.85,
Nairobi.
30th September, 1950.

Mr.E.P.de Souza,
1st Grade Clerk.

Through:- The Supdt.of Police,
Nakuru

Owing to the unsatisfactory manner in which it is reported you performed your duties as a Motor Bureau Clerk, prior to proceeding on leave, I am to warn you that unless greater interest and improvement is shown in your work, the next increment due to you on the 1st January 1951, will be withheld.

Since you have disregarded repeated warnings (both verbal and written) given you, you are further warned that should your Executive Officer have cause to complain of your work or general conduct, a recommendation will be made to Government that your services be terminated

Sd. J.F.Wolsley-Bourne.
for Ag.Commissioner of Police.

P.S.

The Supdt.of Police,Nakuru,will please submit a special report on the 15th December,1950.

COPY.

NO. P.181/91.

The Kenya Police Department.

Nairobi.

18th November, 1950.

Mr. E. P. de Souza,
1st Grade Clerk.

Through

The Superintendent of Police,
NakuruINCREMENT.

In view of the unsatisfactory manner in which you are reported to have performed your duties for sometime past you are hereby warned (in terms of Section 74 of the Code of Regulations) that the next increment due to you on the 1st January 1951, will be withheld.

Sd. J.F. Wolsley-Bourne.

for Ag. Commissioner of Police.

Copy to:-

The Headquarter Suptd.

Nairobi.

NAKURU,

16th October, 1930.

The Commissioner of Police,
Thro' The Superintendent of Police,
Nakuru

Sir,

With reference to half pay paid to me during the extension of leave granted whilst in India, I wish to point out that the extension was necessitated by the fact that I was advised by a very prominent Medical Authority in Bangalore, Dr. McDonald, that I should undergo an operation and as such as the extended leave was beyond my control, I beg therefore respectfully to apply for full pay for the period and I trust that you will kindly forward this my application to the proper authorities for same. The necessary Medical certificate was submitted by me at the time.

I was further informed by this Doctor that, unless I underwent the operation that it was likely that my health would be affected very seriously and I would have to suffer much pain and trouble in the future. At it was, he said, the seriousness of the malady was due to the delay in treatment which should have been taken in hand some two years ago.

I would respectfully take this opportunity to mention that, whilst in Kenya before proceeding on leave I had been suffering from periodical attacks of headache and nervousness and never was myself for a very long time. It was the same during the whole period of my leave.

Repeated visits to the Local Government Medical Authorities failed to detect the cause and none suspected the seat of trouble was in the nose. For your information I attach a copy of the medical certificate given me at the time of proceeding on leave.

As a matter of fact, I have had the very unpleasant experience of having been told that I was malingering and this opinion unfortunately, I am reluctantly led to believe, mitigated against my prospects in the service.

That the treatment was urgent and serious is borne by the fact that my nose had to be canterised a fortnight before the operation and I had to actually lie in bed for 18 days after the operation.

Even now inspite of the fact that I have been continuously under treatment in the hospital at Bangalore I am required to exercise great care and use medicines given to me.

I would like to mention here that I have had to undergo much expense on account of the operation and treatment at Bangalore, Bombay and Goa, it therefore makes it all the more harder when one has to loose a part of his salary.

I may also add that I had completed the usual tour of service of 48 months on 20th November 1927, and although I applied for leave it was not granted until 30th September 1929. During this period I had to attend hospital now and again for treatment.

In these circumstances, and in view of the fact that I did not have proper medical treatment prior to proceeding on leave, I would respectfully submit that my case for extention of leave on full pay is one which deserves sympathetic consideration and I shall therefore be ever grateful if my application is favourably considered.

I attach a copy of certificate by Dr. Nylvaganam.

I have the honour to be
Sir,

Your most obedient servant.

Sd. E.P. de Souza.

1st Grade Clerk.

COPY,

No. P.181/87.

The Kenya Police Headquarters,
Nairobi.

22nd October, 1930.

The Superintendent of Police,

NakuruRe. Extension of Leave - Pay.
Ref. Your Memorandum of 16.10.30

Please inform Mr. H.P. de Souza that the Acting Commissioner is not prepared to recommend that he (Mr. Souza) be granted full pay for the period of extension granted to him in India.

Sd. J.F. Wolsley-Burns,

ACTING DEPUTY COMMISSIONER OF POLICE.

COPY.

①

NO. P.181/87.

The Kenya Police Headquarters.

Nairobi.

22nd October, 1930.

The Superintendent of Police,

NakuruRe. Extension of Leave - Pay.
Ref. Your Memorandum of 18.10.30

Please inform Mr. H.P. de Souza that the Acting Commissioner is not prepared to recommend that he (Mr. Souza) be granted full pay for the period of extension granted to him in India.

Sd. J.F. Wolsley-Burns,

ACTING DEPUTY COMMISSIONER OF POLICE.

OFFICE OF THE SUPDT. OF POLICE,
HAKURU.

3rd December, 1930.

The Ag. Commissioner of Police,
Thro' the Supdt. of Police,
Hakuru

Sir,

I am greatly indebted to you for the interview you were good enough to grant me at Hakuru, with regard to my claim for full pay while on leave which had to be extended to enable me to undergo an operation on account of sickness contracted in this country and for the expression of sympathy in regard to the said claim, and as desired by you I beg to submit copies of correspondence on the subject.

I may state, Sir, for your information that, had the cause of my disease been discovered earlier and properly treated in its early stage, I am assured that there would not have been any necessity for the operation I was made to undergo, and also for the large sum of money I had to spend to treat a complaint which the Government Medical men as well as the best known local Medical practitioners failed to detect.

The complaint was further aggravated by refusing to grant me my leave when it was due, inspite of my repeated reminders, I was detained for 2 years.

During the said period of two years I was compelled to go off duty now and again which gave cause to a complaint being recorded against me to the effect that I was getting sick often and taking little interest in my work.

During my 15 years service I have always tried to loyally do any work which was entrusted to me, and I submit that to now penalise me and stigmatise me for unsatisfactory service, in the evening of my career so to speak is somewhat too heavy a penalty.

I contend that prior to the complaint referred to above there was nothing against me as to my ability for performing my duties to the satisfaction of my superiors, and this is supported by the fact that I have been granted my promotions and usual increments regularly until January 1930, and no complaint was brought to my notice as to the unsatisfactory work performed at the District Commissioner's office, as Clerk in Charge of Central Motor Bureau.

In fact Sir, before leaving the District Commissioner's Office on privilege leave, I was recommended by Mr. Welby and Mr. Trafford, that I should be re-posted to that office on my return from leave, to the Hon'ble the Colonial Secretary.

As regards Government having approved my being retrenched from the service, I earnestly hope that, in view of heavy financial loss suffered by me during my illness and in bringing out my family to the Colony with me, Government will re-consider my case and retain my services, if not in the Police Department, by transferring me to the Administration or to any other Department, until such time as I may become entitled to short leave.

Thanking you in advance and trusting that you will forward my previous correspondence and this letter to the Hon'ble the Colonial Secretary for favourable consideration.

I have the honour to be

Sir,

Your most obedient servant.

Ed. H.P. de Souza.

1st Grade Clerk.

I contend that prior to the complaint referred to above there was nothing against me as to my ability for performing my duties to the satisfaction of my superiors, and this is supported by the fact that I have been granted my promotions and usual increments regularly until January 1930, and no complaint was brought to my notice as to the unsatisfactory work performed at the District Commissioner's office, as Clerk in Charge of Central Motor Bureau.

In fact Sir, before leaving the District Commissioner's Office on privilege leave, I was recommended by Mr. Welby and Mr. Trafford, that I should be re-posted to that office on my return from leave, to the Hon'ble the Colonial Secretary.

As regards Government having approved my being retrenched from the service, I earnestly hope that, in view of heavy financial loss suffered by me during my illness and in bringing out my family to the Colony with me, Government will re-consider my case and retain my services, if not in the Police Department, by transferring me to the Administration or to any other Department, until such time as I may become entitled to short leave.

Thanking you in advance and trusting that you will forward my previous correspondence and this letter to the Hon'ble the Colonial Secretary for favourable consideration.

I have the honour to be
Sir,

Your most obedient servant.

Hd. H.P. de Souza.
1st Grade Clerk.

Est. 19/1/1186/117.

6th January, 1931.

The Commissioner of Police,
Nairobi

Mr. E. P. de Souza - 1st Grade Clerk.
Ref. Your No. P. 181/96 of the 11th December, 1930

I am to inform you that no special or exceptional circumstances exist to justify the grant of full pay to Mr. de Souza for the period he was granted an extension of leave in India on medical grounds.

2. With regard to Mr. de Souza's retrenchment from the service, I am to state that the matter has been carefully considered, but that it is regretted that in all circumstances no reason is seen why the decision already conveyed to Mr. de Souza should be varied.

3. Please inform Mr. de Souza accordingly in reply to his petition of the 3rd ultimo.

Sd. R. G. M. Wood

for Ag. Colonial Secretary.

The Superintendent of Police,

Nakuru

Copy sent you for the information of
Mr. E. P. de Souza.

Sd. J. F. Volsceley-Burno.

Ag. Dy. Commissioner of Police
Nairobi, 9th January, 1931.