[E.]

800—17-12-02.

Educational (1903) Department.

ORDINARY MS.

G.O., No. 128

DATED 19.3.03

INDEXED.

[Despatch Abstract.]

Exemption from the Ed. rules

Declining to sanction the — of A. Dattayya,
9th clerk in the DL Court of North Arcot.

BACK PAPERS.

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

FURTHER PAPERS.

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

Stock Form No. 127
2,000—1-5-02.

Educational (1903) Department.

CURRENT No. 404

From

[*Name*] A.L.Hannay, Esquire, I.C.S.,

[*Designation*] Registrar of the High Court of Judicature,

[*Station*] Madras.

JUDICIAL SECRETARIAT
10 MAR 05
PUBLIC & LEG. DEPTS.

Rep: an Enc:

No. 468 of 1903.

Dated 6th March 1903

Enclosures Two

Received 11 · 3 · 1903.

Registered 12 · 3 · 1903.

SUBJECT.

Forwarding North Arcot District Judge's letter No.386, dated 19th Feb.1903, submitting with his recommendation ~~ing~~ a petition from A.Dattiah, 9th clerk of his Court, for exemption from the operation of the Examination Rules.

BACK PAPERS.

G.O. 775 dy 23-12-01 G.O. 675 dy 21-10-02 G.O. 8 dy 12-1-03	G.O. 601 dy 27-9-02 & 45 Mis. dy 30-1-03

FURTHER PAPERS.

To

The Secretary to Government,

Educational Department.

Sir,

I am directed to forward letter No.380, dated 19th February 1903, from the District Judge of North -- Arcot, submitting a petition from A.Dattiah, 9th clerk of his Court, for exemption from the operation of the Examination Rules, so as to enable him to hold posts carrying pay up to Rs.30. The District Judge supports the application. It appears that the clerk has completed 18 years service during which he has given satisfaction in the - discharge of his duties. The District Judge refers to the cases of three clerks in his district to whom concessions similar to that now prayed for were granted by G.Os.No.775, dated 23rd December 1901, No.675-D, dated 31st October 1902, and No.68, dated ~~26th~~ 12th January 1903.

2. With reference to these precedents, I am directed to forward the petition for the orders of Government.

I have the honour to be,

Sir,

Your most obedient servant,

C.L. Manavedan

Registrar.

9.3.03

9.3.03

Stock Form No. 125
2,000—25-6-02.

Judicial (1903) Department.

Through the Registrar of the High Court of Judicature,

MADRAS.

CURRENT No.

From

[*Name*] K.C. Manavedan Raja, Esquire,

[*Designation*] District Judge,

[*Station*] North Arcot.

No. 380 *Received* 190 .

Dated 19th February 1903. *Received* 190 .

Enclosures one *Registered* 190 .

SUBJECT.

Recommending A. Dathiah, 9th clerk of this Court, for exemption from the operation of Examination Rules up to Rs.30/-.

BACK PAPERS.

FURTHER PAPERS.

To

The Chief Secretary to Government,

Judicial Department.

Sir,

I have the honor to submit herewith the application of A. Dathiah, 9th clerk of this Court, for favourable consideration of Government.

2. The clerk has given satisfaction in the discharge of his duties as Original Suits' clerk. He has put in 18 years service in this Department, but has had no promotion as he did not pass the Test required under the ~~Civil~~ Public Service Notification of 1st July 1894. His reason for not passing has been satisfactorily explained in his application.

3. The applicant is painstaking and deserving of promotion and qualified for posts up to Rs30/-. I have therefore the honor to support his application and request that the Government may be pleased to exempt him from the operation of

1. C. Setu Row	- G.O., No.775 D/23-12-1901 High Court Dis.No.21 D/6-1-02.	the rules as it did in the case of the clerks mentioned in
2. C. Muhammad Abdullah Sahib	- Govt. letter No.675 D/31-10-02 High Court Dis.No.966 D/10-11-02.	
3. V. Sundara Row	- Govt. letter No.8.D/12-1-1903 High Court Dis.No.68.D/26-1-03.	

the margin to whom he is not inferior in attainments.

I have the honor to be,

Sir,

Your most obedient servant,

P.B.

District Judge.

DISTRICT & SESSIONS COURT 11 FEB.1903 NORTH ARCOT

To

His Excellency the Right Honorable

Arthur Oliver Villiars Baron Ampthill, G. C. I. E.,

GOVERNOR-IN-COUNCIL,

Fort Saint George.

Through

K. C. MANAVEDAN RAJA Esq., B. A.,
District and Sessions Judge,
NORTH ARCOT.

The humble petition of Avathanam Dattiah, 9th Clerk, District Court, North Arcot.

MOST RESPECTFULLY SHOWETH :—

Your Excellency's Petitioner's father A. Audiah was a Pleader of the District Munsif's Court, Palmanair. He died when your petitioner was but a child. His paternal uncles Gurumurthiah, who was the Nazir of the late Zillah Court and Kasipatiah, Record-Keeper of that Court were taking care of your petitioner. When your petitioner was a boy the above said two grand-fathers died. After them the Nazir's son who was a clerk of the District Court on a low salary of 15 Rs. was educating your petitioner and he also, to the misfortune of your orphan petitioner, died and left your petitioner helpless.

2. The then District Judge, C. G. Plumer Esquire, pitying your petitioner's helpless condition, appointed him as a copyist in his Court on 22nd March 1879 as no better place could be bestowed on him as he was then in his teens and did not possess the requisite educational qualifications.

3. With a view to better his prospects he appeared for the General Text Examination held in 1879, but unfortunately he did not secure a pass. As the petitioner was burdened with a large family of his cousin and his income as a copyist was only limited by wages he could not go to School again depriving the family with the little help he could render by the copying fees. So the petitioner continued as a copyist till 29th April 1885. On 30th April 1885 he was appointed Ag. Amin in the central Nazarath, District Court, on 27th January 1886 and was confirmed in that appointment on

Rs. 12 and was made to work in the District Court and was entrusted with Miscellaneous Petitions work a work which was hitherto entrusted to a better paid Clerk on the Regular establishment. This work he discharged to the satisfaction of the District Judge until 15th June 1886, when on the requisition to the District Court by M. R. Ry. T. Swami Rao Garu, District Munsif of Chittoor, H. T. Knox Esquire, the then District Judge, sent him to the District Munsif's Court, Chittoor.

4. On 15th March 1887 he was appointed Bench and Execution Clerk (7th Clerk) on Rs. 15 in that Court. On 31st July 1897 K C Manavedan Raja Esquire, the present District Judge, transferred him on the same pay to the District Court as Original Suits Clerk (10th Clerk).

5. Owing to the pressure of heavy and responsible work to which he had to devote his heart and soul from early in the morning and late in the evening every day he was not able to appear once again for any of the examinations to qualify himself for higher appointments and if he had attempted at it, it should have been only to the prejudice to his office work. In 1879 when your petitioner was entertained the Rules for admission into service were so liberal that men like the petitioner were allowed to be promoted upto 20 Rs.

6. Subsequently the Civil Service Notification came into force from 1st July 1899 and owing to its stringency his claims for promotion had to be overlooked in every arrangement.

7. Your Excellency has been pleased to exempt the following employes in the Judicial department of this District from Examination Rules upto 30 Rs.

(1) Setu Rao, Clerk, District Munsif's Court, Vellore, pay Rs. 15.

(2) Mahammad Abdullah Sahib, Clerk, District Munsif's Court, Chittoor, pay Rs. 15.

(3) Sundara Rao, Amin, District Munsif's Court, Tirupati, pay Rs. 12.

8. Your petitioner has put in a longer service than any ofthe above 3 clerks in this District. His honor Mr. K. C. Manavedan Raja ~~Esquire~~ will kindly testify to the hard and responsible work which the petitioner has been discharging as Original Suits Clerk. Your petitioner had to deal with waggons of documents filed in the suits brought against the Mahant of Tirupati, the trial of which lasted for several years.

9. Your petitioner is now 44 years old and has put in 18 years service till now.

10. Your Excellency's petitioner most humbly and respectfully craves that your Excellency will most graciously and mercifully take into your benign and favorable consideration the unfortunate career of petitioner's life and his honesty and sincerity in the due discharge of his duties and to exempt him from the operation of the Examination Rules.

11. Should this humble prayer be considered as not permissible, your Excellency's petitionor most humbly craves your Excellency to relax the rules so that your petitioner may have the fortune of obtaining his gradual promotion at least to the extent of 30 Rs. in the Judicial department of our Benign British Sovereignty.

Your Excellency's most obedient
and humble Servant.

11th February 1903.

Avathanam Datlah
9th a Clerk District Court
Northarcot

V. J. Press:—Chittoor.

HIGH COURT
RECEIVED
20 FEB 1903
MADRAS

[E. / 2]
1,000—5-12-02.

EDUCATIONAL DEPARTMENT.

C. No. 404 From the Registrar, High Court No. 468 dated 6th March 1903.

SUBJECT.

Exemption from the examination rules.

The High Court merely forwards for the orders of Govt. a letter from the District Judge of North Arcot, recommending the exemption from the examination rules of A. Dathayya, 9th clerk of his court. The usual practice has been in such cases to ask the High Court whether they would recommend the exemption and if they answered in the affirmative to grant it. It is submitted that in this case also the same procedure may be followed.

Slips. O : R:

PJ 13/3/3

This seems sheer waste of time and ink. In according sanction put it to Registrar that the High Court's views on such applications should always be forwarded with the application.

13.3.03.

The A.S. may perhaps like to see in this connection the notes connected with Slip Q. G.O. No 668 Edl dt 29th September 0

PJ 13/3/3

Thanks. The fact remains — what on earth can the H.C. know about a junior clerk in the Mufassal? It is the man on the spot who must be held responsible. The H.C. can only state as their opinion whether the man has made out a good enough case for exemption or not. In sanctioning the present exemption, ask them to be good enough to favour Govt with their opinion of the justice of such claims when forwarding applications of this kind in future.

14.3.03.

The draft placed below may issue.

14/3/3

Issue.

16.3.03.

I agree with the A.S. that the High Ct. cannot know anything about the Clerks concerned, & can merely express an opinion. In this case, however, they have evidently refrained from giving an opinion on purpose: they see that there is no case, & merely send it on with ref. to precedents - a course which shows the danger of creating such precedents. The exemption should be refused.

17.3.03.

[E. 3]

1,000—5-12-02.

EDUCATIONAL DEPARTMENT.

READ AGAIN G.O., No. , dated 190

" " " " , " 190 .

READ ALSO:—

C. No. 404 , From the Registrar, High Court , No. 468 , dated 6th March 1903.

" " , " " " , " 190 .

" " , " " " , " 190 .

Letter
~~ORDER~~
No. , dated 190 .

To

The Hon'ble the Chief Justice of the High Court of Judicature, Madras.

Hon'ble Sir,

With reference to Mr Hannay's letter No. 468 of the 6th inst, I am directed to state that the Governor in Council sanctions the exemption from the Examination rules of A. Dattayya, 9th clerk in the Ct of North Arcot so as to enable him to hold a post carrying a salary not exceeding Rs 30 per mensem

not approved

I am to add that H.E. the Governor in Council will be glad if ~~and I am request that~~, in forwarding similar applications in future, the High Court will be so good as to ~~say whether they have strictly sufficient enough to warrant Govt in their opinion on them~~ state their opinion as to whether a good case has been made out for exemption or not.

16.3.03.

KKhe
14.3.03.

PTJ 14/3/3

3

The revised draft placed below may issue.

PTJ 17/3/3

Issue

Rec
17/3/3.

18.3.03.

Sgf
18.3.03

[E. 3].

1,000—5-12-02.

EDUCATIONAL DEPARTMENT.

9

READ AGAIN G.O., No. ....., dated 190

" " " " ....., " 190

READ ALSO:—

C. No. 404, From the Registrar, High Court., No. 468, dated 6th. march 1903.

" " ....., " " ....., " ....., " 190

" " ....., " " ....., " ....., " 190

~~ORDER~~ Letter No. 128, dated 19.3.. 1903

Mis.

Desp 18/3/3

Desp 21/3/3

To

The Hon'ble the Chief Justice of the
High Court of Judicature
Madras.

Hon'ble Sir,

With reference to Mr. Hannay's letter no. 468 of the 6th inst., I am directed to state that the Governor in Council sees no sufficient grounds to sanction the exemption from the examination rules, of A. Sathayya, 9th clerk in the district court of North Arcot.

Dy 19/3/3

18.3.03.

18 3 03

When given for copying ——
When copied ——
When examined —— } 190 .
When signed ——

READ AGAIN G.O., No. , DATED
190 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A	
LETTER OF GOVERNMENT.								
STATEMENT WITH DITTO.								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

N.B.—

A = Copy in full.
B = Not to be copied.
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