[Edl. / 6.]
800—15-7-01.

Educational (1906) Department.

ORDINARY MS.

G.O., No 368-69

DATED 26-5-06

INDEXED.

13

[Despatch Abstract.]

Ambalam Kunji Ahmad an ex-stipendiary student

Addressing the Lt General Comm
-ing the 9th (Secunderabad) Division on the subject of
refund of the sum of Rs 97-0-5 due from ~~Ambalam~~
of the Government Training School, Malapuram.

C.No. 1273

BACK PAPERS.

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

FURTHER PAPERS.

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

F/C 1335/06

[E.]
1,500—12-12-0[illegible]

Educational Department.

CURRENT FILE.

CONTENTS.

From	Number.	Date.	Pages.
[182] The D.P.I.	5748/8	10-2-06	1-2
memo to the D. P. I.	88	23-2-06.	3.
[775] The D. P. I.	5748.	8-5-06.	4 + 5
[820]. The D.P.I.	5748	15-5-6	6.

[P. T. O. for put up papers.

PAPERS PUT UP WITH CURRENT No. 182

Papers of the department to which the current belongs.

Number.	Date.	Original (=O) or spare copy (=S. C.).	Remarks. (In this column such of the papers as have been removed for copying, printing, &c., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.
804	8-12-05	S.C.		
701	30-10-05	do		
651-52	2-10-05	do.		

Papers of other departments.

Department.	Number.	Date.	Original (=O) or spare copy (=S. C.).	Despatcher to note the return of the papers to the departments concerned.

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4 701: 30.10.05

4 651-2: 2.10.05

182

Stock Form No. 13[illegible]
3,700—[illegible]-6-05.

EDUCATIONAL DEPARTMENT.

Received LOCAL & MUNICIPAL 12 FEB 1906 SECRETARIAT. 190 , Registered 12-2-1906.

3

Subject.

Submitting for orders of Government the case of Ambalam Kunji Ahmed an ex-stipendiary of the Government Training School, Mallappuram who has failed to fulfil the terms of his bond.

Enclosures.
No.
Spare copies

Ref on Cur No. 5748/05

Station Madras , *Dated the* 10th February 1906

From (Name) The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.

(Designation) Director of Public Instruction

To The Secretary to the Government of Madras,
Educational Department.

Sir,

I have the honour to submit for favour of orders of Government the case of one Ambalam Kunji Ahmed an ex-stipendiary of the Government Training School, Malappuram, who was trained in the year 1903. After the period of his training was over he was given an appointment by the Inspector of European and Training Schools but resigned it and not long after he enlisted in the 78th Moplah Rifles, St. Thomas Mount, without the knowledge of this department. Having thus failed to fulfil the terms of the agreement executed by him while in the Training school he has rendered himself liable to refund to Government the sum of Rs 97-0-5 . The Commandant 78th Moplah Rifles who was asked to recover the amount due from the private states that he is not empowered to touch a sepoy's pay and believes no one has any power to legally touch a sepoy's pay which must be paid into

When did he resign?

his hand monthly in arrears as it becomes due. The Government Solicitor Madras whose opinion was sought suggested that the only course open for recovering the amount from Kunji Ahmed was by obtaining and executing a decree against his separate personal property. It has now been ascertained that he has no personal property to be attached if a decree can be obtained. In a similar case Kathai Ayidroo another Mappilla ex-student was put under stoppages of one third of his pay /G.O. No. 804 Educational dated 8th December 1905/ and I beg to recommend that similar action be taken in this case also.

K

I have the honour to be,

Sir,

Your most obedient servant,

E W Middlemast

For Director of Public Instruction.

B.I.
9-2-06.

[E. / 5a]
500—24-8-06.-12

3.

GOVERNMENT OF MADRAS

EDUCATIONAL DEPARTMENT.

4

Memorandum No. 88 / 23-2-6

READ the following paper:—

Clo. 1822R/06

With reference to his letter Ref. mem. 5748 dated the 10th instant, the D.P.I. is requested to be so good as state when precisely the period of training of Ambalam Kunji Ahmad at the Government Training School, Malappuram, ended and ~~when~~ whether or not he was given an appointment by the Inspector of European and Training Schools. The Director is also requested to send copies of the opinion of the Government Solicitor referred to in his letter. ~~and of~~ ~~any~~ ~~other papers~~ ~~on the subject which~~ ~~on the subject he may have, in connection~~

N.A.G. ~~with~~.
19/2/6

B.I.
20/2/6

A.S.
20.2.06.

Desp & return file intact to L.R.
23/2/6

To the D.P.I.

Desp
23/2/6

K
Desp

882 CURRENT No. 775
4

Stock Form No. 135
3,700—17-6-05.

EDUCATIONAL DEPARTMENT.

LOCAL & MUNICIPAL SECRETARIAT. 10 MAY 1906

Received 10 MAY 1906 190 , Registered 10—5—1906

5

Subject.

Stating that the particulars regarding the period of training of Ambalam Kunji Ahmed called for in Government Memorandum No. 88 Edl. dated 23rd February 1906 will be submitted on receipt of certain information called for from the Inspector of European and Training Schools.

ENCLOSURES.	
No.	1
Spare copies	

Ref on Cur No. 5748/05

Station Madras, *Dated the* 8th May 1906.

From (Name) The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.

(Designation) Director of Public Instruction

To The Secretary to the Government of Madras,
Educational Department.

Sir,

With reference to Memorandum No. 88 Educational dated 23rd February 1906 calling for certain particulars regarding the period of training of Ambalam Kunji Ahmed I have the honour to state that the information has been called for from the Inspector of European and Training Schools and that it will be furnished as soon as his reply is received. He has already been reminded . A copy of the Government Solicitor's letter containing his opinion in the matter is submitted.

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

EWMiddlemast

For Director of Public Instruction.

81.
7-5-06

Copy of a letter No. 686 dated 27th July 1905 from
Sutherland Orr, Esquire Government Solicitor Madras
to the Director of Public Instruction.

I have the honour to acknowledge the receipt of your letter of the 21st instant No. 5748 of 1905 with its enclosure.

2. The only means by which you can recover the amount of your claim against Ambalam Junji Ahmed is by obtaining a decree and executing same against the separate personal property of the debtor.

3. Under the Provisions of the Civil Procedure Code his pay is exempt from attachment /as is stated by the Commandant of his regiment/ and under the provisions of the Indian Articles of War he is exempt from arrest for debt and his arms, clothes, equipment, accoutrement and necessaries cannot be seized in attachment.

/True Copy/

E W Middlemast
For Director of Public Instruction.

BL
7-5-06

Ed CURRENT No. 820 6

7

Stock Form No. 135
3,700—17-6-05.

EDUCATIONAL DEPARTMENT.

Received LOCAL & MUNICIPAL 17 MAY 1906 SECRETARIAT. 190 , Registered 17-5-1906

Subject.

Submitting particulars called for in Memo. No. 88, Educational, dated 23rd February 1906 regarding Ambalam Kunji Ahmed an ex-stipendiary student of the Government Training School, Malappuram.

Enclosures.
No.
Spare copies

Roc No. 5748/05

Station Madras , *Dated the* 15th May 1906.

From (Name) The Hon'ble Mr. A.G. BOURNE, D.Sc., F.R.S.,

(Designation) Director of Public Instruction.

To The Secretary to the Government of Madras,
Educational Department.

Sir,

With reference to Memorandum No. 88, Educational, dated 23rd February 1906 and in continuation of my letter R.C. No. 5748/05 of the 8th instant, I have the honour to furnish the following particulars re Ambalam Kunji Ahmed:-

1. Period of his training in the school ended on 10th January 1904.
2. He was given an appointment by the Inspecting officer on 17th August 1904.
3. He joined the appointment on 20th August 1904.
4. He resigned the appointment on 27th August 1904.

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

EWMiddlemast
For Director of Public Instruction.

14-5-06

K.P.D.

[E./2.]
480—20-7-04.

EDUCATIONAL DEPARTMENT.

C. No. 182 From the D.P.I. No. 5748, dated 10-2-1906.

SUBJECT.

Refund of a sum of Rs 97-0-5 drawn by Ambalam Kunji Ahmad, an ex-stipendiary Student of the Govt. Training School, Malappuram, who got enlisted in the army.

The Military authorities may now be addressed to call upon Ambalam Kunji Ahmad, an ex-stipendiary Student of the Government Training School, Malappuram who enlisted in the Army, to refund forthwith the sum of Rs. 97-0-5 drawn by him while under training. If he fail to refund the amount the military authorities may be requested either to pay it themselves or to put Kunji Ahmed ~~to put him~~ under stoppages of one-third of his pay until he shall have made good the amount, as they did in the case of Kathai Ayidroo, another ex-stipendiary Student of the same School – please see assistant adjutant General's letter no. 3357 dated 30th November 1905 in G.O. no. 804, Educational, dated 8th December 1905.

K

2. A draft is placed below for approval.

N.R.G.
16/2/06

R.H.
17/2/06

Sec

C.S.
17/2/06

These cases are getting very frequent – but this appears to have occurred before the issue of G.O. 632 Edl. d. 2nd Octr 05 – in which the G.O.C. was asked to put a stop to the practice of enlisting these men. The proper course is

L.

2

8

9

the of case appears to be to institute a suit

(1) | against the party. As a sepoy's pay exempt from attachment under order of a Civil Ct. [illegible]

(2) | will state when precisely the period of training ended & when the appointment as master was made and to send copies of the Govt. Orders.

Opinion & other papers ~~on the~~ subject

Sd/-
9.2.06.

Page 10 of the Act.

(1) Under proviso (i) to Section 266 of the Code of Civil Procedure, 1882, the pay and allowances of persons ~~of persons~~ to whom the Indian Articles of War apply are exempt from attachment ~~[illegible]~~ under orders of a Civil Court. The list of persons to whom the Indian Articles of War apply is given on page 10 of ~~the~~ that Act.

(2) A draft memorandum is submitted below for approval.

Sd/-

A.S.

20.2.06

N.S.R.
19/2/6

P.H.
20/2/6

As

Sd/-
21-2-06.

[Memo No. 88. Dy 23rd February, 1906]

From the D. P. I. No. 5748 Dy 8th May, 1906.

The D. P. I states that the information called for in the above memo, will be furnished as soon as he receives a reply from the Inspector of European and Training Schools.

The D. P. I's report may therefore be awaited.

TKer
10/5/06.

Ces
11.5.06

11/5/06

From the D. P. I. No. 5748 dt 15th May 1906.

From the Govt. Solicitor's letter no 686 dt 27th July 1905 on page 5 of current it is plain that if a suit is filed and a decree obtained against Ambalan Kunji Ahmad the decree can be executed only against ~~the~~ his separate personal property. He himself is exempt from arrest, his pay is exempt from attachment and his arms, clothes, equipment, accoutrements necessaries cannot be seized in attachment. He may have no separate personal property.

2. May action be taken as suggested in the Office note of the 17th February last on page 1 supra? The draft then submitted is in the file ~~with~~

18/5/6

Lee
Ces
18.5.06.

Show please Army Regns Art. 384 Vol I Part-II

21/5

Please see page 85 of Army Regulations, Vol. I, Part II of the 1893 Edition. This corresponds to article 969 A on page 178 Army Regulations Vol. I of the 1905 Edition.

22/5/6

Lee
Ces
22.5.06.

sec. 266 Civil P.C. protects pay & allowances & there is nothing to be done apparently beyond addressing the Mil.y Authorities as proposed in the draft & as was done in the case

L, dealt with in P.o. of 2-10-05 No. 658-2 Ed.

The Military authorities said in the previous case that they had put the man under stoppages as per Art. 354 Army Reg.ns India, Vol I, Part II. Neither that Article nor the corresponding Articles 969-969 A of the Reg.ns of 1905 seem to allow of such stoppages but that is a matter for the Military.

AES
23/5

H M

I doubt very much whether the recovery can be made from a soldier However we can try

24/5

Issue
CVS
25.5.06

I meant the draft to go to H.M. I suppose it did

Ar
26/5

submitted yes.

PJ
26/5/11

Votes:- H.M. was in agreement with Sec's views
Ans 26/5

Should have been shown to me on return from circuit

26/5

NOTE FOR THE

[E. & L. / 60.]
3,000—1-11-05.

11 12

[E./12.] 4

1,098—14-6-05.

EDUCATIONAL DEPARTMENT.

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

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

READ ALSO:—

C. No. 182, From the D.P.I., No. 5748, dated 10-2-1906

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

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

ORDER No. 368, dated 26-5-1906.

mis

The Lieutenant General Commanding the 9th (Secunderabad) Division will be addressed.

1409
12-2-06

AH
23/5

No9
16/2/06

7/2/6

~~To the D.P.I.~~

Desp
25/5/6

G.O. no. 804 Edl dt 8-12-05. K

Letter 369 d/ 26-5-06

To the Assistant Adjutant General
9th (Secunderabad) Division.

Sir,

With reference to the correspondence ending with your letter no. B. 3537 dated 30th November 1905, I am directed to address the Lieutenant General Commanding the 9th (Secunderabad) Division on the subject of the refund of the sum of Rs. 97-0-5 due from Ambalam Kunji Ahmad, and the ex-stipendiary Student of the Government Training School, Malappuram.

2. After the period of his training was over on 10th January 1904 Kunji Ahmad ~~in 1903 he~~ was given an appointment by the Inspector of European and Training Schools on 17th August 1904, but he resigned it on the 27th idem and not long after enlisted in the 78th Moplah Rifles, ~~St. Thomas Mount,~~ without fulfilling his obligations to Government. Under the terms of his agreement he has rendered himself liable to refund to Govt. the sum of Rs 97-0-5. The Commandant, 78th Moplah Rifles, who was requested by the D.P.I. to recover the amount due has declined to take any action in the matter. I am therefore to request that Ambalam Kunji Ahmad may be called upon to refund forthwith the sum of Rs. 97-0-5 due from him on account of his training and, if he fails to do so, either that the Military ~~Department~~ authorities ~~authorities~~ will be pleased to adjust ~~from~~ the amount from the funds at its disposal or that the amount may be recovered from the recruit as was done in the case of Kathai Ayidroo, the ex-Stipendiary

Student of the Government Training School at Malappuram referred to in the correspondence quoted in paragraph 1 supra.

16/5/6

17/5/6

17/5/6

23/5

Desp'd 26/5/6

iven for copying ______ }
opied ______ } 190 .
xamined ______ }
signed ______ }

IN G.O , No. , DATED 190 .							
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