M.R.O. 1—77,005—8-6-37.

(1) Number of pages 16

(2) Date of repair

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 607 Press / Mis.

65-66

Dated 22-2-1869.

8/8

65-66

Not to be folded or roughly handled

Proceedings of ~~the~~ Madras Government, Pension Department,

~~6th February~~ 1869.

Read the following letter from the Principal Sudder Ameen of Salem, to the Accountant General, Madras ; dated Salem, 18th December 1867, No. 139.

Under the Notification published in the *Fort Saint George Gazette* of the 19th October 1866, at page 572, I have the honor to submit, in the prescribed form, an application for a superannuation pension from the late Criminal Record-keeper of this Court, B. Sabapathy Moodelly, who has been declared unfit for further active service by the medical certificate, Exhibit I., and to recommend that a pension, equal to one-third the average salary of the applicant for the last five years, be granted him in consideration of his services as set forth in the Register, and verified by the records of this Court, and by the Takeeds issued by the Collector of Salem in the applicant's possession.

2. The applicant had, it would appear from the Exhibit II., put in his application for pension on the 5th August 1863, to take effect from the 1st September 1863, but the Medical Officer certifying that the applicant was fit for active employment, the late Principal Sudder Ameen, Mr. Dawes, passed an order declining to reinstate him, and observing that he will be prepared to recommend him for pension on the applicant producing a medical certificate of his physical incompetency. From this order the applicant appealed both to the Civil and High Courts praying for restoration to his office, but without effect. Though the applicant now claims his pension from the date on which he ceased to do duty, (1st September 1863,) I consider that he is only entitled to it from the date of the medical certificate, (9th November 1867,) and leave the matter for the consideration of Government.

3. Provision to meet this charge has been made in this Court's budget estimate.

4. The application, presented by B. Sabapathy Moodelly on the 11th November 1867, being found incorrect, he was called upon to put in an amended one, which having been done on the 7th instant, the Register has been prepared and submitted. This explanation will, I trust, be deemed satisfactory for the delay occasioned subsequent to the date of the medical certificate.

Register of an application for Superanuation Pension under Pension Rules published under date 3rd May 1864, from the Establishment of the Principal Sudder Ameen's Court of Salem.

1	Full name of pensioner	Bawani Sabapathy Moodelly.		
2	Sect or caste	Siva sect, Tondamundala Vellala caste.		
3	Residence	Salem District.		
4	Present post	Criminal Record-keeper of Principal Sudder Ameen's Court at Salem.		
5	Date of comencement of service	28th October 1834.		
6	Date of retirement from service	1st September 1863.		
7	Abstract of the grounds of application	Inability to serve longer; old and infirm.		
			Yrs.	Ms. Ds.
8	How long unemployed, and under what circumstance :—			
	Resigned the service 13th to 15th April		0	0 3
9	Total of service before 22 years of age		0	0 0
10	Total of service not in Pension grades		4	2 28
11	Total of leave other than privilege and preparatory leave		1	6 8
	Grand Total		5	9 6
12	Total period in Pension grades counted as service		23	0 28
13*	Age of the applicant at the time of this application		60	1 10
			Feet.	Inches.
14	Height		5	4
15	Descriptive marks :—Bamboo color; two moles near the right temple, one mole on the right side of the chest; two moles on the right side above the belly; and one scar on the left knee.			
			Rs.	A. P.
16	Average salary of past five years		28	8 0
17	Proposed amount of pension		9	8 0
18	Date from which to commence	9th November 1867.		
19	Place of payment	Treasury of the Salem Collectorate.		

* I do hereby certify that, to the best of my belief, the applicant's age above stated is correct.

(Signed) C. LUKSHMAIYA NAIDOO,
Principal Sudder Ameen

(Signed) V. SHUNMOOGUM,
Acting Sheristadar,

Statement of Total Period of Service.

Establishment.	Post.	Pay. RS.	A.	P.	Period. From.	To	Yrs.	Ms.	Ds.	Accountant General, or Controller of Military Accounts' Remarks.
District Moonsiff's Court at Bawani.	2nd Goomastah.	10	0	0	28th Oct. 1834.	27th Dec. 1838.	4	2	0	Need not be verified.
Do. at Amnapett.	Do. ...	10	0	0	28th Dec. 1838.	24th Jan. 1839.	0	0	28	
Zillah Court at Salem.	Do. ...	14	0	0	25th Jan. 1839.	7th Jan. 1842.	2	11	14	
Do.	Do. ...	17	8	0	8th Jan. 1842.	12th Sep. 1842.	0	8	6	
Do.	Do. ...	21	0	0	13th Sep. 1842.	15th Sep 1843.	1	0	3	
Subordinate Court at Salem.	2nd Goomastah.	17	8	0	16th Sep. 1843.	25th Oct. 1844.	1	1	10	
Do.	Head Goomastah.	24	8	0	26th Oct. 1844.	23rd Dec. 1844.	0	1	29	
Do.	Javabneviss.....	28	0	0	24th Dec. 1844.	20th Nov. 1848.	3	10	28	
Salem Collector's office	Ag. Do. ...	70	0	0	21st Nov. 1848.	14th Feb. 1849.	0	2	24	
Do.	Do. ...	70	0	0	15th Feb. 1849.	12th Apl. 1849.	0	1	26	
Subordinate Court, Salem	Do. ...	28	0	0	16th Apl. 1849.	11th Dec. 1849.	0	7	26	Verified. Pay drawn up to 31st August 1863 only. (Sd.) W. DONALD, *Exr. of Claims.*
Do.	Acting Criminal Record-keeper..	30	0	0	12th Dec. 1849.	14th Feb. 1850.	0	2	4	
Do.	Javabneviss.....	28	0	0	15th Feb. 1850.	22nd Jan. 1856.	5	11	6	
Do.	Ag. Sheristadar.	90	0	0	23rd Jan. 1856.	15th May 1856.	0	3	24	
Do.	Sheristadar.....	90	0	0	16th May 1856.	1st Sep. 1856.	0	3	17	
Do.	Javabneviss. ...	28	0	0	2nd Sept. 1856.	31st Mar. 1862.	5	6	29	
Principal Sudder Ameen's Court, Salem	Crminal Record keeper.....	30	0	0	1st Apl. 1862.	23rd Apl. 1863.	1	0	23	
Do.	Acting Civil Record-keeper..	35	0	0	24th Apl. 1863.	31st Aug. 1863.	0	4	7	
						Total.....	28	10	4	
							YRS.	MS.	DS.	
						Deduct service before 22 years of age..... ...	0	0	0	
						Deduct service not in Pension grades...	4	2	28	
						Deduct leave.....	1	6	8	
							5	9	6	
						Net period of Service.....	23	0	28	

Explanation of Column 8, with quotations of orders of reinstatement.	*Explanation of any degradation.*
Was for three days unemployed after he resigned the office of Javabneviss on the Collector's Establishment.	Was, it appears, transferred to the Subordinate Court, on a salary of Rupees 17-8-0, when organizing the Judicial Establishment in 1843. Resigned the office of Javabneviss on the Collector's Establishment. Reverted to the office of Javabneviss on the restoration of Vencatramiah to Sheristadarship under orders from the Sudder Udalut, 18th August 1856.

Detail of leave on half-pay and full stoppage of pay.

From	To	Yrs.	Ms.	Ds.
1st Nov. 1860.	15th Nov. 1860, half-pay.	0	0	15
8th June 1861.	7th July 1861, full pay.	0	1	0
15th Aug. 1861.	14th Nov. 1861, full pay.	0	3	0
15th Nov. 1861.	14th Feb. 1862, full pay.	0	3	0
15th Feb. 1862.	9th April 1862, full pay.	0	1	23
1st July 1862.	31st Dec. 1862, full pay.	0	6	0
1st Jan. 1863.	31st Mar. 1863, full pay.	0	3	0
	Total of leave...	1	6	8

Remarks by the Head of the Office on past character and conduct of the applicant throughout the service.

I cannot personally testify to the character of the applicant as he did no duty under me. All that I can say of him is, that he appears from the Testimonials he possesses to have conducted himself to the satisfaction of his employers.

SALEM,
18*th December* 1867.

(Signed) C. LUKSHMAIYA NAIDOO,
Principal Sudder Ameen.

No. 991.

REPORT OF THE EXAMINER OF CLAIMS.

Service qualifying for pension is proved for a total period of..... YRS. 23 MS. 0 DS. 28

In the last five years of his service the average pay of the applicant's permanent post was..... RS. 28 A. 3 P. 10

Applicant would have been eligible to a pension of Rupees 9-4-0 per mensem, equal to one-third of his average salary during the last five years, under Clause 11 of Section 6 of the Revised Pension Rules, had he been able to produce the required medical certificate at the time of his removal from Government employ, but the Medical Officer could not give this.

The applicant's salary for a period of years 1-5-23, viz., from 8th June 1861, to 7th July 1861, from 15th August 1861, to 9th April 1862, and from 1st July 1862, to 31st March 1863, during which he was absent with loss of full pay, has been excluded from the calculation of his average salary for the last five years under the Order of Government of India, dated 21st July 1866, No. 1476, Financial Department. The average of salary which has, however, been calculated in the manner directed in the Proceedings of Madras Government, dated 19th February 1868, No. 45, Pension Department, is Rupees 28-3-10, and not Rupees 28-8-0 as given by the Collector in item 16 of the Register.

As the applicant held only the acting appointment from 24th April to 31st August 1863, his permanent salary of Rupees 30, appertaining to the post of Criminal Record-keeper, has been calculated.

The case is submitted for the orders of Government.

FORT SAINT GEORGE,
ACCOUNTANT GENERAL'S OFFCE,
18*th September* 1868.

(Signed) W. DONALD,
Examiner of Claims.

To the Chief Secretary to Government, Fort Saint George.

RETURN of a man of the Judicial Department, Salem, considered unfit for further service.

No.	Rank.	Name.	Present Age.	Disease or medical reason for considering the man unfit.	Summary or period of previous treatment, or opinion as to benefit to be derived from further treatment.
5	Late Criminal Record-keeper, Principal Sudder Ameen's Court.	Sabapathy Moodelliar.	60	This Government servant is upwards of sixty years of age, and twenty-eight year, eleven months, and six days of service. He is old and infirm. I, therefore, granted him the following certificate :— I do hereby certify that Sabapathy Moodelliar, Criminal Record-keeper at the Principal Sudder Ameen's Court, Salem, is incapacitated by old age, and infirmities consequent thereon, from further performance of his duties contracted on general service, not the result of intemperance, or other irregular habits. Is unfit for further service.	Has not been under medical treatment, and I am of opinion that no benefit would be derived from further treatment.

SALEM,
9*th November* 1867.

(Signed) H. C. MAYER,
Acting Zillah Surgeon.
(Signed) R. W. MANIKUM,
Native Surgeon,
Civil Dispensary.

ORDER.

With reference to Criminal Record-keeper Sabapathy Moodelliar's application for pension, the Principal Sudder Ameen observes that it is unsupported by the prescribed medical certificate. His application cannot, therefore, be submitted to Government; and adverting to his own admitted incapacity for further service in the Court, the arrangements already made for supplying his place cannot be disturbed.

2. Upon Sabapathy Moodelliar's submitting a medical certificate of physical incompetency, the Principal Sudder Ameen will be prepared to recommend him to Government for the usual pension.

31*st August* 1863.

(Signed) S. R. DAWES,
Principal Sudder Ameen.

(True Copy.)

(Signed) C. LUKSHMAIYA NAIDOO,
Principal Sudder Ameen.

Copies of Testimonials of B. Sapabathy Moodelly.

No. I.

Sabapathy Moodelly was a diligent and painstaking public servant during the time when he was employed under my superintendence.

(Signed) W. A. NEAVE,
Judge.

No. II.

In taking leave of the Subordinate Court of Salem, after presiding over it for fourteen months, the Acting Subordinate Judge puts on record his opinion of some of the servants attached thereto.

The Criminal Javabneviss, (B. Sabapathy Moodelly,) lately 1st Goomastah, is a clever and improving servant, the only Goomastah indeed who can retain in his head, for a single moment, what he has just before been reading to the Court either in a Civil or Criminal matter.

(Signed) E. STORY,
Acting Subordinate Judge.

No. III.

Extract from the Remarks in the Annual Statement submitted to the Sudder Udalut.

The Criminal Javabneviss Sabapathy Moodelly is a man of superior talent, and is well versed also in the transaction of Civil business.

(Signed) H. FRERE,
Subordinate Judge.

14*th March* 1845.

(True Extract).

(Signed) R. J. SULLIVAN,
Acting Subordinate Judge.

No. IV.

Extract from the Remarks in the Annual Statement submitted to the Sudder Udalut.

The Criminal Javabneviss Sabapathy Moodelly is a man of superior talent, besides being well versed in the transaction of Civil business.

(Signed) H. FRERE,
Subordinate Judge.

28*th February* 1846.

(True Extract).

(Signed) R. J. SULLIVAN,
Acting Subordinate Judge.

No. V.

Sabapathy Moodelly served as criminal Javabneviss of the Subordinate Court for the five years that I have presided in that Court. He is a man of great talent and capacity for the despatch of business, and I consider him a very valuable public servant.

SALEM,
5*th December* 1849.

(Signed) H. FRERE,
Subordinate Judge.

No. VI.

Sub-Court Diary, dated 8th February 1853.

Sabapathy Moodelly, the Head Criminal Javabneviss, is thoroughly acquainted with his duties, and it would be difficult to find a person in either the Sub or Session Court to adequately supply his place; he requires, however, some supervision; he is a man of considerable talent, would make a good District Moonsiff (being a good judge of evidence and well versed in the Regulations) to which post the Subordinate Judge hopes he will eventually be promoted.

(Signed) R. R. COTTON,
Subordinate Judge.

(True Extract.)

(Signed) W. HODGSON,
Acting Subordinate Judge.

No. VII.

Sabapathy Moodelly has served under me in the capacity of Criminal Jevabneviss, and latterly in that of Acting Sheristadar, in both of which situations he has given me reason to entertain a very high opinion of his talents, although he has only held the office of Acting Sheristadar for about four months, owing to the incompetency of the late Sheristadar, he has transacted the chief duties of that office for a much longer period, and the trial I have now had of him is sufficient to enable me to judge of his capability, and therefore confirm him.

(Signed) R. C. LEWIN,
Acting Subordinate Judge.

16*th May* 1856.

(True Copies).
(Signed) C. LUKSHMAIYA NAIDOO,
Principal Sudder Ameen.

Order, 27th November 1868, *No.* 406.

Before entering into the merits of this case, the Government resolve to call on Mr. Dawes, late Principal Sudder Ameen of Salem for explanation of the circumstances under which he issued the order sent up with this case. The copy of the order will be sent to Mr. Dawes, who will return it with his reply.

2. It appears that Sabapathy Moodelly, Record-keeper in the Salem Principal Sudder Ameen's Court, applied for pension in August 1863, but as it would seem failed in obtaining a certificate of incapacity. Mr. Dawes removed him from his post, and told him he would recommend him for pension when he obtained a certificate.

3. The Pension Rules then in force were clear in requiring a medical certificate to be obtained "on the retirement" of a Government servant (as are also the existing rules) ; but Mr. Dawes appears to have disregarded this wholly, and thus to have perilled the pension of an old man of fifty-six years of age, and twenty-eight years of service.

4. The Government request that Mr. Dawes will submit an explanation of his action in the matter.

(True Extract).
(Signed) C. G. WALKER,
Under Secy. to Govt.

To Mr. R. S. Dawes, with the copy of the order above referred.

From Mr. S. R. DAWES, late Principal Sudder Ameen of Salem, to the Under Secretary to Government, Fort Saint George; dated Masulipatam, 16th December 1868.

I have the honor to acknowledge the receipt of the Proceedings of Government, in the Pension Department, under date the 27th ultimo, No. 406, calling upon me to explain the circumstances under which I passed an order, dated the 31st August 1863, with reference to the application for pension of M. Sabapathy Moodelly, late Criminal Record-keeper in the Principal Sudder Ameen's Court at Salem.

2. I beg to state that, on the 4th August 1863, Sabapathy Moodelly tendered his resignation of office on the ground of physical incapacity, and applied at the same time to be recommended for a pension. Finding him physically disqualified myself, I accepted his resignation, and made arrangements for filling up his place.

3. The Zillah Surgeon subsequently refused to grant him a medical certificate, and Sabapathy Moodelly, therefore, applied to be reinstated ; but as he evidently was unfit for the performance of his duties, and felt sensible of such unfitness himself as previously acknowledged before me, I was precluded from acceding to his request for reinstatement. From the moment he declared his inability to discharge his duties, he of course became irresponsible, and I should not have been justified in employing him in a position involving even the slightest degree of responsibility and trust. Neither did I think I could trouble Government with his case, as, under the Pension Rules then in force, a medical certificate was necessary to support an application for pension; and I accordingly intimated to Sabapathy Moodelly, in paragraph 2 of my order in question, that on his submitting a certificate, I would be prepared to recommend him for a pension.

4. I did not see that any other measure could have been taken by me, responsible as I was, for the efficiency of the Court; and I would take leave further to state that Sabapathy Moodelly unsuccessfully appealed against my order to the Civil Court, as well as to the High Court.

5. I would also submit, for the consideration of Government, whether the course I followed was not in accordance with the spirit of the later order of Government in the Revenue Department under date the 8th June 1865, No. 1236, wherein it is held that the refusal of a Medical Officer to grant a Taluq Sheristadar a certificate of physical incapacity could not be admitted as a sufficient reason for the retention in office of an individual acknowledged by the Collector to be worn out. In Sabapathy Moodelly's case, it will be observed, that, in addition to my own opinion of his incompetency, he avowed the fact himself. There seemed to me, therefore, no opening for any reference to Government, unless to obtain for him a gratuity, which, however, he did not himself apply for, or desire.

6. I trust that, under the explanation now afforded, the Government will be satisfied that my action in the matter was influenced by the desire to promote the interests of the Court, and that, under the circumstances, I could not have acted otherwise.

7. I beg to be excused for this tardy reply to the Proceedings of Government; the delay has been owing to my having no records here to refer to, and to my having been obliged to write to Salem for information.

Order thereon, 6th February 1869, No. 53.

Bawani Sabapathy Moodelly, late Criminal Record-keeper of the Principal Sudder Ameen's Court at Salem, submitted his application for a pension on the 5th August 1863, with a view to the grant having effect from the 1st September of that year. The Principal Sudder Ameen (Mr. Dawes) passed an order on the application, and observed that "it was unsupported by the prescribed medical certificate," and that it could not, therefore, be submitted to Government; and adverting to the applicant's admitted incapacity for further service, he was informed "that the arrangements already made for supplying his place could not be disturbed."

2. Sabapathy appealed against this order to the Civil and High Courts, but without effect.

3. The present Principal Sudder Ameen, (C. Lukshmaiya Naidoo,) in submitting the usual Register of an application for pension states, that although Sabapathy claims his pension from the date on which he ceased to do duty, (1st September 1863,) he considers him to be only entitled to it from the date (9th March 1867) of the medical certificate.

4. The Examiner of Claims reports that Sabapathy would have been eligible to a pension of Rupees 9-4-0 per mensem, being equal to one-third of his average salary, had he been able to produce the required medical certificate at the time of his retirement from Government employ.

5. At the time Sabapathy presented his application for pension he was fifty-six years of age, and had served in grades entitling him to a pension for a period of twenty-three years and twenty-eight days. If he was a Gazetted Officer he would have been allowed to retire at the age of fifty-five as superannuated.

6. Mr. Dawes, the late Principal Sudder Ameen of Salem, having been called upon for explanation of his order passed on Sabapathy Moodelly's application for pension, replies in his letter of the 18th December last. The Government do not consider Mr. Dawes' explanation to be satisfactory: they do not doubt that Mr. Dawes was influenced, in the first instance, by a desire to maintain the efficiency of his Court Establishment; but the claims of a public servant who had served for three and twenty years in grades qualifying for pension, and who was at the time apparently physically incapacitated for further duty, should not have been disposed of in the summary manner adopted by the late Principal Sudder Ameen. It was his clear duty, as prescribed in the Pension Rules, when Sabapathy Moodelly presented his application for pension, to have sent him to the Medical Officer at the station, and to have obtained from that Officer a certificate of the applicant's disqualification for further service, and until such certificate was obtained, no arrangements should have been made for filling up the Record-keeper's place.

7. If, on Mr. Dawes' requisition, the Medical Officer was unable to grant the certificate, and Mr. Dawes was dissatisfied with the manner in which the Record-keeper performed his duty, the case, having in view Bawani Sabapathy's long service, should have formed the subject of a special report to Government.

8. It would be an undue hardship that the applicant should, after the long delay which has already occurred, suffer for the non-observance of the Pension Rules on the part of the late Principal Sudder Ameen. His Excellency the Governor in Council resolves, therefore, to sanction, subject to the confirmation of the Government of India, the grant to Bawani Sabapathy Moodelly of a pension of Rupees (9-4-0) nine and Annas four per mensem, equal to one-third of his average salary, with effect from the 9th November 1867.

(True Extract.)

Ag. Under Secy. to Govt.

To the Principal Sudder Ameen, Salem.
To Mr. S. R. Dawes.
To the Accountant General.
,, Financial Department.

Exd. J. Wright.

Financial Department.

No. 107.

To

The Secretary to the Government
of India.

Financial Department.

Sir,

I am directed to transmit, for the confirmation of the Government of India, copy of the Proceedings of this Government in the Pension Department relative to the grant of a pension of Rupees 9-4 per mensem to Bawani Sabapathy Moodelly late Criminal Record-Keeper of the Principal Sudder Ameen's Court of Salem.

2. I am to state that the Proceedings contain a full account of the reasons which induced this Government to sanction the pension.

I

dy 8th February 1869
No. 53.

Read 22nd Feby 1869
Govt. of India
Fin. Dept.
PENSION.

To

THE PRINCIPAL SUDDER AMEEN,
&c., &c., &c.

Dated February, 6th.
Read, — " — 16 Encl.

G. O., 6th February 1869, No. 53.

FEBUARY.

Granting a pension of Rupees 9-4-0 to B. Sabapathy Moodelly, late Criminal Record-keeper of the Principal Sudder Ameen's Court of Salem.

It will be seen that owing to the non observance of the Pension Rules on the part of the late Principal Sudder Ameen, D. Sabapathy Moodelly was removed for his appointment in August 1863, and that a Medical Certificate was not obtained until the 9th November 1867.

Fort St George
22 Feby 1869.

Dept. 1869. Department

No. 107

To

The Secretary to the

Government of

Department.

Dated 22nd July - 1869.

1869.

Financial DEPARTMENT.

From

The Chief Secretary to Government,
Fort Saint George.

To

The Secretary to the Govt. of India,
Financial Department.

Dated Febry 22. 1869.
Recd.

No. 107.
Enclosure.

Fin. Dept. 15th April 69
65. 66.

Transmitting for the confirmation of the Govt. of India Pros. of this Govt. relative to the grant of a pension of Rs. 9. 4. " per mensem to B. Sabapathy Moodelly late Criminal Record-Keeper in the Principal Sudr Ameen's Court of Salem.