M.R.O. 1—77,005—8-6-31.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Financial **DEPARTMENT.**

G.O. No. 688	Press / Mis.
229-230 A.	
Dated 24-4- 1874.	

12/13

Not to be folded or roughly handled

No. 229. Read the following letter from F. H. WOODROFFE, Esq., Acting District and Session Judge of Madura, to the Hon. D. F. CARMICHAEL, Acting Chief Secretary to Government, Fort St. George, dated Madura, 9th April 1874, No. 135 :—

Enclosing a representation to the Government of India on the subject of G. O., dated 17th ultimo, No. 449, I do myself the honour to solicit its transmission accordingly.

From F. H. WOODROFFE, Esq., Acting District and Session Judge, Madura, to R. B. CHAPMAN, Esq., Secretary to the Government of India, Financial Department, dated Madura, 9th April 1874, No. 134.

I do myself the honour to request that you will submit the following matter for the favourable consideration of His Excellency the Governor-General in Council.

2. On the 3rd ultimo I addressed the following representation to the Chief Secretary to the Madras Government :—

"I do myself the honour to request you will represent the following matter for the favourable consideration of Government.

"In obedience to the orders of Government I made over charge of the District Court of Cuddapah to Mr. Sharp on the 13th ultimo and proceeded to join at Madura. As Mr. Davidson, the permanent incumbent, resumed charge of the Court on the 16th idem I addressed the following letter to the Accountant-General on the 17th idem : 'I request the favour of a decision as to the effect in my case of Section 7 (*b*) 3, Chapter VIII., of the Civil Leave Code. I was Acting Judge of Cuddapah and having been transferred in a similar capacity to Madura made over charge at Cuddapah to Mr. Sharp. Mr. Davidson, the permanent incumbent, on return from leave resumed charge from Mr. Sharp on the 16th instant, and this might, under the terms of the section quoted, deprive me perhaps of the higher rate of acting allowance during transit. But Mr. Davidson having been appointed to Ganjam before return to India, and having received orders at Bombay, was, I submit, not entitled to take charge at Cuddapah *en route*, and my title to the continuance of the higher allowance should not, therefore, be vitiated.'

"The Deputy Accountant-General's reply, dated 19th February 1874, No. 9865, was as follows : 'The undersigned has the honour to state that a special order has just been received from Government directing this office to recognize Mr. Davidson's assumption of his substantive appointment at Cuddapah and his transfer thence to Ganjam. Under these circumstances your lien on the appointment of District Judge of Cuddapah has ceased and you fall back during transit on the pay of your substantive appointment.' Whilst I still respectfully entertain the doubt that induced the attempt to secure my position by writing to the Accountant-General I would not be understood as demurring at present to the order Government has thought fit to pass in Mr. Davidson's favour. I now solicit modification of the Accountant-General's ruling on the ground that its effect is not that really contemplated by the section quoted except as regards the one day (the 16th idem) during which Mr. Davidson held charge. I would suggest (as result of my mature consideration) that the real and just intent of the section must be that an officer otherwise entitled to acting allowance becomes disentitled thereto, not by bare resumption (as was Mr. Davidson's), I would submit, but by consequent pendency of charge by the officer having superior lien and during such only, and that so I (just as did Mr. Sharp) became disentitled to acting allowance for the 16th idem, and that day only. I may, however, be permitted to add, by way of appeal to the liberality of Government, that their recognition of Mr. Davidson's assumption, which was purely formal and to enable him to draw higher pay in transit, may be regarded as precedent for a supplemental order to the same effect in my case, which is rendered harder by the fact that Mr. Hutchins is not likely to give me over charge till the 15th instant and so I should be without acting allowance for almost a month."

3. The local Government was pleased to pass the following order, dated 17th of March, No. 449, on my letter:—

"The Government have carefully considered this case and have also consulted the Accountant-General and they are constrained to decide that the claim is inadmissible."

4. I have no fresh matter to represent, but I would invite special attention to the following points as affording ground for asking revision of the local Government's order: The first is that Mr. Davidson's joining at Cuddapah not being in order, as I would submit, and I having given over charge there and proceeded to join here in perfect order, the local Government's recognition of his act to my substantial detriment was not appropriate. The second point is that, even should Mr. Davidson's joining be admitted, it is a reasonable construction of Rule No. 3 of the Civil Leave Code that such act would not operate to take away altogether my claim to the higher allowance; his joining was, as I have submitted in the foregoing letter, "purely formal and to enable him to draw higher pay in transit." That formal tenure ended, my right to the higher allowance revived just as did that of Mr. Sharp, who, I understand, resumed charge without any fresh order from Government.

No. 230. ORDER THEREON, 24th April 1874, No. 687.

Ordered to be submitted accordingly.

(Signed) D. F. CARMICHAEL,
Acting Chief Secretary.

No. 230-A. To the Secretary to the Government of India, Financial Department, dated Ootacamund, 24th April 1874, No. 688.

I am directed to submit the accompanying letter from Mr. Woodroffe, C. S., appealing against the orders of the Governor in Council in the matter of his allowances.

2. The case is this: Mr. Woodroffe, holding the substantive post of Judge of the Court of Small Causes, Madura, was appointed to act as District Judge of Cuddapah during the absence of Mr. Davidson, the permanent incumbent, on six months' leave to England.

3. On the 3rd February, Mr. Davidson, who was still absent from India, was appointed to act as Agent to the Governor in Ganjam; and in the same Gazette, Mr. Woodroffe, *at his own request*, was transferred as Acting District Judge from Cuddapah to the more salubrious station of Madura. He gave over charge of the Cuddapah Court to the newly-appointed *locum tenens*, Mr. Sharp, on the 13th idem and proceeded to Madura.

4. Meanwhile, on the 12th idem, Mr. Davidson landed at Bombay, and, with the approval of Government, resumed on 16th idem temporary charge of the Cuddapah Court, on his way to Ganjam, from Mr. Sharp. Had this sanction not been accorded, Mr. Davidson would have been seriously out of pocket by drawing half pay only while on his long journey from Bombay to the remotest station in this Presidency. As it was, he was secured the full pay of the Cuddapah Judgeship and his travelling allowances to Ganjam. This it appeared to the Governor in Council to be no more than was due to him under the circumstances, as he was posted to Ganjam without any reference to his own wishes in the matter.

5. Mr. Woodroffe, on the other hand, was by consequence restricted to the pay of his substantive appointment during his transit from the Acting Judgeship of Cuddapah to the Acting Judgeship of Madura; but the change was made, as already observed, at his own request—an important point, but not noticed by him in his appeal—and the question as to which of the two officers should be the loser did not appear to His Excellency in Council to admit of a doubt.

(Signed) D. F. CARMICHAEL,
Acting Chief Secretary.

Exd. A. S. Rodgers.

1874.
FINANCIAL DEPARTMENT.

From
The Acting Chief Secretary to Govt,
Fort St. George,

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

Dated 24th April 1874.

Read.

No. 688.

Enclosure.

APRIL
Nos. 229—230-A.

Mr. F. H. Woodroffe, C. S.—His appeal against the orders of the Madras Government in the matter of his transit allowance from Cuddapah to Madura, forwarded with a statement of the case.

No 134
1874.

Madura District & Session Court
9th April 1874

From,

F. H. Woodroffe Esquire
Actg District & Session Judge
Madura.

To,

R. B. Chapman Esquire
Secretary to Government of India
Financial Department

Sir,

I do myself the honor to request that you will submit the following matter for the favorable consideration of His Excellency the Governor General in Council.

2. On the 3rd ultimo I addressed the following representation to the Chief Secretary to the Madras Government - "I do myself the honor to request you will represent the following matter for the favorable consideration of Government -

"In obedience to the orders of Government I made over charge of the District Court of Cuddapah to Mr. Sharp on the 13th ultimo and proceeded to join at Madura - As Mr. Davidson the permanent incumbent resumed charge of the Court on the 16th Idem I addressed the following letter to the Accountant General on the 17th Idem" - "I request the favor of a decision as to the effect in my case of Section 7 (b) 3 Chapter

Chapter VIII of Civil Leave Code - I was Ag
Judge of Cuddapah and having been trans-
-ferred in a similar Capacity to Madura
made over charge at Cuddapah to Mr. Sharp.
Mr. Davidson the permanent incumbent
on return from leave resumed charge from
Mr. Sharp on the 16th Instant and this might
under the terms of the Section quoted deprive
me perhaps of the higher rate of acting
allowance during transit. But Mr. Davidson
having been appointed to Ganjam before
return to India and having received orders
at Bombay were I submit not entitled to
take charge at Cuddapah en route and my
title to the continuance of the higher allow-
-ance should not therefore be vitiated."

"The Deputy Accomtant General's
reply dated 19th February 1874 No 9865 was
as follows". "The undersigned has the
honor to state, that a Special order has
just been received from Government, direct-
-ing this office to recognize Mr. Davidson's
assumption of his substantive appointment
at Cuddapah, and his transfer thence to
Ganjam - Under these circumstances your
claim on the appointment of District Judge
of Cuddapah has ceased, and you fall back
during transit on the pay of your substan-
-tive appointment". "Whilst I still respectfully
entertain the doubt that — in deed the at-
-tempt to secure my position by writing
to the Accomtant General I would not be
understood as demurring at present to the
order, Government has thought fit to pass
in Mr. Davidson's favour - I now solicit mo-
-dification of the Accomtant General's ruling,
on the ground that its effect is not that
really contemplated by the Section quoted
except as regards the one day (the 16th Inst)
during which Mr. Davidson held charge - I
would suggest (as result of my mature
consideration) that the real and just in-
-tent of the Section must be that an officer
otherwise entitled to acting allowance
becomes disentitled thereto not by bare
resumption (as was Mr. Davidson's) I would
submit, but by consequent pendency of
charge by the officer having superior lien
and during such only and that so I (just as
did Mr. Sharp) became disentitled to acting
allowance for the 16th Inst and that day only -
I may however be permitted to add by way
of appeal to the liberality of Government
that

that their recognition of Mr Davidson's assumption, which was purely formal and to enable him to draw higher pay in transit, may be regarded as precedent for a supplemental order to the same effect in my case which is rendered harder by the fact that Mr Hutchins is not likely to give me over charge till the 15th instant and so I should be without acting allowance for almost a month".

3- The local Government was pleased to pass the following order dated 17th of March 1849 on my letter.

"The Government have carefully consi-dered this Case, and have also consulted the Accountant General and they are constrained to decide that the claim is inadmissible".

4- I have no fresh matter to represent but I would invite special attention to the following points as affording ground for asking revision of the local Governments order. The first is that Mr Davidson's joining at Cuddapah not being in order, as I would submit, and I having given over charge there and proceeded to join here in perfect order, the local Government's recognition of his act to my substantial detriment was not appropriate.

The second point is that even should Mr Davidson's joining be admitted it is a reasonable construction of rule No 3 of Civil Leave Code that such act would not operate to take away altogether my claim to the higher allowance. His joining was, as I have submitted in the foregoing letter, "purely formal and to enable him to draw higher pay in transit". That formal tenure ended, my right to the higher allowance revived just as did that of Mr Sharp who I understand resumed charge without any fresh order from Government.

I have the honor to be
Sir
Your most obedient Servant.

T T Wardrop

Asst District & Session Judge

Mr. [illegible]
Dist

Copied by
Augustus Prideaux

2

No 135
1874

Madura District & Session Court
9th April 1874

From

T. T. Woodroffe Esquire
Ag District & Session Judge of
Madura

To

D. T. Carmichael Esquire
Ag Chief Secretary to Government
Fort Saint George

Sir

Enclosing a representation
to the Government [illegible]
subject of Government Order dated
17th Ultimo No 449 I do myself the honor
to solicit its transmission accordingly.

I have the honor to be
Sir
Your most Obedient Servant

T. T. Woodroffe

Ag District & Session Judge

Copied by
C. Johnson
Hd Asst

From
The Ag District & Sessions Judge
Madura

To
The Secretary to Government
of Madras
Judicial Department

Dated 9th April
(Recd)
1874

No 134.

Subject - Police

Requesting the Govt
certain matters regarding
the Police establishment
to be submitted for the
consideration of the
Governor in Council.

Read letter from Govt
dated 16/4
Pub. 833/74.

dup 2/5

W. 688. 13 Jud Dept

To the Secy. Govt of India.

Financial Depr

Sir.

I am directed to submit the accompanying letter from Mr Woodroffe, C.S., appealing agt the orders of Govt. of India in the matter of his allowances.

2. The case is this:- Mr Woodroffe, holding the substantive post of Judge of the Ct of Small Causes, Madura, was appd to act as District Judge of Cuddapah during the absence of Mr Sandison, the permanent incumbent, on 6 months leave to England.

3. On the 3d February, Mr. Sandison, who was still absent from India, was appd to act as Agent to the Governor in Sanjam; and in the same Gazette, Mr Woodroffe at his own request was transferred as acting District Judge from Cuddapah to Madura. He gave over charge of the Cuddapah Ct to the newly appd locum tenens, Mr Sharp, on the 13th idem & proceeded to Madura.

4. Meanwhile on the 12th idem Mr Sandison landed at Bombay, and with the approval

Mob W/4

Ind 23/4

2 two more deletions stated

Para 24 of Desp 2/5 1874

Financial Dept

Mr Woodroffe's application for leave to England

688

The Sec to Govt of India

Financial Dept

Judicial Dept

Dup 687

Rec'd 16 Feb 1874

No 135

Civil Cases - Mad

No 833

Copy of correspondence regarding the application of Mr Woodroffe, Civil Judge of Madura, for leave to England on private affairs

Dated 24 Feb 1874

Ordered that the above be printed

Dy. 15/2

Rec'd 3/3/74.

of Govt., resumed on 16th idem temporary charge of the Cuddapah Co. on his way to Ganjam, from the Sharfs. Had his sanction not been accorded, Mr. Sanderson wd. have been seriously out of pocket by drawing half pay only while on his long journey from Bombay to the remotest station in his presidency. As it was, he was secured the full pay of the Cuddapah judgeship and his travelling allowances to Ganjam. This it appeared to the Govt. of Inf. to be no more than was due to him under the circumstances, as he was posted to Ganjam without any reference to his own wishes in the matter.

5. Mr. Woodroffe, on the other hand, was by consequence restricted to the pay of his substantive office during his transit from the acting Judgeship of Cuddapah to the acting Judgeship of Madura; but the change was made, as already observed, at his own request — an important point but not noticed by him in his appeal — and also the question arose as to which of the two officers shd. be the loser did not appear to the H. E. Govt. to admit of a doubt.

D. F. — 16/4-74

Lithe & Encls to follow — 9
G. E. Order & Letter — 6 —

Rotacamund
24th April 1874

15

Note

Mr. R. Davidson, the junior Judge of Cuddapah, proceeded on six months' leave to England on 22nd August 1873. The leave would have expired on the 22nd February 1874.

But on the 3rd February prior to his return to India (which took place only on the 12th idem) he was appointed to act as Agent in Ganjam.

Mr. Davidson landed at Bombay and had to stop by Cuddapah in proceeding to Madras.

On stopping Cuddapah on the 16th February he

he took charge of the
Court from Mr. F. A.
Sharpe, and on the same
date he made over charge
to Mr. Sharpe. He did
this to enable him to
draw his pay in arrears,
preparatory to taking
charge of the appointment
in Ganjam. The Govt
by their Order dated the
18th February 1876, No. 277,
confirmed Mr. Davidson's
proceedings.

Mr. Woodroffe was
appointed to act as Judge
of Cuddapah on Mr. David-
-son's proceeding on leave.
But on the 3rd February
he was appointed to act
as Judge of Madura, and
Mr. F. A. Sharpe as Judge
of Cuddapah. In accordance

therewith

therewith these gentlemen
gave over and took charge
of the Cuddapah Court
on the 13th February 1876.

Mr. Woodroffe would
have been entitled to the
acting allowance of Judge
of Cuddapah in transit
to Madura, had Mr. Da-
-vidson not taken charge
on the 6th February. His
having done so deprived
Mr. Woodroffe of the acting
allowance, and his complaint
now is that Mr. Davidson
ought not to have been
allowed to take charge on
his way down.

Had Mr. Davidson
not been allowed to do so
he, on the other hand, would
have been obliged to go
all the way to Ganjam

on

on his leave allowances.
His appointment to
Ganjam was made while
he was on leave, and the
indulgence shown to
him by Govt in recognizing
his resumption of his
permanent appointment
at Cuddapah, seems to
have been perfectly
fair.

Mayne Davidson
& Woodcoffe

E.R. 15/4/74

687-688

Woodruff Papers

Lebensbeschreibung

Special

e16-4.

Govt. of {1874} Madras.

Financial

To

The Secy. to the Govt. of India
Fin. Dept.

G.O. April 24, 1874. No. 688.

Nos. 229-230 A.

Mr. T. A. Woodroffe, C.S. His appeal against the orders of the Madras Govt. in the matter of his transit allowance from Cuddapah to Madura, forwarded - with a statement of the case -