

Financial (1895⁷) Department.

ORDINARY PRINTED.

G.O., No 555

Dated 20. 7. 97.

INDEXED.

4/5

[Despatch Abstract.]

Leeson's Judge of Kurnool & his clerical staff
Court to the High Court and to the Accountant
General the sanction of the Govt of India
to the exemption of the — from the operation
of Article 415-g of the Civil Service Regulations
while on duty at Bellary this year.

Jan 17/97

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1897} of Madras. FINANCIAL.

Recd.

Regd.

} 1897.

Enclosures

Spare copies

G.O., No. 555, 20th July 1897.

JULY.

Sessions Judge of Kurnool and his Clerical Staff.

Communicating to the High Court and to the Accountant-General the sanction of the Government of India to the exemption of the — from the operation of Article 1159 of the Civil Service Regulations while on duty at Bellary this year.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

Read—again the following paper:—

G.O., Nos. 372, 373, Financial, dated 4th May 1897.

Read—the following papers:—

From the Registrar, High Court of Judicature, Madras, dated 29th March 1897,
Ref. on Cur. No. 634.

From the District and Sessions Judge, Kurnool, dated Camp, Bellary, 26th
February 1897, No. 47-T.

Order—No. 372, Financial, dated 4th May 1897.

The Government of India will be addressed.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

Letter—No. 373, Financial, dated 4th May 1897, to the Secretary to the Government
of India, Finance and Commerce Department.

On the recommendation of the High Court and in view of affording relief to the
District Court of Bellary which was in urgent need of assistance, the Sessions Judge
of Kurnool was last September appointed to be also Joint Sessions Judge of Bellary,
under section 9 of the Code of Criminal Procedure, and directed to do duty for twelve
or fifteen days in every month at the latter station in order to dispose of sessions and
criminal work. The Sessions Judge of Kurnool has represented that this order has

* Head clerk. | Two clerks.

necessitated the detention of himself and
his clerical * staff at Bellary in each of
the months of November 1896, January,
February and March 1897 for over ten days; that he has had to take a house at
Bellary for a month at a rent of Rs. 80 and has paid Rs. 3 *per diem* for carriage hire
there; that he has had to employ additional servants and incur other expenses consequent
on absence from his permanent station; that every day spent out of Kurnool has cost
him Rs. 9 or 10 exclusive of actual cost of locomotion; and that his subordinates have
also been put to expenses much exceeding the amounts which they can draw under
the rules while absent from their houses and necessarily separated from their families.
In the above circumstances, the High Court has recommended that the Sessions Judge
and his clerical staff should be exempted with retrospective effect from the operation
of article 1159 of the Civil Service Regulations while on duty at Bellary.

2. In paragraph 2 of the Government of India, Finance and Commerce Department
letter, No. 5677-Ex., dated 6th December 1895, it is laid down that the
proviso in clause (b) of article 1159 was intended to enable local Governments to
prevent the ten days' limit prescribed in that article operating as a hardship to an
officer who is actually obliged, for reasons of public duty, to continue expenditure of
the kind which travelling allowance is intended to meet, and that the question
whether or not there exists a hardship requiring a remedy is one for the judgment of
the local Government in passing orders on each case.

3. His Excellency the Governor in Council considers that in the present case
there is a hardship requiring a remedy, but this remedy he is unable to apply in conse-
quence of the interpretation assigned to the words "extra expense" in article 1159;
for it will be seen that the extra expenses to which the Sessions Judge and his estab-
lishment have been put was not of the kind which travelling allowance is intended
to meet, as defined by articles 1086 and 15 of the Civil Service Regulations.

4. I am accordingly to submit the case for the orders of the Government of India,
with the remark that this Government is of opinion that neither the Sessions Judge
nor his establishment should be actually out of pocket in consequence of an arrange-
ment which must be highly inconvenient to them and to "suggest therefore that the
case should be treated as if it were one coming under article 1159 (b)."

(Signed) J. F. PRICE,
Chief Secretary.

Read—also the following paper:—

From L. M. THORNTON, Esq., Deputy Secretary to the Government of India
(Home Department—Judicial), to the Chief Secretary to the Government of
Madras, dated Simla, 6th July 1897, No. 943.

I am directed to acknowledge the receipt of your letter * No. 373, dated the 4th
May 1897, stating that the Sessions Judge

* Addressed to the Finance and Commerce Department.

of Kurnool was appointed in September
1896 to be also Joint Sessions Judge of
Bellary under section 9 of the Criminal
Procedure Code, and that this order necessitated the detention of himself and his
clerical staff at Bellary, in each of the months of November 1896, January, February
and March 1897, for over ten days. The High Court has recommended that the
Sessions Judge and his clerical staff should be exempted with retrospective effect from
the operation of Article 1159 of the Civil Service Regulations while on duty at
Bellary and the Government of Madras advise that the case should be treated in this
manner although the extra expense incurred is not of the kind which travelling
allowance is intended to meet.

2. In reply, I am to state that, for the reasons set forth in your letter, the
Governor-General in Council is pleased to sanction the proposal of the Madras
Government.

ORDER—No. 555, Financial, dated 20th July 1897.

The letter from the Government of India will be communicated to the Honourable
the Judges of the High Court and to the Accountant-General.

(True Extract.)

Chief Secretary.

To the Honourable the Chief Justice (with C.L.)
Accountant-General.

Copy to the Judicial Department.

Financial
Judicial (1897) Department.

CURRENT No. 2141
2930

Read again 8.0. 372/3 (Ct 1410: A Q Incl = Q, Order of Ct = A)
4.5.97
C. No. 2141: A

From
The Govt of India
Home

Order W. 525 of 20 July 97.

The letter from the G.O.
will be commd. to the Honble
the Judges of the High Court &
to the Act. Genl.

No. 943

Dated 6.7.97

Received 13 } 7.97
Registered 14 }

Enclosures

Spare copies

The Honble the CT (with C. 16)
- Act. Genl. 4
Copy to T. D. Desai.

Ref. S. C. 6 T. A. file (Hordon relating to
article 1159)
written to be as
his file is at no.

See
16/8/97

SUBJECT.
Sancⁿ exemption from
the operation of art. 1159
C. S. R. of the Sessions
Judge, + his clerical staff
while on duty at Bellary

Recd. 15/7/97
Reg. 15/7/97
WITH ORDER
16/7/97

BACK PAPERS.

G.O.	No.	Department.	Date.
	372-3	Finl.	4-9-97
	362		26

FURTHER PAPERS.

G.O.	No.	Department.	Date.

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atched in print.

AGAIN G.O., No.
139

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ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

NOT FILED UP, (BEING MEANT FOR DISPATCH
IN ORIGINAL.

W. C. P. S.

N.E.-

A = Print in full.
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