

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1273

Press

~~Mis.~~

22.23

Dated

5-10-

19-1857

Not to be folded or roughly handled

1273

Fort St. George, Judicial Consultation, 6th October 1857.

No. 22. Read the following letter from C. F. CHAMIER, Esq., Acting Register to the Court of Sudder Udalut; to E. MALTBY, Esq., Acting Chief Secretary to Government, dated 7th September 1857, No. 87.

SIR,

1. I am directed by the Judges of the Sudder Udalut, to report the following circumstances for the consideration and orders of the Government,

2. On the 9th May 1856, a petition was presented to the Court, by Vencataramiah, of Salem, complaining that he had been unjustly dismissed from his situation of Sheristadar of the Subordinate Court of that Zillah, by Mr. R. C. Lewin, the then Acting Subordinate Judge; and that, on appealing to the Civil Judge, that officer had declined to interfere.

3. When the petition came on for hearing, the Judges called upon the Acting Civil Judge, by Precept, to submit copies of the orders passed by the Subordinate Judge in petitioner's case, together with his own opinion respecting the capabilities of the petitioner, the Acting Civil Judge having presided over the Subordinate Court.

4. The Civil Judge's Return and its enclosure are forwarded for the consideration of the Government, as the present recommendation of the Judges is based thereon.

5. On the receipt of those papers, the Judges of the Sudder Udalut directed that the petitioner should be restored to the situation from which he had been removed by Mr. Lewin.

6. On the 27th July last, Vencataramiah submitted a request that the amount of salary of which he had been deprived by his temporary exclusion from office, viz., Rupees 659-2-1,* might be granted to him.

7. The Judges then required the Acting Subordinate Judge to report how the Sheristadar had been performing his duties since his re-appointment; and that officer states, in his letter dated the 31st Ultimo, that Vencataramiah, is diligent, and exerts himself to the best of his ability.

8. The Judges are of opinion that Mr. Lewin's proceedings in the removal of Vencataramiah were harsh, hasty, and most improper; and taking the orders of Government, dated 29th September 1851, for a precedent, as to how cases of this nature are to be dealt with, the Judges deem it their duty to recommend that Mr. R. C. Lewin be required to make good to the individual, towards whom he has acted so arbitrarily and unjustly, the full amount of salary which he would have drawn from the date of his removal, to that of his restoration, had he continued in employ during that time.

(Signed) C. F. CHAMIER,
Acting Register.

No. 23. ORDER THEREON, No. 1273; dated 5th October 1857.

In the above letter, the Court of Sudder Udalut bring under consideration the circumstances connected with the dismissal of Vencataramiah, Serishtadar of the Subordinate Court of Salem, by Mr. R. C. Lewin, the then Acting Subordinate Judge; and recommend that as this Officer's proceedings in this matter were harsh, hasty and most improper, he be required to make good to Vencataramiah his salary for the period during which he was out of employ; the Court having, on enquiry into his case, ordered his reinstatement.

2. The Right Honorable the Governor in Council concurs with the Court of Sudder Udalut that the Serishtadar had been improperly dismissed, but Mr. Lewin's order should have been sooner rectified, and there appears to have been some delay on the Serishtadar's part in bringing his case before the Sudder; on this account and also on the ground that the Serishtadar was performing no duty, His Lordship in Council considers it sufficient to call on Mr. Lewin to make good that portion of the Serishtadar's pay which he would have drawn had he been absent on leave, instead of his full salary. The Court of Sudder Udalut will accordingly issue instructions for the recovery of this amount and its payment to Vencataramiah.

(Signed) E. MALTBY,
Acting Chief Secretary.

Exd. F. Cartledge.

7
Copies of Diary orders recorded by the Ag. Supt.
Judge Mr. Lewin regarding the late Sherastar Venkatar
= mish-

In consequence of the Sherastar's utter in-
-ability to perform the duties of his office, the Acting
Supt. Judge has been under the necessity of requir-
-ing the attendance of the Officers of the Civil
Court, and without exception whenever their atten-
-ance has not been procured, the Sherastar has
been totally unprepared with the business con-
-sisting of Miscellaneous petitions and orders as
entered in the books presented on the holding of
Civil Court, this day the Sherastar when called
upon, and producing the draft of a return to an
Extract from the Civil Court was unable to afford
any information on the subject, of which it was
actually incumbent on the Ag. Supt. Judge to
be cognizant, in order to test its correctness, and
on all occasions when questioned on any
subject connected with his duties he has been
obliged to refer to the formastar under him
to supply information which it was his peculiar
province to afford, the Acting Supt. Judge
can no longer refrain from entering these comments
in

in his Diary. The Sheristadar has been warned
on several occasions verbally without effect, &
is now again cautioned.

(Signed) R Cotton Lewin

9th October 1855

Acting Sutte Judge

Tenataranish Sheristadar is perfectly useless
as a Court Servant - all the chief duties usually
performed by that officer have been transacted
by the Officers of the Civil Court, to whom the
Acting Sutte Judge has been obliged to
apply, and by Subaputty Moodelhar the
Criminal Jurisdiction of the Sutte Court.

The Acting Sutte Judge is convinced that the
Sheristadar's intellects are impaired by old age.

The Civil Goomastah Ramisawmish also
being a man, who has not profited in the
Court by his many years experience, has
rendered the duties of the Court, since Syuloo
Quidoo's resignation most irksome. Mr. Cotton's
opinion of him which is any thing but to
his credit is to be found in the Civil Diary
of the 1st July 1852. There is also another
Diary dated 25th October 1851 noticing his
neglect

neglect. He is now advised to apply for
a pension

(Signed) R Cotton Lewin

16th January 1856.

Acting Sutte Judge

The Acting Sutte Judge in his Diary
order of the 16th instant recommended the
Sheristadar for the reasons therein assigned
to apply for his pension; this he has failed
to do, and therefore he is removed. and at the
same time apprised that on his application
for pension being presented, it will be forward-
ed to Government. In consequence of his
dismissal his neglect referred to in his P.
9 of 1856 is excused.

(Signed) R Cotton Lewin

23 January 1856

Acting Sutte Judge

[True Copies.]

(Signed) R Cotton Lewin

Acting Sutte Judge

[True Copies of Copies.]

Charles Read

Acting Civil & Session Judge

Mem. first Session Court
1st July 1856

A circular seal, likely a library or institutional stamp, featuring a central emblem and a border of text in Devanagari script. The emblem in the center appears to be a stylized 'S' or a similar symbol. The text around the border is arranged in a circular pattern, typical of official seals.

THE Acting Civil and Session Judge
of Salem

By order of the Court of Sudr Udalut.

Fort St. GEORGE,
16th July 1856.

Register.

Concluded at

In a letter from
the ~~St~~ Registrar of the
Duché Wakat dates the
17th Sept^r 1857. - No. 87. -

Emulation

on a Return from the
the said place on the
of them dated the 31st and
1856 -

110

To The Register to the
Court of Admiralty &amp;amp;
Vice Admiral

Letter of Henry ordered
forwarded by Mr. H. G. Smith
Judge Mr. Lewis regarding
the late President Grant
remained -

Grav 5th Dec 1278

8.57.8

Ms. No. 1460.

In return to the foregoing precept which accompanied an extract from the proceedings of the Court & Pong Saree Debaluk under date the 14th Inst^o, on review of the Inst^o Petition presented on behalf of Venetaramiah late Sheristadar of the Subordinate Court of Salem, & calling upon the Mst First Judge to forward copies of the Mst Sub^{le} Judge's orders or diaries detailing his reasons for dismissing the Petitioner, & further to state the Mst First Judge's opinion of the manner in which the Petitioner has performed his duties, — the Mst First Session Judge has the honor in reply to forward the papers called for.

2. Adverting to the 3rd Para of the Court's Proceedings, the Mst First & Session Judge begs to state that his experience of the Petitioner does not bear out that recorded ~~against~~ him by the late Mst Sub^{le} Judge Mr. Lewin.

3. "Venetaramiah" is naturally slow, especially at understanding verbal orders and is devoted to him, but the Mst First & Session Judge never found him wanting either in assiduity or attention to business, while his writing is

57
excellent, and he was considered by every officer under whom he had served to be a very fair translator.

4. However disposed the Mst First Session Judge might have been to restore the Petitioner to his Post of Sheristadar on receiving his appeal, it appeared impossible to do so in the face of "Venetaramiah's" declared incompetency as detailed in the Diary orders & in the return of the late Mst Sub^{le} Judge, but the present call from the Higher Court would seem to justify the Mst First Session Judge in making a few remarks intended by him to operate in favor of the Petitioner, because, notwithstanding "Venetaramiah's" deficiency, the Mst First & Session Judge is of opinion that the successor appointed by Mr. Lewin is far less fit to fill so important an Office, & this will be at once apparent to the Judge when informed that he was only the principal ~~magistrate~~ ^{magistrate} of the Court, that he is entirely ignorant of the English language, which he can neither read, nor write, ^{nor speak} and further that he is only conversant with Tamil, having merely a

partial colloquial acquaintance with Telugoo, while "Venetaramiah" is his equal in one, & even, for his superior in the other.

5. The Asst Chief Magistrate Judge considers that a knowledge of English is positively indispensable in the servant holding the first ministerial office in the Court, & no man in his opinion ought to be appointed who is not fully equal to carrying on the multifarious matters that absolutely need a tolerable acquaintance with that language. In the daily routine of his duties, there is the Chittat, accounts to write, the preparation of first miscellaneous Petitions & Motions, & a variety of other business which must be done by the writers of the Court, where the Sheristadar is only conversant with the Vernaculars, & where in such cases is the Sheristadar's responsibility and on whom is it to be fixed in the event of errors, whether slight or important? the nomination of such a successor therefore appears obviously improper, & is certainly unfair, if not to "Venetaramiah", to the other servants of the Court on whom a very great portion of the Sheristadar's duties

4
must in consequence devolve.

6. The relative qualifications of "Venetaramiah" & of his successor would readily have been tested, had the appointment been given after examination, for while the latter has had no experience in the first Department, & is otherwise unfit for the reasons pointed out, the former has filled the office for some years, & nothing stands recorded against him in the Diary of the Court, but whether subsequent to the period when the present Asst Chief Judge presided over the Sub Court, "Venetaramiah" has become incompetent by infirmity of mind or body, or whether his faculties are in any way impaired, the Asst Chief Judge cannot of course give an opinion, the Judges of the Sup & Sub Courts & Salut will recollect that "Venetaramiah" was dismissed & his appeal was made to the first Magistrate Court at a time when no medical Certificate was required under the then existing Rules, which left the dismissal of Public servants to the un-

= strict & discretion of the Head of the Office,
subject only to appeal to the next superior
authority.

7. But for these Rules the Mag. Milit.
Sepim Judge would unquestionably have felt
it his duty to restore "Kinetaromiah" unless
on certified mental or physical disqua-
-lification by the Military Surgeon of the Station.

Given under my hand & the seal of the
Court at Salerno this 31st Day of July 1856.

Calisto Rende
Mag. Milit. Sepim Judge



ter from
Court of
the Court
under
instances
survival
institutions
of Salem

by Mr. R. L. Lewin, the then
acting Sub-Serge; and recom-
-mend that as this officer's
proceedings in this matter
were harsh, hasty and most
improper, he be required to make
good

Quelques N^{os}.

I am a sister from
the State Register of the
Lack of dates the
7th Sept 1859 - No 89. -

Enclosures are

Deed in No 18 Augt 1856
2/372.
No No 1460.

Return to the precept of the S. U. under
date the 15th of July 1856 on
receiving of said petition pre-
sented on behalf of persons
from said State & for a State
of the United States Court of
Admiralty calling upon the
said said Judge to forward
copies of the said said
orders or decrees relating

N^o. 127³

Extract from the Minutes of Consultation

Dated 5th October, 1857.

Read the following Letter from
the Acting Register of the Court of
Deceased Estates.

(Here enter 7^a Sept. 1877.)

In the above letter the Court of Session hadalut bring under consideration the circumstances connected with the dismissal of Vencataramiah, Saishtadar of the Subordinate Court of Salem by Mr R. C. Lewin, the then Acting Sub-Judge; and recommends that as this officer's proceedings in this matter were harsh, hasty and most improper, he be required to make

from
of the
the
1/2 87. -

Dear Sir
2/27/20.
No 1460.

Return to the precept of the S. U. under
date the 14th July 1854 on

Warrant of arrest; return pro-
ceeded on behalf of Sheriff
Bernard L. Baker.

of the moderate bank of

Modern, & rational, & profitable
and will lead to forward

orders or claims relating

du 8 Dec 1843

To the Register of the Court of
Hampshire

Sudr Udalut.

Received }
Dated 31st Decy 1850

Enclosures. One

Decem. No 18 Auf 1856

good to Venkatarammiah his salary for the period during which he was out of employ, the Court having on enquiry into his case, ordered his reinstatement.

2. The Right Honorable the Governor in Council concurs with

The Court of Sudder Adalat that the

Sheristadar had been improperly dismissed ~~but~~ ~~that~~ ~~he~~ ~~was~~ ~~not~~ ~~accountable~~ ~~for~~ ~~the~~ ~~time~~ ~~that~~ ~~had~~ ~~elapsed~~ ~~from~~ ~~the~~ ~~date~~ ~~of~~ ~~his~~ ~~dismissal~~ ~~and~~ ~~the~~ ~~date~~ ~~on~~ ~~which~~ ~~his~~ ~~re-employment~~ ~~was~~ ~~rectified~~

but Mr Lewis's name shall have been sooner rectified, & there appears to have been some delay on the Sheristadar's part in bringing his case before the Sadr - On this account & also on the ground that the Sheristadar was performing no duty

his Lordship in C considers it sufficient to call on Mr Lewis to make good ~~his~~ ~~Lordship's~~ ~~in~~ ~~the~~ ~~Council~~ ~~is~~ ~~unwilling~~ ~~to~~ ~~impose~~ ~~on~~ ~~Mr~~ ~~Lewis~~ ~~the~~ ~~penalty~~ ~~of~~ ~~having~~ ~~to~~ ~~disburse~~ ~~the~~ ~~full~~ ~~amount~~ ~~of~~ ~~Venkatarammiah's~~

the Sudder Court, as also the

during all this while he did

his Lordship in

that portion of the Sheristadar's

pay which he would have

drawn had he been

absent on leave instead

of his full salary.

but Mr Lewis's name shall have been sooner rectified, & there appears to have been some delay on the Sheristadar's part in bringing his case before the Sadr - On this account & also on the ground that the Sheristadar was performing no duty his Lordship in C considers it sufficient to call on Mr Lewis to make good ~~his~~ ~~Lordship's~~ ~~in~~ ~~the~~ ~~Council~~ ~~is~~ ~~unwilling~~ ~~to~~ ~~impose~~ ~~on~~ ~~Mr~~ ~~Lewis~~ ~~the~~ ~~penalty~~ ~~of~~ ~~having~~ ~~to~~ ~~disburse~~ ~~the~~ ~~full~~ ~~amount~~ ~~of~~ ~~Venkatarammiah's~~

namiah's salary for the period	
he was unemployed. That	
officer will however be required	
to make good a sum of Rs	
nam it, viz Rupees (329-9-0)	
Three hundred and twenty nine	
and nine paise, and The	

Court of Sudder Adalat will accordingly issue instructions for the recovery of this sum and

its payment to Venkatarammiah

[Signature]

- Copy to Court of Sudder Adalat with orig. inclosed
- " Accountant General
- " Civil Auditor
- " R. C. Verma Esq.

Dispd. 7/10

*Judith to Engle's Mark
No. 1858. Para. 2.*

*John A. to Engle's Mark
1857 Department*

No. 1273

Extract Mins. Cons.

Dated 5th October 1857-

Feb. 1724.

221223