APPL. O. 1—40,000—16-10-28

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 3242 Prose Mis—

29—40

Dated 12 — 8 — 19 47

Not to be folded or roughly handled

No. 39. Read the following Memorials.

To the Right Honorable the Governor in Council of Fort Saint George.

The humble Memorial of Moottookristnyengar, Javabnaviss of Principal Sudr Ameen's Court, Trichinopoly.

MOST HUMBLY SHEWETH.

1. That your Lordship's humble Memorialist having on the 18th October 1854, submitted a Memorial to your Lordship in Council representing the loss of public service, pay and chance of promotion which he sustained for a period of 8 years in consequence of the marked disobedience of the local authorities to the orders repeatedly issued to them by the late Southern Provincial Court and Sudr Udalut, from 1843 to 1850, directing them to restore your Lordship's Memorialist to the situation from which he was unjustly dismissed, your Lordship, impressed with the deep sense of the injury sustained by him at the hands of the local authorities was graciously pleased to issue an order on the 21st April 1855 allowing him to add the period he was out of employ to his actual service, but making no provision for the loss of pay.

2. Again your Lordship's Memorialist ventured to submit a Memorial on the 19th June 1855 to your Lordship, representing that his request for allowance of his pay for the period he was out of employ, to which he had a legal claim under the tenor of the Despatch of the Honorable the Court of Directors, dated 23rd December 1840, No. 18, and for issue of instructions for his promotion proportionate to the length of his service, was not taken into your Lordship's humane consideration. If your Lordship had felt irksome to order payment of the pay from the Government Treasury, yet it was necessary for your Lordship's governing sway which is marked with justice and impartiality to have issued instructions directing his promotion to a situation which could recompense the loss of pay and is becoming to his length of service embracing a period of 31 years and to the testimonials of character which he has obtained from several gentlemen under whom he had served, but the disastrous time of your Lordship's Memorialist was so predominant as to induce your Lordship to pass an order on the 27th September 1855, to the effect " that the Government are unable to comply with Petitioner's request."

3. On the promulgation of the rules framed by the Court of Sudr Udalut with the sanction of the Government on the 6th July 1855 for the examination of Candidates for the office of District Moonsiff, your Lordship's Memorialist applied himself to the study of the Regulations, Acts, Orders, Rules of practice &c., and passed the examination before the Divisional Committee held in Madura in February last, and obtained a Diploma of fitness. This, coupled with his length of service of 31 years, and possession of many testimonials of character, obtained from several gentlemen would evince to your Lordship that he is qualified to fill the first vacancy of the Office of Moonsiff according to the spirit of para: 24 of the rules above referred to, and of the Circular Orders of the Sudr Udalut dated 25th April 1832.

4. Your Lordship's Memorialist entreats your Lordship in Council will, in consideration of his long service, good character, as well as loss of pay, be pleased to issue an order to the Court of Sudr Udalut, directing them to confer on him, on the first opportunity the situation of District Moonsiff which may become vacant or which may newly be established in the Zillah of Madura, Tinnevelly, Trichinopoly or Combaconum.

5. In the event of your Lordship not being disposed to comply with the above request of your Lordship's humble Memorialist who has been greatly injured by the local authorities, he most obediently solicits your Lordship's most excellent Majesty will be pleased to order the dispatch, to the most excellent presence of the Honorable the Court of Directors, of the Petition of Appeal herewith forwarded from the order of your Lordship on the 2nd Petition above referred to, a Triplicate of the Appeal Petition &c., being also forwarded to your Lordship's most excellent presence.

And your humble Memorialist shall in duty bound ever pray.

Trichinopoly, 10th April 1857.

முத்துகிருஷ்ணன்.

To the Honorable Court of Directors of the East India Company.

The respectful Memorial of Mootookristnyengar, Criminal Javabnaviss of the Principal Sudr Ameen's Court of Trichinopoly.

MOST HUMBLY SHEWETH,

Finding himself denied that justice which the hardship of his case as represented in his Petition to the Honorable Government of Fort Saint George, demands, your Memorialist is constrained to appeal to your Honorable Court with a firm confidence in the kind regards you have uniformly manifested for Native as well as European servants of the Honorable Company.

Vide Appendix A.

2. That it would appear from the above Petition to the Government that your Memorialist was capriciously removed at the time when he was by long and faithful service entitled to promotion to a higher grade in the Judicial Department. The Government to which he applied for arrears of pay due for the period during which he was out of employment, for the addition of that period to that of his actual service and for promotion to the office of District Moonsiff after satisfying itself by a reference to the Civil Judge at Trichinopoly of the truth of the said Petition and of the Petitioner's present conduct and qualifications, was pleased to send an extract* allowing the period he was out of employ to be added to his actual service.

* Vide Appendix B.

3. That not satisfied with the above order which as your Honorable Court may see could make no amends for the grievances he has sustained at the hands of the local authorities, your Memorialist submitted a *second Petition to the Government which endorsed on the back thereof that it is unable to grant the prayer. It would appear just and reasonable that the Petitioner should at least be allowed promotion though the Government should find difficulty in ordering disbursement of the arrears of pay from its treasury.

* Vide Appendix C.

4. That your Honorable Court may probably think that the Heads of Departments will do justice by promoting the ministerial servants in reference to their length of service and nature of qualifications. But a moment's consideration of the proceeding of the local authorities in respect of the Petitioner as explained in para 3 of the Appendix marked C, in spite of several extracts* from the higher authorities particularly of your Honorable Court, instructions contained in para 3 of the extracts dated 20th August 1845, would clearly shew that the Petitioner has great reason to doubt the probability of his promotion without the Government's interference in his favor.

* Vide Appendix D, E, F, G, and H.

5. That in view of preventing maladministration of justice by Native Judicial Officers, the Court of Sudr Udalut under instructions from the Government framed a rule under date the 6th July 1855 for examination of Candidates for the office of District Moonsiff. It is provided in that rule that no person can pass the examination except on the certificate of the Zillah Judge confirmed by the Court of Sudr Udalut regarding his respectability, good conduct and qualifications, that on a creditable examination in Regulations, Laws and Rules of procedure he should be furnished with a Diploma by the Committee composed of two Judges and one Collector of the District.

6. That with a desire of undergoing the ordeal of examination, your Memorialist applied himself to the study of Laws, Regulations and Rules Procedure, and on his application* the Civil Judge of Trichinopoly having certified to his fitness for examination he passed it and obtained Diploma† from the Committee held at Madura in February 1856. Thus he became entitled to promotion to the office of District Moonsiff under Circular‡ Order dated 25th April 1832, para: 24§ of the rule in question. Hence your Honorable Court may see that the Government can have no reasonable objection to accede to his prayers for its interference in his favour.

* Vide Appendix I.
† Vide Appendix H.
‡ Vide Appendix K.
§ Vide Appendix L.

7. Finally, in submitting copies of the above documents and of the testimonials* of character and qualifications granted by several gentlemen under whom he served, your Memorialist respectfully entreats your Honorable Court to consider the same together with the hardship of his case, and to issue necessary instructions for the payment of arrears of salary due for the period he was out of employ and which was allowed by the Government of Fort St. George and for his promotion to the office of District Moonsiff to which he is entitled from length of service and holding a Diploma. But should your Honorable Court have any objection to the payment of arrears of salary from the Government Treasury, your Memorialist would only beg for an injunction to the Government of Fort St. George, that he may on the opportunity be promoted to the office of District Moonsiff in any of these four Zillahs under Madras Presidency viz., Madura, Trichinopoly, Tinnevelly and Combaconum.

* Vide Appendix N. To which he has a legal claim under the tenor of your Honorable Court's extract dated 23rd December 1840.

And your Memorialist shall as in duty bound ever pray.

Your Honorable Court's most obedient and very humble Servant.

Trichinopoly, 6th March 1857. முத்துகிஷ்னாய்யங்கார்.

To the Right Honorable the Governor in Council of Fort Saint George.

The respectful Memorial of Moothookistna Iyengar, Criminal Javaboonevis of the Principal Sudr Ameen's Court of Trichinopoly.

HUMBLY SHEWETH,

1. That encouraged by the zeal and anxiety evinced by your Lordship, in remedying the evils prevalent in the several Provinces subject to the Madras Presidency, your Memorialist respectfully begs to lay before your Lordship, the several grievances he has sustained at the hands of the local authorities, in confident hopes of finding that redress, which he has so long sought for in vain.

2. That on the 10th July 1825, your Memorialist was entertained as a Goomastah, on a salary of 14 Rupees, in the late Zillah Court of Madura; and afterwards he was gradually promoted to the situation of Criminal Javaboonevis of 35 Rupees per mensem in the said Court. This situation he held until 17th December 1842, when he was removed on an unfounded charge of corruption. Since that time, his conduct in the discharge of public duties met with the marked approbation of his superiors who certified the same in the numerous testimonials granted by them.

* Vide Appendix A.

3. That on the 14th November 1842, a letter* was addressed by the Collector to the Zillah Judge of Madura, charging, on private information, the Memorialist and the Acting Sheristadar and Native Register of the Court, with having received bribes from one Mootoochella Thaven, the Manager of the Zemindary of Ramnad, attached to the said Zillah. To this letter, the Zillah Judge sent a reply‡ under date the 16th November 1842, professing his readiness to investigate the matter, provided that the complainant should take oath to the truth of the charge, and give security to prosecute the same without delay, as provided by Clause I, Section XII, Regulation XII of 1802. Without however following such course, the Zillah Judge on the 17th December 1842, extricated the Acting Sheristadar from the charge, and removed the Memorialist and the Native Register, as also the Nazir whom he since considered as implicated in the charge.

‡ Vide Appendix B.

4. That your Memorialist and 2 others, thereupon appealed to the late Southern Provincial Court, which recorded an order for their re-instalment, being of opinion that the charge was unfounded. An Extract* from this order was sent to the late Zillah Court of Madura, under date the 14th September 1843.

* Vide Appendix C.

5. That shortly after the receipt of this Extract, the establishment of the Zillah Court of Madura was changed into that of Civil Court, under the operation of Act VII of 1843. No provisions having been made for the said 3 individuals at the new arrangement, one of them, named Mootookistna Naik felt himself under the necessity of appealing to Sudr Udalut, and Government, and ultimately to the Honorable the Court of Directors, who considered his case to be one that demanded their immediate interference and accordingly sent to the Government an Extract† under date the 20th August 1845, the 3rd para of which runs thus: "We trust that you will find yourself enabled to obtain an employment for this individual, you are aware of our uniform practice, that our Native no less than European servants should on every occasion meet with justice, and with considerate regards for their feelings; and it needs be

† Vide Appendix D.

borne in mind, that a Native servant who had been dismissed even unjustly must find great difficulty through his own means in again obtaining public employment." Under this Extract, the said Mootookistna Naik who had been removed from a situation of 52½ Rupees, was appointed to that of Sheristadar on a salary of 90 Rupees in the Sub Court of Madura, and shortly after, promoted to the office of 2nd Class Moonsiff of Coimbatore.

6. That considering that the order of the Honorable the Court of Directors in the matter of the said Mootookistna Naik was equally applicable to the Memorialist, he appealed to † Vide Appendix E. Sudr Udalut which, taking the same view of the case, sent Extracts† under date the 30th December 1848 to the Civil Judges of Madura and Trichinopoly, directing them "to take his case into consideration with a view to his re-employment on a suitable vacancy that may occur." No notice having been taken of him on the occurrence of vancancies by those 2 Officers, he could not refrain from bringing the same to the † Vide Appendix F. notice of Sudr Udalut which again sent Extracts† under date the 20th May 1850, directing them "to carrry the previous orders into execution on the very first vacancy that may occur either in the Zillah or Subordinate Courts." But no better result followed this injunction. The P. S. Ameen of Trichinopoly, in making necessary arrangements to fill up the vacancy of Sheristadar that occurred in his Court, conferred it on one of limited service and less experience, offering the Memorialist a situation of simple Goomastah of which the salary was not equal to one-third of that attached to the situation from which he had been removed.

7. That again your Memorialist had recourse to Sudr Udalut which sent a Precept* to the * Vide Appendix G. Civil Court of Trichinopoly with an Extract dated the 12th December 1850, calling for an explanation for not having provided for him on the occurrence of the vacancy above alluded to, and directing such arrangement to be made either in the Civil or Principal Sudr Ameen's Court as could ensure him a situation more nearly equivalent to that from which he had been removed than the one which the P. S. A. had seen fit to offer him. To this precept, a return was made by the Civil Court giving a colour of legality to the Proceeding of the P. S. A. in regard to the appointment of an individual to the exclusion of the Memorialist. Unfortunately for the Memorialist, the Court of Sudr Udalut did not think it necessary to take stringent measures, as is often done on similar occasions, for the immediate enforcement of their repeated orders, but contented themselves with recording a fresh order that he be provided for on the next occasion. It was only on the 28th June 1851, that he was appointed to the situation of Criminal Javaboonevis of 7 Pagodas per mensem in the P. S. Ameen's Court of Trichinopoly.

8. That your Memorialist respectfully begs to submit that the period between the date of the order for his restoration and that of his re-employment (14th September 1843, to 28th June 1851) is seven years, 9 months and 14 days. It can be hardly conceived what difficulties he found in procuring a minor appointment, like that which he holds, in consequence of the disregard of the lower Courts in regard to the orders of the higher authority found on the extract of the Honorable the Court of Directors marked D. Encouraged by the uncommon laxity on the part of the Sudr Udalut, the lower authorities left the Memorialist unprovided for so long a period, thereby putting him to the loss of a part of his service and emolument and blasting all chance of his promotion to a high post. However painful these losses may be for one that depends on public employment as the sole means of his support, still your Memorialist would accommodate his feelings to them, if he did not see instances of dismissed servants having met with *prompt* redress in consequence of their having had some temporal advantages over him. But he can hardly reconcile himself to an idea that injustice and partiality could be tolerated under the British Government.

9. That unwilling to swell this Memorial with various instances of injustice and partiality of the local authorities, your Memorialist contents himself with giving a few, viz.

1. The first instance is that of Mootookistna Naik who was dismissed with the Memorialist and who had the good fortune of securing the timely interference of the Honourable the Court of Directors in his favour. The Civil Judge of Madura was directed by a precept from Sudr Udalut, to execute the order of the Honorable the Court of Directors conveyed in the extract marked D, by ordering the appointment of the said Mootookistna Naik to the situation of Sheristadar that fell vacant in the Subordinate Court of the said Zillah. Without any deference to the higher authority, the said two Officers slighted their order, in view of making provision for

one Appahvoo Chetty of Coimbatore, who was by no means senior to the said Mootookistna Naik, and made a return declaring that Naik unequal to the said office, notwithstanding the absence of all means to judge of his qualification. Dissatisfied with this tone of return, the Court of Sudr Udalut sent a second precept to the said Officers, remonstrating with their conduct and calling on them to carry their order into execution by appointing the said Mootookistna Naik *forthwith* to the situation above referred to. Accordingly he was appointed as Sheristadar of the Subordinate Court of Madura. It must be presumed that a similar course on the part of Sudr Udalut so as to check the disregard of the lower authorities of Madura and Trichinopoly in regard to their orders in favour of the Memorialist would not only have saved him the troubles and losses he has been subject to, but even put him in a fair chance of promotion to such office as Moonsiff, as was the case with the said Mootookistna Naik. The promotion of that individual to such an important office would shew your Lordship how unfounded were the objections raised in regard to his appointment to the situation of Sheristadar.

2. The second instance is that of one Johnson who, having been removed from the situation of Head Writer in the Subordinate Court of Madura, appealed to the Civil Judge, Mr. Baynes, and was ordered to be restored to his situation. But the Subordinate Judge resisted that order and both made a reference to Sudr Udalut which condemned the conduct of the Subordinate Judge and insisted on the restoration of the individual referred to above. It would seem singular that Mr. Baynes who called upon the Subordinate Judge for an implicit obedience to his command as his superior, should not feel himself bound to obey the order of Sudr Udalut, directing him to make a suitable provision for the Memorialist. Though vacancies occurred in his Court on the two occasions wherein Extracts were received from Sudr Udalut as stated in para 6, the said gentleman did not take into his head the necessity of providing for the Memorialist and filled those vacancies with 2 individuals of whom one had never been in the Judicial line and the other had been employed as writer in the Tinnevelly Zillah.

3. The third instance is that of one Shashagherry Row, who was removed from his situation of Head Sheristadar of the Collectorate of Madura on a charge of having received bribe of 35,000 Rupees, (from the same Moothoochella Taven from whom the Memorialist was charged to have received bribe) and even fined a double the amount by Mr. Blackburn under Regulation IX of 1822. The Board of Revenue to which he appealed not only remitted the fine but also ordered at 125 Pagodas per mensem, the payment of Rupees 4,375, being the arrears of salary due for 10 months, during which he laboured under unmerited dismissal as they considered, and even secured him a similar situation in the Collectorate of Trichinopoly on a monthly salary of 150 Pagodas. The case of one Chelleppa Moodiliar, late Naib Sheristadar of the Collectorate of Trichinopoly, is of the same nature as that of the said Shashagherry Row, as he was dismissed on a similar charge and restored to his situation with payment of arrears of salary. No instance could be found as a better contrast to the case of your Memorialist who was denied that justice which the 2 individuals above named met with.

10. That your Memorialist trusts that the above instances are quite sufficient to enable your Lordship to judge of the considerations by which the local authorities are influenced in the discharge of the trust confided to them A question may probably arise why earlier steps were not taken for redress of the grievances complained of in para 8, viz., loss of a part of the period of service, loss of emolument, and loss of chance of promotion, your Memorialist begs to explain that the procrastination is attributable to nothing but fear and despair with which he was inspired by the various obstacles thrown in the way of his re-employment. But the fame of your Lordship's impartial administration of justice, hath encouraged him to lay his grievances before your Lordship with confident hopes.

11. To conclude, your Memorialist, in perfect reliance on the justice of your Lordship, respectfully appeals and prays that your Lordship will, in consideration of the injustice done him by the local authorities, be pleased to order at 10 Pagodas per mensem the payment of Rupees 3271-5-4, the arrears of salary due for 7 years, 9 months and 14 days, during which he was left unprovided, notwithstanding the order of the higher authority for his restoration; to allow that period to be added to 22 years, the period of his actual service; and to direct the Sudr Udalut to issue circular instructions to the Civil Judges of Madura, Trichinopoly and Combaconum, to consider his claim from length of service to the office of District Moonsiff in

view of providing for him on the occurrence of vacancies, or on the appointment of additional Moonsiffs in their respective Zillahs.

And your Memorialist shall as in duty bound, ever pray.

Your Lordship's most
obedient and very humble servant,
முத்துகிஷ்ணய்யங்கர்,
துபாஷ்.

19th October 1854.

P. S.—The accompanying are the testimonials and the list of service, and the Extracts above referred to.

B.

Judicial Department, No. 298, Extract from the Minutes of Consultation, under date the 21st April 1855.

Read the following letter from the Civil Judge of Trichinopoly.

(Here enter 28th March 1855, No. 145.)

Under all the circumstances connected with the case of Moottookristnyengar, the Right Honorable the Governor in Council resolves, as a special instance, to allow that individual on his retiring from public employment, to reckon as service for pension the period that intervened between his removal from office in 1842, and his re-appointment in 1851.

Ordered that the above resolution be communicated to Moottookristnyengar, in reference to his Petition dated 19th October 1854.

(True Extract.)

(Signed) T. PYCROFT,
Chief Secretary.

To Moottookristnyengar, Javabnaviss of the Principal Sudr Ameen's Court, Trichinopoly.

C.

To the Right Honorable Lord HARRIS, Governor in Council, Fort St. George.

The humble Memorial of Moodookistna Iyengar, the Criminal Javaboonaviss of the Principal Sudr Ameen's Court at Trichinopoly.

SHEWETH,

That in consequence of your Lordship's humble Memorialist having, on the 19th October 1854, submitted a Memorial to your Lordship's most excellent presence, representing therein the injustice and loss he had sustained for a period of about 9 years by the lower authorities, and requesting for an order to allow him the loss of the said period of service, arrears of pay due to him for that term, and to give him promotion, an order had been issued to the Civil Judge of the Zillah of Trichinopoly requiring that authority to enquire into, and report upon, the truth of the assertions which your Lordship's Memorialist had made in his said Memorial, as to the allowance of about 10 months' service and payment made to the head Sheristadar Shashagerry Row who had been dismissed from service; as to the re-appointment and promotion such as Sheristadar and District Moonsiffs of Moodookistna Naicker who had been unjustly discharged from service along with your Lordship's Memorialist, so as to equalize his life of salaries, and as to the how are the conduct and character of your Lordship's Memorialist ever since his re-appointment to his present situation; and that authority having enquired into the subject accordingly, made a report thereon.

That whilst it was incumbent upon your Lordship in Council to render your Memorialist justice fully in accordance with his prayer on his former Memorial, his disastrous time which is still inseparably agitating his mind with indelible deliverance which cannot otherwise than by

your Lordship's candid contemplation be alienated, has, he is after all induced to imagine, led your Lordship in Council, to issue an order on the 21st April last, to the effect that, "under all the circumstances connected with the case of Moodookistna Iyengar, the Right Honorable the Governor in Council resolves as a special instance to allow that individual on his retiring from public employment, to reckon as service for pension the period that intervened between his removal from office in 1842 and his re-appointment in 1854" and communicated to him directly by Tappal, by Government Chief Secretary T. Pycroft, Esq., on the 28th Idem; but this order tends only to diffuse an honorable reputation your Lordship's Memorialist has attained from Government, and to shew that justice is rendered in your Lordship's governing sway without failure to those that were annoyed by local authorities in that of your Lordship's predecessors, and not to give at any rate, any room to your Lordship's Memorialist to think that it would recompense the loss he has unjustly sustained, because the following reasons will shew that he is the right in concluding it to be so.

Firstly, that the including of the now allowed period of service with that of the actual one of your Lordship's Memorialist amounts to 31 years; but if it please God Almighty, he is able to serve the Right Honorable the British Government for a further period of 15 years as he is now aged only 48 years and not a decrepit to enable him to apply now for pension under the alleged order or under the circular order of Government dated the 21st July 1854, even without reckoning the now allowed period of service. Secondly, that according to the Pension Rules, should he be inclined to apply for pension, calculating the now allowed period specially with that of his actual one, as it amounts to more than 30 years and enjoy the worldly felicity, the Government revised Pension Rules dated the 15th October 1851, urge the submission of Doctor's Certificate to shew your Lordship's Memorialist's incapability for further active service either for want of bodily or mental power.

Thirdly, that should he think that he could remain quiet, firmly believing that high promotion may be had on the ground of long service, the unjust measures taken generally by the local authorities both in the Revenue and Judicial Departments, with the exception of at least 10 per cent who observe and behave strictly to the Rules of Government under date the 14th May 1854, frustrate extremely your Lordship's Memorialist from such a hope because many individuals of length of service who are conversant in Regulation, Circular Orders, usages of countries and who have been endowed with sagacious knowledge and wisdom of understanding, the merits of causes and who are good writers, Mutsuddies and Pleaders and others of unblemished character for integrity &c., have on many occasions been deprived of their gradual promotions and appointments, and novices (such as the dependants, private servants, strangers, who are recommended by another local authority) are introduced into offices and made such as Sheristadar, Nazir, &c., of high posts and that should any injured party attempt to bring such unlawful act or acts to the notice of higher authorities, he is not only inevitably made subject to the displeasure of his immediate superior, who tries his utmost and endeavours to get rid of him from his office, but becomes an object of disregard to the successor of the superior by recorded censure expressed wantonly to bar his further promotion and even to his dismissal from service.

That your Lordship's humble Memorialist therefore most earnestly craves your Lordship in Council will be graciously pleased to issue an order directing the disbursement to him of the sum of Rupees 3584, being the salaries due to him at the rate of 35 Rupees a month for 8 years, 6 months and 12 days, calculated from the 17th December 1842 the date of the dismissal from service, to the 27th July 1851, the date preceding to that of his re-appointment, either from the Treasury of Government, as it does to a suitor on account of the injuries and loss sustained by him, from the official act or acts of a local Revenue authority as provided for in Regulations, or by stoppages from the salaries of the Judges, through whose procedures he, your Lordship's Memorialist, has had incurred the said loss of payment, &c.; and an injunction to each of the Civil and Session Judges of the Zillah of Madura, Trichinopoly and Combaconum, to bestow upon him to suit his 30 years service, the situation of either the Nazir, Sheristadar or District Moonsiff, at the first vacancy occurring, and so protect and cherish him, poor and helpless as he is.

And your Lordship's Memorialist will, as in duty bound, ever pray.

Madura, 13th June 1855.

(Signed) MOOTOOKRISTNYANGAR,
Javabnaviss.

D.

Extract from the Proceedings of the Southern Provincial Court of Appeal, under date the 14th September 1843.

Present.

W. HARINGTON, Esq., 1st Judge.

G. S. HOOPER, Esq., 2nd Judge.

M. P. No. 42 of 1843, 54 of 1843 and 61 of 1843.....Read again the Petitions presented in these numbers by Mootookristna Naik, late Native Register, Mutkistna Iyengar, late Javabneviss and Mutucurpapillay, late Nazir of the Zillah Court of Madura, complaining of their dismissal from their situations and praying to be restored thereto.

Read also Extract from the proceedings of the Provincial Court of the 18th July 1843, containing the opinion of the 1st Judge in the above Petitions.

Read also Extract from the Proceedings of the Sudr Udalut of the 24th July 1843, declining for the reasons stated to pass any orders on the subject of these petitions.

The 2nd Judge having maturely considered all the proceedings connected with the cases of the 3 individuals in question, cannot but concur in the opinion recorded by the 1st Judge.

The accounts of the Zemindary in which the entries were found, are certainly not sufficiently authenticated, and proved to be trusted, and the evidence of the Witnesses is not only contradictory, but altogether unsatisfactory and unworthy of credit.

Ordered therefore that the Zillah Judge of Madura be directed to re-instate the 3 individuals in the situations, from which they have been discharged respectively.

(A true Extract.)

(Signed) W. HARINGTON,

Special Commissioner.

E.

Extract from the Proceedings of the Sudr Udalut, under date the 30th December 1848.

Read Miscellaneous Petition presented on the 25th September 1848, by S. Teroomalacharry, Vakeel, on behalf of Moottookristniengar, late Criminal Javabneviss in the late Zillah Court of Madura.

(Here enter S. M. P., No. 384 of 1848.)

1. Adverting to the orders passed by the late Provincial Court of Appeal, in the Southern Division, under date the 14th September 1843, directing that the Petitioner should be restored to his situation in the Zillah Court of Madura; the Petitioner represents that the orders in question have never been carried out, in consequence of the abolition of the late Zillah Court, shortly after they were passed, and the omission of the several Judges who have presided over the Civil and Session Court, to appoint the Petitioner to any situation therein.

2. The Petitioner contrasts his case with that of Moottookristna Naik, who was dismissed by the late Zillah Judge on the same occasion with himself; and who has long since been provided with a suitable situation, under the orders of the Honorable the Court of Directors, and of the Government of Fort Saint George, and he prays the Court of Sudr Udalut, to issue orders to the Civil Judge of Madura and Trichinopoly, for his re-employment on the first vacancy that may occur.

3. Considering that the order of the late Provincial Court above referred to, which has resulted in the re-employment of Moottookristna Naik, was equally applicable to the Petitioner; the Court of Sudr Udalut is of opinion, that the orders of the Honorable Court of Directors in the matter of that individual must be considered equally to apply to the Petitioner and they accordingly direct that the Civil Judges of Madura and Trichinopoly will take his case into consideration with a view to his employment on the first suitable vacancy that may occur.

Fort St. George, Judicial Consultation, 12*th May* 1857.

Ordered that Extract from these proceedings be sent to the Civil Judges of Madura and Trichinopoly for their information and guidance.

Ordered also that Extracts from these proceedings be given to the Petitioner's Vakeel on his application.

(True Extract.)

(Signed) A. J. ARBUTHNOT,

Head Assistant to the Register.

F.

Extract from the Proceedings of the Sudr and Foujdaree Udalut, under date the 20th May 850.

Present. { G. S. HOOPER, Esq., E. P. THOMPSON, Esq., A. FREESE, Esq., } Judges.

Read Miscellaneous Petition presented on the 29th April 1850, by S. Teroomalla Charry, Vakeel, on behalf of Moodoo Kistniengar, late Criminal Javabnaviss in the late Zillah Court of Madura.

(Here enter S. and F. M. P. No. 14 of 1850.)

1. The Petitioner seeks the interference of the Court of Sudr Udalut to enforce the execution of the orders issued by them under date the 30th December 1848 to the Civil Judges of Madura and Trichinopoly, directing those Officers to take his case into consideration, with a view to his employment on the first suitable vacancy that might occur.

2. The Petitioner submits a copy of an order passed by the Civil Judge of Trichinopoly, Mr. Greenway, under date the 5th February last, upon an application made by the Petitioner for employment on the occasion of a vacancy having been filled up in the Court of the Principal Sudr Ameen.

3. The Court of Sudr Udalut resolve to direct the attention of the Civil Judges of Madura and Trichinopoly to their orders of the 30th December 1848, which they desire may be carried into execution on the very first vacancy that may occur either in the Zillah or in the Subordinate Courts.

Ordered that Extracts from these proceedings be sent to the Civil Judges of Madura, for communication to the Acting Subordinate Judge, and to the Acting Civil Judge of Trichinopoly for communication to the Principal Sudr Ameen for their respective guidance.

Ordered also that extract from these proceedings be given to the Petitioner's Vakeel on his application.

(True Extract.)

(Signed) F. LUSHINGTON,

Register.

G.

Extract from the Proceedings of Sudr and Foujdaree Udalut, under date the 12th December 1850.

Read Miscellaneous Petition presented on 28th October 1850, by S. Teroomalacharry, Vakeel, on behalf of Moodookistniengar, late Criminal Javabnaviss in the late Zillah Court of Madura.

(Here enter S. and F. M. P. No. 34 of 1850.)

1. The Petitioner with reference to the order of the Court under date 12th December 1848, and 20th May 1850, complains that upon Sheristadarship in the Court of the Principal Sudr Ameen of Trichinopoly falling vacant, the appointment was conferred upon a party who had been entertained in the establishment of the Civil Court at that Station on the introduction of the new system in 1843, whilst a Goomasta's situation of 10 Rupees 8 Annas per mensem was offered to him, and he prays that the Principal Sudr Ameen may be perempto-

rily ordered either to appoint him to be Sheristadar or to make such arrangements as will give him a situation of not less than 45 Rupees per mensem.

2. The Court of Sudr and Foujdaree Udalut direct that the Civil and Session Judge of Trichinopoly be called upon to explain why, upon the occurrence of the vacancy above alluded to, the orders of the Sudr and Foujdaree Udalut for providing the Petitioner with suitable employment were not attended to, and they further direct that the Civil Judge be required to make such arrangements in his own and on the Principal Sudr Ameen's establishment as will ensure to the Petitioner a situation more nearly equivalent to that from which he was removed than the one which the Principal Sudr Ameen has seen fit to offer him.

Ordered that Extract from these Proceedings be sent to the Civil and Session Judge of Trichinopoly by precept returnable within 15 days from and after its receipt.

Ordered also that Extract from these Proceedings be given to the Petitioner's Vakeel on his application.

II.

Extract from a General Letter from the Honorable the Court of Directors, dated 20th August 1845, No. 15.

Para: 1st. The Memorialist Mootookistna Naidoo held the office of Native Register in the Zillah of Madura from which he was removed by the Zillah Judge, on a charge of bribery. The Provincial Court were of opinion that the charge had not been substantiated, and issued orders accordingly that he should be reinstated in his office; before these orders had been carried into effect, the Judicial Establishments in your Presidency were new modelled under the operation of Act VII of 1843. The Court of Sudr Udalut having called upon the Judge to explain why no provision was made for the Petitioner under that arrangement, he stated that he has not thought proper to employ him on the establishment of the new Court. The Petitioner was thereupon informed by the Court of Sudr Udalut that they could not order his restoration, but that there was no bar to his employment in any office for which the Judicial authorities in the Provinces might deem him qualified.

2nd. Although in point of fact Mootookistna Naidoo was not employed at the period when the new arrangements were introduced, yet as in the opinion of the Provincial Court, of which the Zillah Judge of Madura was at the time a member, he had been removed from his situation without just cause, it seems a great hardship that the injury which he had suffered should be regarded as a reason for refusing him redress, with respect to the other reason, viz., that he had not possessed the Judge's confidence, we presume that in forming the native establishment of the new Courts under Act VII of 1843, Judicial Officers were not permitted at their discretion to discharge the former servants, and replace them by others, and therefore that if the Petitioner had not been previously removed without just cause, he would have been entertained on the new establishment.

3rd. Under the foregoing view of the case, we trust that you will find yourself enabled to obtain employment for this individual; you are aware of our uniform practice that our Native no less European servants should on every occasion meet with justice and with considerate regards for their feelings, and it needs to be borne in mind, that a native servant who had been dismissed even unjustly, must find great difficulty through his own means in again obtaining public employment.

(True Extracts.)

(Signed) H. D. PHILLIPS,
Register.

(Signed) E. P. THOMPSON,
Secretary to Government.

Fort St. George, Judicial Consultation, 12th May 1857.

I.

The Application of Moottookristnyengar, inhabitant of Madura.

Whereas I am desirous of becoming a Candidate for the situation of Pleader in a Zillah Court, I request that after taking the necessary inquires, you will grant me a Certificate, prescribed by the Rules for the examination of Candidates.

1	2	3	4	5	6	7	8	9	10
Name of the Applicant and that of his father.	Age.	Religion and Caste.	Family residence, viz., Town or Village and Zillah.	Particulars relative to the family and connections of the applicant, which may seem worthy.	Statement of past employment in the service of Government.	Statement of landed or other property belonging to the Nominee, and where situated.	Statement of whether the applicant is a debtor or creditor of other parties, and if so, the place of residence of his debtor or creditor.	Name of Government College or School if any, in which the applicant was educated, number of years for which he was so educated, and statement of honors or prizes if any obtained by him in the last year of such education.	Certificate of the Judges.
Moottookristnyengar, son of Vencatachella Iyengar.	48.	Vistnoo sect, Bramin.	Trichinopoly.	The applicant's father was employed in the late Madura Zillah Court of Madura as Head Gomastah and Native Register for 25 years, and was then pensioned.	Gomastah and Civil Royasum in the late Madura Zillah Court from 10th July 1825, to 6th December 1830, Native Register from 7th December 1830, to 14th July 1832, and Criminal Javabnaviss from 15th July 1832, to 17th December 1842, in the said Court; Criminal Javabnaviss in the Principal Sudr Ameen's Court of Trichinopoly from 28th June 1851, up to this date. The period between the 17th December 1842, and 28th June 1851, was sanctioned by the Government in the Extract from the Minutes Consultation, under date 21st April 1855, to be added to the actual service of the applicant.	About 30 cawnies, situated in the Madura Zillah.	None.	None.	I do hereby certify, that I have satisfied myself that Moottookristnyengar, the bearer of this Certificate, is a man fully fitted by respectability, good character and general information, to fill the office of Pleader, either in the Sudr Court, or in the Courts of the Zillah Judges, Subordinate Judges, Principal Sudr Ameens, or Sudr Ameens, and that he is entitled to the privilege of examination as to his qualifications of the office.

(Signed) T. I. P. HARRIS,
Civil Judge.

15th December 1855.

(Signed) MOOTTOOKRISTNYENGAR.

J.

We hereby certify, that Moottookristnyengar, Javabnaviss, Principal Sudr Ameen's Court, Trichinopoly, was examined at the yearly examination held at Madura, in the month of February 1856, and that we consider him duly qualified, from his knowledge of the Native languages and of the Laws and Rules of practice for the guidance of the Courts of Civil Justice, to hold the office of Pleader in the Sudr Court, or in the Court of a Zillah Judge, Subordinate Judge, Principal Sudr Ameen.

(Signed) H. D. COOK,
(,,) R. D. PARKER,
(,,) A. W. PHILLIPS,

Name of Candidate.	Name of his father.	Age.	Place of residence.
Mootookristnyengar.	Vencatachellaniengar.	48 years.	Trichinopoly.

K.

Circular Order of the Sudr Udalut, dated 25th April 1832.

Under the Regulations, the selections of persons to be appointed to the office of District Moonsiffs is left to the Civil Judges, who are naturally deposed to give a more ready attention to the claims of those who have served, or whose conduct has passed under their personal observation, than to the application of others, who, whatever may be their claims, are not personally known to them.

In consequence, the selection for this office is practically in a great measure, restricted to the Pleaders and Ministerial Officers of the Civil Courts. It is however expedient, and has always been intended that other public servants who are equally eligible should have their claims fairly and equally considered, and that the office should be so readily open to them as to the others. The Court of Sudr Udalut deem it proper therefore, to advise the Zillah Judges on occasions of vacancies, to make the selections for the office of District Moonsiff upon a general view of the claims of the persons qualified for it in both the Civil and Subordinate Courts, and among the other Candidates for appointment, and a fair consideration of their relative merits and abilities, giving its proper weight to length of service.

(True Copy.)

L.

Rules for the examination of Candidates for the offices of District Moonsiff and Pleader in the Court of Sudr Udalut and the several Courts subordinate thereto.

Para. 24. Persons who have passed the examination, shall be eligible for appointment, either as Moonsiff or as Pleader in the Sudr Court, or in the Courts of the Zillah Judges, Principal Sudr Ameen, and Sudr Ameens; but in the selection of persons for the office of Moonsiff, preference shall be given to those Candidates who have been in practice as Pleaders, or have been employed in other situations in the Judicial or Revenue Department, of the public service, and can produce testimonials of having performed their duties in an able and upright manner.

(True Copy.)

M.

Copy of the several Judges' Certificates.

No. 1. Madura 18th January 1832.

Moottookristniengar, Native Register of the Zillah Court of Madura, has been very useful and attentive to me while on circuit at this Station.

(Signed) GEORGE GARROW,
Acting 1st Judge.

Fort St. George, Judicial Consultation, 12th May 1857.

No. 2. Madura, 30th August 1834.

Moottookristniengar attended me occasionally as Criminal Javabnaviss, during the time I was Register of Madura, and I found him a regular, industrious, and able man, and he gave me great satisfaction in the situation.

(Signed) W. GOODWIN,

I concur with Mr. W. Goodwin,

(Signed) H. BABINGTON,
Judge.

February 24th, 1841.

No. 3. Madura, 21st January 1840.

The bearer Moottookristniengar, Criminal Javabnaviss of the Madura Zillah Court, has applied to me for a Certificate of my approbation of his services while attending on the Court of Circuit, I have had extracted opportunities of judging of his ability and attention, and do not hesitate to say, I consider him equal, if not superior, to most in this time when it has fallen in my way to transact business with.

(Signed) W. HARINGTON.

No. 4. Salem, August 1840.

This is to certify that the Criminal Javabnaviss Moottookristniengar performed his duties to my satisfaction during the 21 months I acted as Criminal Judge in the Zillah Court of Madura.

(Signed) W. ELLIOT.

No. 5. Madura, 9th January 1842.

The bearer Moottookristniengar, Javabnaviss of the Madura Criminal Court, has attended me during the 1st Sessions of the current year just closed, and have had reason to be satisfied with his attention and intelligence.

(Signed) W. HARINGTON,
Acting 1st Judge on Circuit.

No. 6. Extract from the Annual Report made on the conduct and qualifications of the public servants for the year 1836.

No.	Name.	Present employment.	Designation of length of service.	Total period of service. Y.	M.	D.	Character and Qualifications.
34	Moottookristniengar.	Criminal Javabnaviss.	Record Keeper, Gomastah and Civil Roysom from 10th July 1825 to 6th Decr. 1830, up to the 14th July 1832 Native Register, and from that to the present time Criminal Javabnaviss of the Court.	10	5	20	Gives great satisfaction, being very intelligent, attentive and correct, and well acquainted with his duties. 1st January 1836.

(True Extract.)

(Signed) G. S. HOOPER,
Judge.

No. 43.

No. 7. From the Principal Sudr Ameen of Trichinopoly; to T. I. P. HARRIS, Esq., Civil Judge of Trichinopoly.

SIR,

I have the honor to acknowledge the receipt of your letter of the 10th Instant, requiring me to report on the conduct of Moottookristniengar, the Javabnaviss of this Court, since his entertainment on the establishment, and in reply to state, that I have found him willing, attentive and intelligent in the discharge of his duties, and have no cause to be dissatisfied with him.

I have &c.,

Trichinopoly, Principal Sudr Ameen's Court, 15th March 1855. } (Signed) J. GORDON, *Principal Sudr Ameen.*

N.

Extract from a Despatch from the Hon'ble the Court of Directors, to the Government of Bengal, dated 23rd December 1840, No. 18.

19. We are of opinion, that the rule laid down by you is too general. If an Officer, who may have been suspended from office, should thoroughly clear his character, it is right that he should not suffer any loss of salary, and the amount paid to the Officer officiating in his place, must be an additional charge to Government, unless there should be sufficient ground for charging it to the authority by whom the Officer may have been improperly suspended from office. But an Officer may have been justly suspended from office, though it be not thought necessary to visit him with the penalty of dismissal. In such a case, the amount paid to the officiating Officer should be a charge on the salary of the suspended Officer.

20. If the suspended Officer be finally dismissed, and the officiating Officer be confirmed in the situation, the latter should receive the whole salary of the Office; otherwise he should receive the portion which would be paid to him, if the suspended Officer had been on leave of absence.

(True Extract.)

(Signed) J. W. DALRYMPLE,
Under Secretary to the Govt. of India.

No. 40. ORDER THEREON, No. 542; dated 11th May 1857.

The Government cannot comply with Moottookristin Engar's request to issue orders for his appointment to a District Moonsiffship; and they resolve therefore that his Memorial to the Honorable Court of Directors do lie on the table for the prescribed period of 20 days, and that it be then forwarded to that authority, with the next General Letter, with reference to previous correspondence respecting him.

(Signed) E. MALTBY,
Acting Chief Secretary.

Mad. F. Cartledge.

Judicial Department

No 542

Extract from the Minutes of Consultation

Dated 11th May 1857

Read the following Letter from Moottookristin Engar Javabnaviss of the Principal Sudr Ameen's Court Trichinopoly.

(Dated 10th April 57 No.)

The Government cannot comply with Moottookristin Engar's request to issue orders for his appointment to a District Moonsiffship; and they resolve therefore that his Memorial to the Honble Court of Directors do lie on the table for the prescribed period of 20 days, and that it be then forwarded to that authority with the next general letter, with reference to previous correspondence respecting him.

Copy to Moottookristniengar. Dept. 14th

Sgd E. Maltby
Actg Chief Secy

Encl. in Letter

Judicial 1857 Despatch

Encl. Let. to Secy. of Legation
No 26 of 1857
Pages 55
Repl. to Min. No. 5 of 1858 Pg 43

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Extract from the Minutes
of Consultation
Dated 11th May 1857.