

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. <i>29</i>	Press ~~Mis.~~
<i>32-33</i>	
Dated <i>11-1-</i>	<i>19-1-57</i>

Not to be folded or roughly handled

File

Fort St. George, Judicial Consultation, 11th January 1859.

No. 32. Read the following letter from J. D. ROBINSON, Esq., Sub Collector of Canara; to W. H. BAYLEY, Esq., Acting Secretary to Government, Madras, dated Sedda-poor, 13th December 1858, No. 483.

SIR,

I have the honor to submit for the consideration of Government, the enclosed correspondence* which has passed between the Civil Auditor, and myself, relative to the retrenchment directed against me, by the former Officer.

* From Civil Auditor, No. 661, dated 27th October 1858.
To do. „ 460, „ 20th November „
From do. „ 744, „ 27th „ „

* Rupees 262-8. 2. The amount* at issue is so trifling that I should have submitted to the Civil Auditor's decision without comment, did I not think there was a general principle involved in the case, and that it were expedient for future purposes that all doubt should be set at rest.

3. With this apology for troubling Government on so small a matter, I beg respectfully to await their decision.

From F. LUSHINGTON, Esq., Civil Auditor; to J. D. ROBINSON, Esq., Sub Collector of Canara, dated Fort St. George, 27th October 1858, No. 661.

Fixed Department.

SIR,

In returning the Bills duly audited for your salary as Sub Collector of Canara, from July to September last, just received, I have the honor to inform you, that I am precluded by the rules† from passing any fixed tentage for that period to you, in consequence of that allowance having been drawn by and passed to Mr. Ballard who was acting for you at that station. The Bills for which are herewith returned unaudited.

† Chap. VIII, para. 36 of the C. A. M.

From J. D. ROBINSON, Esq., Sub Collector; to F. LUSHINGTON, Esq., Civil Auditor, dated Sircy, 20th November 1858, No. 460.

SIR,

I have the honor to acknowledge receipt of your letter of the 27th Ultimo, No. 661, informing me, that you are precluded by the rules‡ from passing to me my fixed tentage for the 3 months§ during which I was absent on privilege leave, Mr. Ballard having already drawn the allowance.

2. Whilst submitting to your decision, I would yet beg respectfully to bring to your notice, certain features in my case which seem to make it exceptional and which may possibly not have been taken into account when the matter was under your consideration.

3. Mr. Ballard, I would respectfully submit, was not acting for me during my absence in the ordinary acceptance of the term.

4. By a local arrangement my work was divided on my departure, between Messrs. Ballard and Pochin, but Mr. Ballard's station was on the frontier, and his official designation "Special Commissioner."

* 9th February 1858.

5. Mr. Ballard it is true, was originally gazetted* to act for me, but before his arrival in the district, the Sawunth disturbances had broken out, and I was unable to avail myself of the leave then granted me.

6. Mr. Ballard's services were however specially retained for this division, and he was associated with me as Commissioner under Act XIV of 1857.

‡ Extract Minutes Consultation, dated 12th March 1858, Judicial Department, No. 338.

7. Whilst thus associated, we both drew under orders‡ of Government, the full allowances we were entitled to.

8. On the 25th June 1858, Mr. Ballard was gazetted as Additional Sub Collector of Bellary, but directed to continue to act as Sub Collector and Joint Magistrate of Canara during my absence.

Fort St. George, Judicial Consultation, 11th January 1859.

9. Although by the terms of this appointment, Government recognise Mr. Ballard as my locum tenens, still I would respectfully observe that, but for the disturbances, Mr. Ballard's presence in Canara would not probably have been considered necessary; and my work would as is usual in such cases have been distributed during my absence amongst the Revenue Officers attached to the District.

10. I would here moreover beg to call your attention to your letter to Mr. Ballard of the 22nd July last, No. 304, in which you have ruled that that Officer is entitled to the allowances of Additional Sub Collector of Bellary from the 1st of that month, the date on which I left the District on privilege leave. I therefore presume that Mr. Ballard has been drawing fixed tentage rather as Additional Sub Collector of Bellary than as my locum tenens.

11. My return too, I might urge has not materially changed the aspect of matters, as Mr. Ballard still continues under orders of Government to exercise the functions of Special Commissioner and Magistrate in the Soopah district of my division.

|| Chap VIII, para. 32, C. A. M.

12. If, as I read the rules, || Officers on privilege leave are entitled to their tentage, then I respectfully submit that under the explanation above given, Mr. Ballard's presence in the division, rendered expedient by grave political necessity, should not bar my claim to this allowance.

From F. LUSHINGTON, Esq., Civil Auditor; to J. D. ROBINSON, Esq., Sub Collector of Canara, dated Fort St. George, 27th November 1858, No. 744.

Fixed Department,

SIR,

In reply to your letter of the 20th Instant, I have the honor to inform you that under the existing rules, the tentage of Mr. Ballard's permanent appointment is claimable by, and passed to Mr. L. Forbes who is now acting for Mr. Ballard at Bellary. The admission of your claim to tentage during your absence, would therefore involve an extra charge to Government which it is not within the competency of this office to allow.

The circumstances under which your claim is made, might however be submitted for the consideration of Government, and by it be deemed of sufficient cogency to warrant a departure from the fixed rules.

(True Copies.)

(Signed) J. D. ROBINSON,
Sub Collector.

No. 33.

ORDER THEREON, No. 29; dated 11th January 1859.

The Government consider the circumstances of Mr. Robinson's case, as set forth in his letter of the 20th Ultimo, to be special, and resolve accordingly to authorise the fixed tentage being passed to him for the period for which it has been retrenched by the Audit Office, the same to be borne as an extra charge.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

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Fort St. George, 8
11 January 1859.

To the Civil Auditor
" Acct General
" J. D. Robinson Esq. Sub Coll Canara } Dispd 11th