M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1298 Press
43-45 Mis.

Dated 6 — 10 — ~~19~~1860

313

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 6th October 1860.

Read the following papers:—

No. 43. From R. R. COTTON, Esq., Civil Judge of Madura, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 22nd September 1860, No. 251.

**Vide letter, dated 21st September* 1860, *enclosed.*

1. I have the honor to submit for the favorable consideration of Government, the case* of Mr. T. Ballard, who was lately appointed to act as Additional Principal Sudr Ameen of Madura.

2. Mr. Ballard who is 1st Class Moonsiff of Negapatam, took charge of his Office *here* on the 16th August 1860, and the Government having sanctioned 500 Rupees, as the salary of the Principal Sudr Ameen, he sent in his abstract accordingly, the Civil Auditor, however, has disallowed his claim, to more than a moiety of the salary, on the plea of his having been only appointed Acting.

Proceedings of the Madras Government, Judicial Department, on Extract Proceedings Government of India, No. 5,529, *dated 21st June* 1860.

3. Although Mr. Ballard was only Acting, the appointment *was vacant*, a circumstance I think, overlooked by the Civil Auditor, inasmuch, as the Government have in two cases, within my knowledge, sanctioned the full salary of a *vacant* Office, to Officers Officiating, and conducting the duties.

4. The first case is my own, noted in the concluding part of the last para. of the Extract Minutes of Consultation, Judicial Department, No. *22*, dated 8th January 1859, wherein the Government stated: "In the meantime as the post is actually vacant Mr. Cotton will, while officiating in it, draw the full allowances in accordance with the Resolution of the Government of India providing for such cases."

Financial Department, No. 2,386, *dated* 30*th Angust* 1853.

5. The other case, is that of Mr. Boalth, 1st Class District Moonsiff of Madura, who was appointed to act Principal Sudr Ameen of Tinnevelly; while so acting, the permanent Principal Sudr Ameen died, and Mr. Boalth was permitted to draw the full allowances of the Office, from the date the post became vacant, till he was relieved by the next permanent incumbent —the Acting 1st and 2nd Class Moonsiffs also drawing full pay.

Vide Extract Minutes of Consultation, Judicial Department, No. 300, *dated 4th March* 1859.

From T. BALLARD, Esq., Acting Additional Principal Sudr Ameen of Madura, to R. R. COTTON, Esq., Civil Judge of Madura, dated 21st September 1860, No. 8.

1. I have the honor to address you under the following circumstances.

2. Having forwarded to the Civil Auditor the Pay Abstract of myself and the establishment of this Court for the month of August last, that Officer has returned the abstract, passed, in my own case, for only the sum of Rupees 129-0-6 as due to me from the 16th to the 31st of the month, with the following remark:—

"Mr. Ballard is entitled to a moiety of salary as Acting Additional Principal Sudr Ameen and with a moiety of that of 1st Class Moonsiff of Negapatam. A separate abstract for the latter item should be sent for Audit."

3. I own that I was appointed by the Government to act as Additional Principal Sudr Ameen of Madura until further orders, but I was *locum tenens* for no one, having been nominated to the post on its creation under the Orders of the Supreme Government of the 5th July 1860, No. 1,379; and I therefore respectfully submit that I am entitled to the full salary of the Office, which I have the honor to request you will be pleased to obtain the sanction of Government for my drawing.

Proceedings of the Madras Government, Judicial Department,
6th October 1860.

Referred for the Report of the Civil Auditor.

(Signed) T. PYCROFT,
Chief Secretary.

FORT SAINT GEORGE,
29th September 1860.

No. 44. From W. BALMAIN, Esq., Officiating Civil Auditor, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 2nd October 1860, No. 1,117.

Fixed Department.

In obedience to the Orders of Government, dated 29th ultimo, referring for my report the claim of Mr. Ballard, Acting Additional Principal Sudr Ameen of Madura, for the full allowance of his appointment, I have the honor to state that in a similar case Mr. Boalth while Officiating as Principal Sudr Ameen of Tinnevelly, and all the Officers who acted in succession on that appointment where allowed the full salary of the situations in which they acted.

Extract Minutes Consultation, 4th and 23rd March 1859, *Nos.* 300 *and* 387, *Judicial Department.*

According to this precedent there is no objection to Mr. Ballard and the other Acting Officers being allowed full pay.

The original letter and its enclosure are returned.

No. 45. ORDER THEREON, 6th October 1860, No. 1,295.

His Honor in Council is pleased to sanction the disbursement of the full salary of the Principal Sudder Ameen of Madura to Mr. Ballard, for the period he acted in that appointment, and to extend the privilege to all the Officers similarly situated in succession to him.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Proceedings of the Madras Govt.
Read the following letters—
From the Civil Judge of
Madura — Letter 22nd Sept. '60 No. 251.
" the Civil
Auditor ——— 2nd Oct — 1117.

Order— 6th October 1860. No 1295.

H. H. in Council is pleased to sanction the disbursement of the full salary of the Principal Sudder Amin of Madura to Mr. Ballard for the period he acted in that appointment — & to extend the privilege to all the officers similarly situated in succession to him.

To the Civil Judge of Madura
" Civil Auditor
" Acct. Genl.