

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1394	Press
		Mis.
80-82		
Dated	15.11.1861	19.

4/4

Not to be folded or roughly handled

17/12/20

*Proceedings of the Madras Government, Judicial Department,
15th November 1861.*

Read the following papers :—

No. 80. From A. W. PHILLIPS, Esq., Civil Judge of Chingleput ; to J. D. SIM, Esq., Secretary to Government, Fort Saint George, dated 25th October 1861, No. 182.

1. I have the honor to submit the following circumstances, and trust you will kindly lay the same before Government with a view to their passing such Orders as will be necessary for my absence from duty from 3rd July to 3rd October, being considered Privilege leave, and thus enabling me to draw the allowances to which I think I am only in justice entitled.

2. The Government are aware that I applied for three months' Privilege leave from the 20th June, that the Judges of the Sudder Court recommended that the leave should be granted, and that the Civil Auditor declared me entitled to it ; but owing to its having been represented that Mr. Hodgson who I proposed as my locum tenens, was incapable of conducting his duties on the plains, and as no one else was at the time available, the leave was temporarily refused. Several representations were made by me to the effect, that I was unable from indisposition to properly conduct the duties of my Court, and one was backed by a Certificate from the Zillah Surgeon, but no arrangements were made to supply my place, and at last I became so rapidly worse that the Medical Officer found it necessary to send me away on urgent Sick Certificate for six months on the 3rd July. Under the influence of climate, I rallied earlier than was expected, but though the moiety of my leave has been now cancelled, and I have rejoined my station, at the expiration of the three months, which I originally asked for, I am informed by the Civil Auditor that the Medical Certificate cannot be changed into Privilege leave, in other words, I am to be subjected to the loss of half my allowances for three months, not because I was not fairly entitled to draw the whole, but because there was no one at the moment available to act, and I became seriously ill before arrangements could be made. The case seems all the more hard too, I think, when the very Gentleman who, I proposed, should act for me was put into the appointment after all.

3. Should Government not feel themselves in a position to accede to my prayer, I would respectfully beg that the case be referred.

Referred for the report of the Civil Paymaster.

(Signed) J. D. SIM,

Secretary to Government.

4th November 1861.

No. 81. From W. J. RAYNOR, Esq., Officiating Civil Paymaster ; to J. D. SIM, Esq., Secretary to Government, Judicial Department, Fort Saint George, dated 6th November 1861, No. 424.

General Department.

* Herewith returned.

for report with your endorsement of the 4th instant, I have the honor to report that Mr. Phillips was eligible to 3 months' privilege leave in July last ; but as he subsequently obtained sick leave, he forfeited his claim to privilege leave, and is not entitled to anything beyond sick absentee allowance equal to a moiety of his salary, during the period of his absence from 3rd July to 3rd October.

Vide paragraph 2, Financial Resolution Government of India, dated 25th September 1857, No. 4,385, (Fort Saint George Gazette of 1857, page 719.)

2nd. Under ordinary circumstances sick leave once obtained cannot be commuted to privilege leave ; it rests with the Government to determine how far Mr. Phillips is entitled to consideration upon special grounds.

Proceedings of the Madras Government, Judicial Department,
15th November 1861.

No. 82. ORDER THEREON, 15th November 1861, No. 1,394.

Under the peculiar circumstances of his case, the Government sanction the commutation into Privilege leave of the leave on Medical Certificate granted Mr. Phillips under date the 26th July last. Mr. Phillips' allowances for the period in question will be adjusted accordingly.

(Signed) T. PYCROFT,
Chief Secretary.

Proceedings of the Madras Govt.

Read the following letter—

From the Civil Surgeon

Madras

25 Oct. 61. No. 182.

the Civil Surgeon

Master 6 Nov. 424.

Order 15 Nov 1861. No. 1394.

Under the peculiar cir-

cumstances of his case, the Govt. sanction the com-

mutation into Privilege

leave of the leave on Me-

dical Certificate granted

Mr. Phillips under date the 26th

1st worked in the period
 2dly by last term and for
 Phillips allowance for
 the period in question
 will be adjusted accord-
 ingly.

The Civil Paymaster
 has been directed to
 pay the allowance for
 the period in question
 to Mr. Phillips.

Misc 1861 June 1861
 Proceeding June 1861

Judicial 1861 Sept 3
 From Proc. Nov.
 The off. Civil Paymaster

The Secretary to Government
 Judicial Department

Dated 6th November 1861
 No. 424
 Enclosure -
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states that Mr. Phillips
 the Civil Judge of Chingput
 is not entitled to any
 beyond sick absence

allowance for reasons
 given for his absence from
 duty from 3rd July to 3rd Oct last.

With an Order

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