

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	708	Press
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Dated	1.6.1861	19

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Proceedings of the Madras Government, Judicial Department,

1st June 1861.

- No. 5. Read the following letter from H. D. COOK, Esq., Civil Judge of Calicut; to W. WATER-FIELD, Esq., Officiating Civil Auditor, Fort Saint George, dated 22nd April 1861, No. 188.

With reference to my communication to the Sadr and its reply, copies of which I enclose, I have the honor to request that for the reasons stated therein, you will be pleased to obtain the sanction of Government to pass the respective salaries of late Munsifs Padathavittil Kondi Menon and Kunnanur Ukanden Unni Nair due to them, and to which they are in my opinion in equity clearly entitled.

From H. D. COOK, Esq., Civil Judge of Calicut; to C. F. CHAMIER, Esq., Registrar to the Court of Sudr Adalat, Fort Saint George, dated Calicut, 27th March 1861.

The Officiating Civil Auditor having refused to pass to Padathavittil Kondi Menon his salary as Munsif for the month of February last, on the ground that "an Uncovenanted Servant who resigns while absent on leave is not entitled to salary as per Order of Government of India, dated 26th August 1859, No. 7,778, I have the honor to request you will lay his case before the Judges and obtain the necessary orders of Government. Kondi Menon returned from his leave and was prepared to resume charge of his duties, but was hindered from doing so only by reason of the Medical Certificate he received from the Zilla Surgeon and not by *voluntary* resignation. I confess I was not aware of the Orders of Government alluded to by the Officiating Civil Auditor, inasmuch as it does not appear in the Official Gazette or any where in the Records of this Court. The Government of India have in their

* No. 51, *Financial Department*, page 808. Notification* dated 14th November 1856, laid it down that the advantages of privilege leave are forfeited when Officers retire from the service within three months after return to duty from the leave, *unless disabled by sickness* from serving for that period. The Zilla Surgeon in this case has pronounced him "a strumous subject and his sight defective" and also considered him *unfit* for further employment in the public service—and as the aforesaid Notification of the 14th November did not appear to have been superseded by any subsequent Order of Government, I deemed it applicable to the present case. Under these circumstances I beg, as a special case, that the salary due to Kondi Menon be paid to him.

I beg further to request that the Civil Auditor may likewise be authorized to pass the pay bill of Kunnanur Ukanden Unni Nair, District Munsif of Betatnad, who was on privilege leave for one month from the 25th February last and pronounced by the Zilla Surgeon on the expiration thereof to be disqualified for further service through infirmity of age, and as I have recommended a pension for him, he has not been allowed to resume his duties.

Proceedings of the Sudder Court, dated 15th April 1861.

Read letter dated 27th ultimo, from the Civil Judge of Calicut, requesting the Judges to obtain the necessary orders of Government authorizing the Officiating Civil Auditor to pass to Padathavittil Kondi Menon his salary for February last, and likewise to pass the pay bill of Kunnanur Ukanden Unni Nair, District Munsif of Betatnad.

The Judges observe that it rests with the Civil Auditor to interpret the Orders of Government respecting the salary and allowances payable to Officers in the Judicial Department, and that the circumstances mentioned in the Civil Judge's letter should therefore be represented to the Civil Auditor.

(True Extract.)

(Signed) C. F. CHAMIER,
Registrar.

(True Copies.)

(Signed) H. D. COOK,
Civil Judge.

Latest

Proceedings of the Madras Government, Judicial Department,
1st June 1861.

No. 324.

MEMORANDUM.

Forwarded to the Chief Secretary to Government by the desire of the Civil Judge, Calicut. In the opinion of the Civil Auditor the pensions should be allowed to commence from the date on which the Munsiffs made over charge of their Courts to proceed on leave.

FORT SAINT GEORGE,
CIVIL AUDIT OFFICE,
15th May 1861.

(Signed) W. WATERFIELD,
Officiating Civil Auditor.

To the Chief Secretary to Government.

No. 6. ORDER THEREON, 1st June 1861, No. 708.

In the letters submitted with the above Memorandum, the Civil Judge of Calicut urges the claims to salary, for the period of their absence on leave, of two District Moonsiffs, who were prevented from resuming their duties, in consequence of it having been certified by the Medical Officer, that they were incapacitated for further service. In the opinion of the Civil Auditor, their pensions should commence from the date on which the Moonsiffs made over charge of their Courts to proceed on leave.

2. The Government concur in this view, and direct that the District Moonsiffs be removed from the effective list on the dates indicated by the Civil Auditor.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

Judicial.

Proceedings of the Madras Govt.

Memo. from the
Civil Auditor Inter 15 May 61 No 324.

Order. 708 - 1 June 1861.

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with the above Memo,
the Civil Judge of Calicut ^{urges} presses the claims to salary, for the period of their absence on leave, of two District Moonsiffs, who ~~have~~ ^{were} been prevented from resuming their duties, in consequence of it having ^{been} certified by the Medical Officer, that they were incapacitated.

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commence from the
date on which the
Moonisiffs made over
charge of their courts
to proceed on leave.

2. The Court confirms
this view — & direct
that the District
Moonisiffs be remo-
ved from the effec-
tive list on the dates
indicated by the
Civil

Civil Auditor.

J.F.

The Civil Judge for
Calicut.
Civil Auditor.
Civil Pension
Dept.

Sept 1/6/61.

Journal of
the
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Association
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Proceedings of the
American Association of
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1898

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