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MADRAS RECORD OFFICE.

Judicial DEPARTMENT.

DEPARTMENT.

G.O. No.

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Dated

4.9.1862

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Proceedings of the Madras Government, Judicial Department,
4th September 1862.

No. 26. Read the following Proceedings of Government in the Military Department,
dated 27th August 1862, No. 2,941.

*Communicating Extract from the Military Pro-
ceedings of the Government of India, under
date the 1st August 1862, on the subject of the
order prohibiting the employment on the Staff
of any unpassed Officer being strictly enforced.* } (Vide Proceedings Military Department, dated
27th August 1862, Nos. 446 & 447.)

No. 27. ORDER THEREON, 4th September 1862, No. 1,444.
Communicated to the Inspector General of Police.

(Signed) T. PYCROFT,
Chief Secretary.

Exd, T. O'Connor.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers :—

MILITARY DEPARTMENT THE 1ST AUGUST 1862.

No. 21.

Extract from the Proceedings of His Excellency the Governor General in Council, in the Military Department, under date the 1st August 1862.

From the Secretary to the Government of India, Military Department, Fort William, 14th March 1862, No. 505; to the Secretary to Government, Military Department, Madras.

The Order of His Excellency the Governor in Council, No. 144, dated 14th January 1862, sanctioning the appointment of Lieutenant Budd, 39th Madras Native Infantry, to be Aide-de-Camp to the Major General Commanding the Southern Division, and authorising the Pay Department to pass Staff Pay to him, having been brought to the notice of the Right Honorable the Governor General in Council, His Lordship has been pleased to pass the following remarks thereon, which I am directed to request you will communicate for His Excellency's information and guidance.

The appointment of Lieutenant Budd to a Staff situation, he not having passed the prescribed examination, is, His Lordship in Council observes, in contravention of the clear Rule laid down in the General Order No. 734 of 19th May 1859, which directs that the Order prohibiting the employment on the Staff of any unpassed Officer, shall be thenceforward strictly enforced.

This Rule, His Excellency in Council remarks, admits of no exception; the utmost relaxation allowable being the grant of leave of absence to an unpassed Officer to join a personal Staff appointment for a period of six months, within which period such Officer must qualify or re-join his Regiment.

This relaxation of the general Rule is, however, the Governor General in Council points out only permissible on the sole ground of the personal convenience of high Officers, Military and Civil, which to this extent may be consulted with public advantage.

No Staff Pay is, His Lordship in Council directs, to be passed to an Officer so situated, until he has passed: but having passed, his Pay and appointment should both be made retrospective.

In the case of Lieutenant Budd, however, the Governor General in Council is pleased to decide that his Staff salary shall be passed to him. He is, however, to pass the prescribed examination within four months, or be held to have vacated his appointment. I am directed to request that His Excellency in Council may be informed, that henceforward, except under the rare cases before alluded to, the Rules of 1859, in all appointments of a date subsequent to that Order, will be strictly enforced.

From the Officiating Civil Paymaster, Fort Saint George, 13th June 1862, No. 756; to the Secretary to the Government of India, Financial Department.

There being a difference of opinion on the subject, I have the honor to inquire whether the restrictions laid down in letter from the Secretary to the Government of India, Military Department, to the Secretary to Government, Fort Saint George, Military Department, No. 505, dated 14th March last, are confined to Officers on the Military Staff, or whether they are applicable to all Officers in Staff employ in whatever Department they may be (including those of the Department of Public Works, who, in this Presidency, are required to pass special Vernacular examinations besides that qualifying for General Staff, before employment in that Department.)

No. 4509.

Forwarded to the Military Department for consideration and orders.

FORT WILLIAM,
FINANCIAL DEPARTMENT,
9th July 1862.

(Signed) C. BERNARD,
Under Secretary to the
Government of India.

Observations.—It was ruled by the late Court of Directors,* that no Officer who entered the Service subsequently to the 9th January 1837, would be deemed eligible to any Staff situation (except a temporary one during actual service in the Field) or Civil employ, until he had passed an examination in the Hindoostanee language. Attention was again drawn to this Regulation† in the year 1850.

2. The Rule in question is applicable to all the Presidencies, and no Officer who entered the Service after the 9th January 1837, is eligible to hold a Staff appointment, or any situation in Civil or detached employ, or to receive the salary of such post unless he has passed the prescribed examination in the Hindoostanee language.

3. This has been the Rule of the Service and has always been maintained; though occasionally, when from the absence of properly qualified Officers, it may have been indispensably necessary to nominate an unpassed Officer to act in any situation as a temporary arrangement, the allowances have also been granted as a special indulgence.

4. Such nominations have been very rare, and His Excellency the Commander-in-Chief has recently been requested to notify that no such temporary appointment will be confirmed, unless it is shewn that no qualified Officer is available, and that the nomination of an unpassed Officer, for the time, is indispensably necessary.

**G. G. O., No. 734 of 1859.*—Under the exigencies of the Service during the last two years, many Officers have been made available for employment on the Staff and in various situations, who have not passed the examinations in the Native languages, laid down by General Order by the Governor General, of the 25th June 1850; but tranquillity having now been generally restored, His Excellency the Governor General in Council is pleased to announce that the provisions of that Order will in future be strictly enforced, and no Officer will hereafter be appointed to any situation on the Staff, or to any Civil or other detached employment, who has not passed the prescribed examination.

Every Officer who has been removed from his Regiment for Staff, Civil, or other employment, who has not already passed the prescribed examination, or shall not pass it within six months from the date of this Order, will be remanded to his Corps.

Camp Oonao, 31st October 1859.

†*G. G. O. No. 9 of 1859.*—In consideration of the difficulty of relieving at once all the Officers holding Staff and detached appointments who may fail to pass in the Native languages on the 19th November next, under the operation of Government General Order No. 734, dated 20th May 1859, His Excellency the Governor General, in order to prevent inconvenience to the public service, is pleased to determine that such unpassed Officers shall after the 19th proximo, retain their respective appointments as "Officiating," and shall receive the usual salaries, but only until it is found practicable to relieve them. In no other respect is the General Order No. 734, affected by this Order.

His Excellency is further pleased to direct that, in addition to the usual half-yearly examination to be held in January and July next, Committees of Examination shall be also held on the 10th April next, at the usual Stations, to facilitate the passing of Officers qualifying themselves for Staff employ.

Camp Jubbulpore, the 15th January 1861.

‡*G. G. O. No. 10A of 1861.*—Inconvenience having been found to arise from the application to Officers of the Engineer Establishment, of the different tests for examination in the languages laid down in Government General Order of the 9th January 1837, His Excellency the Governor General is pleased to notify that the General Order in question does not apply to Officers employed under the Public Works Department, the tests of which will remain as laid down in the Code, or amended from time to time by the Government of India in the Department of Public Works.

General Staff of the Army, and enumerated in paragraph 76 of Government General Order

5. Owing to the exigencies of the Service, consequent on the Mutiny and the recent Campaigns in India, the Rule was temporarily relaxed in Bengal, but the restriction was again imposed in May 1859,* though it was slightly modified in October of the same year,† for the convenience of the public service. The necessity for even this slight relaxation has long since ceased.

6. Exemption was granted in January 1861,‡ to Officers employed in the Public Works Department, who are required to pass special tests as laid down in the Code of that Department.

7. But under the new system now coming into force, appointments in the Public Works Department, if not held by Engineer Officers or Civilians, as well as all other appointments in India, (save those on the

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