

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1787

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Dated 30.10.1962 19

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*Proceedings of the Madras Government, Judicial Department,
30th October 1862.*

No. 266. Read the following letter from A. MACDONALD RITCHIE, Esq., Registrar, High Court, Madras; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 15th October 1862.

I have the honor to enclose herewith a Petition in triplicate from Syed Gholam Dustgere, late Persian and Hindoostanee Interpreter to the late Supreme Court, in order that the same may be transmitted in due course to the Secretary of State for India in Council.

TO THE RIGHT HONORABLE THE SECRETARY OF STATE, &c., &c., &c.

The humble Memorial of SYED GHOLAM DUSTGERE, Persian and Hindoostany Interpreter to the late Supreme Court of Judicature at Madras.

SHEWETH,

1. That your Memorialist was admitted a Public Servant of the late Honorable East India Company in the year 1818, to instruct the Junior Civil Servants in Persian and Hindoostany. In October 1822, he obtained a Certificate of proficiency granted under the seal of the College Board, and continued to hold the employment of Instructor to Junior Civil Servants down to 1827, during which period of service your Memorialist attended both in the Mofussil and at Madras upon several Members of Civil Service, all of whom succeeded in obtaining the Honorary reward of a thousand Pagodas.

2. That the College Board entertaining a favorable opinion of your Memorialist's acquirements in the English language engaged his services as Assistant English Master to the Mussulman Students receiving instruction in the English language in the College Institution. Several of the pupils thus instructed by your Memorialist are now holding responsible situations and positions in society.

3. That on the 2nd of February 1831, your Memorialist was taken by J. M. Macleod, Esquire, the then Persian Translator to Government as a Translator in his Office, while here he executed numerous translations of the Company's Regulations and Acts, as well as, almost the whole of the letters addressed by Government to the Native Princes or Rajahs holding political relations with this Presidency, translating into English communications addressed by them to Government. Furthermore while holding this appointment your Memorialist was deputed in 1834 by Mr. Henry Chamier the then Chief Secretary and Persian Translator to Government to accompany Lieutenant Colonel J. S. Fraser to Coorg on a Military expedition against the Rajah of that principality. In this arduous campaign your Memorialist not only assisted the Colonel in conducting his negotiations with the Rajah, but he was exposed and had to undergo all the hardships and privations of a life in camp on active Military service. The following are copies of the Testimonials given to him by Lieutenant Colonel J. S. Fraser and Mr. H. Chamier:—

Gholam Dustgeer of the Persian Translator's Office and Tirmalachary Brahmin attached to the College of Fort Saint George and the Office of Canarese Translator to Government, served under my orders during the expedition to Coorg, and for sometime after the transfer of that district to our authority; and I am happy to take this opportunity of certifying that they discharged their duties while in that situation entirely to my satisfaction and in a manner highly to their own credit and the benefit of the public interests.

(Signed) J. S. FRASER, Lieut. Colonel,
Commissioner.

MYSORE, 9th January 1835.

Gholam Dustgere, 2nd Moonshy in the Persian Translator's Office, is a highly qualified public servant and the best Translator I have met with in this country. He was deputed by me to aid Lieutenant Colonel Fraser in carrying on his correspondence with the Rajah of Coorg before the breaking out of hostilities with that person in the year 1834, and I have reason to know both from the Lieutenant Colonel's letters to me and the Certificate granted by him to Gholam Dustageer, that he was highly pleased with his services. Gholam Dustageer has an excellent knowledge of the English language and as I had always found him to be very attentive

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to his duties throughout the period during which I had charge of the Persian Translator's Office, it was my intention to have promoted him on the first suitable occasion. I beg leave to recommend him most strongly to my successor as a most deserving man.
19th May 1835. (Signed) HENRY CHAMIER.

4. That in June 1835, your Memorialist was appointed by Mr. Chief Secretary Chamier to the post of Examiner in the Political, Secret and Foreign Departments of the Government Secretariat, and this confidential duty he performed to the entire satisfaction of his employer.

5. That on the 2nd February 1859, your Memorialist gave up his situation in the Government Office and had the honor of receiving the appointment of Persian and Hindoostany Interpreter to Her Majesty's late Supreme Court of Judicature at Madras which he held down to the 31st of July last. The manner in which your Memorialist performed the duties of this important and responsible office singly and without any assistance has from time to time been testified by the Honorable the Judges who have been pleased to favor your Memorialist with the following Certificates:—

Syed Dustghere was appointed Persian and Hindoostanee Interpreter in February 1839. He is extremely well acquainted with the English language; and I believe him to be a highly respectable man.

COURT HOUSE, 14th January 1842. (Signed) ROBERT COMYN.

Syed Dustghere has filled the situation of Persian and Hindoostany Interpreter in the Supreme Court for the last 12 years. He has discharged the duties of that office very much to my satisfaction, and as far as I have been able to judge to the satisfaction also of the different Jurors before whom he has interpreted, among whom are always found persons who understand the Hindoostany language. He is therefore able to form a correct opinion of his qualifications.

MADRAS, 12th April 1850. (Signed) EDWARD G. CHAMIER.

6. That your Memorialist was taken seriously ill in 1858, and therefore submitted a Memorial to Her Majesty's Indian Government through the Honorable Judges of the late Supreme Court, who were pleased to forward it to Government with their kind recommendation, whereupon the Government after taking the case of your Memorialist into their consideration referred it to your Excellency in January 1859, and your Excellency was pleased to sanction on the 7th of April 1859, the grant of a pension not only to your Memorialist by name, but extended the benefit of the Pension Rules to all the servants of the late Supreme Court. Before, however, this order reached Madras your Memorialist had recovered and he did not consider that he ought to avail himself of your Excellency's liberality so long as he was able to work and he continued in office down to the 31st of July last. The fidelity and faithfulness by your Memorialist during his long public career are evidenced as well by Certificates already referred to as by the following letter from the learned Advocate General, the Honorable T. Sydney Smyth to the Chief Secretary to Government:

SUPREME COURT HOUSE,
Madras, 11th July 1862.

From the Advocate General; to the Chief Secretary to Government, Fort Saint George.

Sir,

The Persian and Hindoostany Interpreter of the Supreme Court, Syed Gholam Dustaghere, being obliged by old age and evident infirmities to resign his situation after a long and faithful service of 24 years in addition to having previously served Government as I understand for 20 years in various important and confidential employments, I would beg to be allowed to bear testimony to the ability and fidelity with which he uniformly discharged his duties, and which will make his loss severely felt.

I understand he has submitted an application for a pension praying that the same may be calculated upon the average of his receipts, including his fees as Interpreter, which form a considerable

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proportion, about one-third I understand, of the total income; as this total hardly averages, I believe, Rupees 200, I would beg leave to be allowed to submit that forty-four years of good and faithful service would not be overpaid by a pension of that amount, which his age and evident infirmity render it probable he would not long enjoy.

The accuracy and fidelity of his translation of documents, and of his oral interpretation, during the long intricate and important cases under the Nabob's debt acts, were uniformly strongly testified to by the Government Interpreters Doctor Balfour and Major Snow, who assisted me in those cases, and I may add that very much depended in those cases on the accuracy of Syed Gholam Dustaghere's translations, and it is notorious that any mistranslation in favor of the principal claimants would have been handsomely paid for and might have been very difficult to detect.

Trusting to be excused for wishing to submit these matters for the consideration of His Excellency the Governor in Council.

I have the honor to be,
Sir,

Your most obedient Servant,
(Signed) T. SYDNEY SMYTH.

7. That your Memorialist submitted on the 14th of July last, a Memorial (inclosing therein the above letter from the Advocate General) to His Excellency the Governor in Council of Madras through the late Supreme Court, praying for a Superannuation pension to the amount of his full salary together with the average amount of his fees. The Honorable Judges of the Court were pleased not only to direct the Registrar to forward it to His Excellency, but authorized your Memorialist to add the following to the Memorial.

N. B.—Your Memorialist begs to add that he has the permission of their Lordships the Judges of the Supreme Court to request that your Excellency in Council will be good enough to refer to them for confirmation of the above in case you should deem the same necessary.

8. Your Memorialist has been furnished with the following copy of the Proceedings of the Madras Government thereon:

PENSION DEPARTMENT.
Proceedings of the Madras Government.

Read the following:—

Report of the Civil Paymaster.

From the Advocate General. (Here enter 1st September 1862.)

From the Registrar of the High Court of Judicature at Madras. (Here enter 22nd July 1862.)

ORDER THEREON, dated 26th September 1862, No. 316.

The Civil Paymaster reports that the service of Gholam Dustaghere, Persian and Hindoostanee Interpreter to the late Supreme Court, Madras, extends over a period of 39 years, 9 months, 3 days, and that he is eligible to a pension equal to one-half of his salary which is 140 Rupees per mensem.

2. The Advocate General in the above letter brings to the notice of Government the ability and fidelity of Gholam Dustaghere and recommends that the amount of pension to be granted to him should, as prayed by the applicant, be calculated not only on his salary but on the fees of his office which have formed a considerable part of his income. A return furnished by the Registrar shews that the net emoluments received by Gholam Dustaghere during the five years from 1857 to 1861 both inclusive, averaged 448 Rupees per mensem, of which sum Rupees 308 per mensem, consisted of fees.

3. The Government do not consider that this is a case in which a departure from the Pension Rules is necessary.

4. The Government are not in the present case compensating Gholam Dustaghere for the abolition of his office, when the question of the amount of emolument derived from fees might fairly be taken into consideration. Failing health compels Gholam Dustaghere to retire and the amount of his pension must be regulated by the salary of his office.

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5. The Government would further observe that until the Order of the Secretary of State, dated 7th April 1859, the servants of the Supreme Court were excluded from the benefit of the Pension Rules and it is on a Memorial from the present applicant that this privilege was accorded.

6. Resolved that a pension of Rupees 70 per mensem, equal to one-half of his average salary be granted to Syed Gholam Dustaghere from the date on which he ceased to be employed.

(True Extracts.)

(Signed) R. S. ELLIS,

Acting Deputy Secretary to Government.

To the Registrar of the High Court of Judicature, Madras.

9. Your Memorialist begs most respectfully to submit for your Excellency's consideration, 1st, That a public officer who after holding important and confidential appointments and discharging the duties thereof with fidelity and faithfulness for a protracted period of forty-four years is compelled to retire from old age and failing health, is as much if not more deserving of liberal consideration at the hands of the State than one who though his office be abolished is yet able otherwise to provide for himself and capable of serving in any other capacity. 2ndly, That none of the late Supreme Court Interpreters served sufficiently long to be entitled to apply for the benefit of Pension Rules, and therefore their not having obtained pension cannot prejudice your Memorialist. 3rdly, Several of the late Nabob's officers who held their respective offices for periods not exceeding 10 or 11 years obtained pensions from Her Majesty's Indian Government equal to one-half of their average salaries in the first instance. They afterwards assisted Doctor Balfour in the investigation of claims against the estate of the late Nabob and though they were handsomely paid whilst so employed, yet they were subsequently granted pensions at the recommendation of the Gentlemen they assisted equal to the amount of their full salaries. 4thly, Almost all the other officers of respectability who served under his late Highness for any considerable length of time succeeded in obtaining pensions equal to the full amount of their monthly salaries; and 5thly, Several persons who served the Honorable East India Company for the same protracted period as your Memorialist, have not only had pensions granted them equal to the full amount of their salaries but have had conferred on them Jagheres and Shotriums in consideration of their meritorious services—and 6thly, It is generally presumed that the fees of all the officers of the High Court are to cease, and in lieu thereof those who are paid in part by salaries are to receive from the Government increased salaries, to be regulated in proportion to the amount of their respective fees and salaries. Had your Memorialist served for a few months longer his pension also would have thus been regulated at a higher rate, and submits that the amount of fees ought not to be overlooked.

10. Your Memorialist prays that your Excellency will be pleased to take the above into your liberal consideration and to grant your Memorialist as an act of grace a pension equal to the full amount of his monthly salary—and your Memorialist as in duty bound, shall ever pray.

(Signed) SYED GHOLAM DUSTGERE,

*Persian and Hindoostany Interpreter
to the late Supreme Court.*

MADRAS, 14th October 1862.

No. 267.

ORDER THEREON, 30th October 1862, No. 1,787.

The Memorial received with this letter, will be forwarded to the Secretary of State.

(Signed) A. J. ARBUTHNOT,

Chief Secretary.

Exd. F. Cartledge.

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The Memorial received with this letter, will be forwarded to the Secretary of State.

*The Chief Justice &
Judges of the High Court.* } *Recd. Nov 11*