

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 228

Press
~~Mis.~~

108-109

Dated

12-2-1918

5/6

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
14th February 1862.*

No 108. Read the following letter from A. W. PHILLIPS, Esq., Civil and Session Judge of Chingleput; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 20th January 1862, No. 10.

1. I really am sorry to trouble Government, but I trust they will once more give my case a patient hearing.

2. The Civil Auditor has again returned my Pay Abstracts deducting from the 3rd of July to the 3rd of October 1861 (the period of my absence on privilege leave) all that was over and above my salary as *Sub-Judge of Madura* in pursuance of the Order of Government dated 4th January 1862, wherein they state that the Civil Paymaster had *correctly* ruled, that I was for that period only entitled to those allowances, that is to say, that I was not entitled to draw my salary as Civil and Session Judge of Chingleput, *because* I had *not* joined that station before I went on leave. I trust however, I may be pardoned for respectfully pointing out, that after the 17th May 1861, I was *no longer Sub-Judge of Madura*. Mr. Goldingham being so Gazetted from that date, that I remained at Salem by the express Order of Government and *contrary to my own wish*, that I *drew the full salary of Civil and Session Judge of Chingleput* from the 18th May to the 3rd July, and that, *in that capacity*, though officiating as Civil and Session Judge of Salem, I left the station, as now ruled, on privilege leave.

No. 109. ORDER THEREON, 14th February 1862, No. 228.

The Government do not perceive that the considerations urged by Mr. A. W. Phillips in any way affect their decision of his allowances under date 4th January 1862.

2. No doubt Mr. Phillips when appointed Zillah Judge of Chingleput, ceased to be Sub-Judge of Madura, and another Gentleman was nominated to that office, such would naturally be the case.

3. But this does not exempt him from the operation of the general rule that the salary of an appointment is claimable only from the date of actual assumption of office. For so long a period as Mr. Phillips was detained by Order of Government as Acting Zillah Judge of Salem the rule was in abeyance, and he drew the full pay of Civil and Session Judge. On his quitting that station the rule again became operative, and Mr. Phillips was only entitled to draw the salary of his late substantive appointment until he joined that to which he had been promoted.

(Signed) T. PYCROFT,
Chief Secretary.

June 1861 at 107 & 108
 1861 July at 113 & 120
 15th Nov at 30 to 32
 Mrs at 53 & 25 June 1861
 Mrs at 51 & 52 July 1861
 Mrs at 72 & 73 Sept
 Mrs at 10 & 12 Oct
 Mrs at 42 May
 Recd 14th Jan 1862 Oct 6.

Official No 102
 From
 The Civil & Secy
 of the
 Chief Secretary
 to Government
 For the Secy

S.O. No 228
 Feb 23

Dated 20th
 Recd 22nd Jan 1862
 No 123 Requesting that the
 Govt will once more
 give his Case a
 patient hearing as
 the Civil Pay Master
 has again returned
 his (Civil & Secy
 Indis) pay abstract
 with certain deductions

Judicial Department.

Proceedings of the Madras Government.

Read the following letter from
the Civil & Session Judge of Chingleput

(Dated 20 January 1862. No. 10.)

February
Order thereon 14 January 1862. No. 228.

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by

Patent
Council
7-2-62
JP

MP

Wd

Ue

Civil Auditor Manual. C. II
Sec. 41.

~~Mr. Phillips was appointed to the office of Civil & Session Judge of Chingleput on 20 January 1862.~~
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[illegible]

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draw the salary of his late
substantive appointment until
he joined that to which he had
been promoted.

80. 100

I cannot concur in this ruling
Mr P. was app^{nt} Judge of Chis. Ct.
He was not allowed to join - but or
dered to act as Judge at Salem -
He is forced to leave Salem re-
spect: of the new - under these
circumstances, I propose - he should
draw the salary of his Chis. Court Judge

To Mr. A. W. Phillips Esq. ^{Ship} Civil & Superior Judge. Chatham
N. H. Dec 14th 17

I concur in this view, as it would not
be fair on Mr. Phillips to make him lose

Thos. J. H. H.

by the act of Govt which prevented his taking
up his new appointment & made him stay
at Salem to perform duties of the same
grade. The rule quoted was not intended
for cases like this and its mere wording
should not I think, overrule the fact
that Mr. Phillips was virtually a Jiliah
Judge & doing a Jiliah Judge's work
when ill health obliged him to take leave

He

Scene in the view taken by Mr. Morehead & his party.



Ans of Feby

Indst Department 1862.

No. 228.

Proceedings of the Madras

Government.

Dated 14 February 1862.

STAMPED.

Shating that Mr A. W.
Phillips, late Asst. Judge of
Madras, was only sent that
to draw the salary of his late
distinction appointment
until he found that of Eni
Judge of Chingput to which
he had been promoted.