M.R.O. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 147 Press ~~Mis.~~

202-203

Dated 31.1.1863. ~~1~~ .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 31st January 1863.

Read the following Extract from the Proceedings of the Government of India, in the Financial Department, dated 31st December 1862, No. 1,474G.

No. 202. From A. J. ARBUTHNOT, Esq., Chief Secretary to the Government of Fort Saint George, Judicial Department; to the Secretary to the Government of India, Home Department, No. 1,859, dated 13th November 1862.

No. 7,000, HOME DEPARTMENT, FORT WILLIAM, THE 6TH DECEMBER 1862.

Forwarded to the Financial Department, for consideration and orders, and its return requested.

FINANCIAL DEPARTMENT, FORT WILLIAM, THE 31ST DECEMBER 1862.

Resolution.—There is no rule or precedent, His Excellency in Council observes, by which the prayer of the Petitioner can be granted.

Having been *reinstated*, the break in the Petitioner's service will not prejudice his claim to reckon towards pension the entire period of his service *previous to his dismissal*; but, it seems clear to His Excellency in Council, that no portion of the period of his non-employment can, under any circumstances, be allowed to count as actual service, and that if the Petitioner has any claim at all, it will merely be to compensation for improper deprivation of office.

Ordered, that a copy of the above Resolution be forwarded to the Home Department, and that the original papers be returned.

(A true Extract.)

(Signed) EDMUND DRUMMOND,
Secy. to the Govt. of India.

No. 424.

Forwarded to the Government of Fort Saint George with reference to letter from that Government, No. 1,852, dated 13th November last.

By order.

HOME DEPARTMENT,
The 1st January 1863.

(Signed) A. M. MONTEATH,
Under Secy. to the Govt. of India.

No. 203. ORDER THEREON, 31st January 1863, No. 147.

Communicated to the Civil Pension Department., to the Civil Paymaster, and to the Civil Judge of Chingleput, who will communicate the decision of the Government of India to the Petitioner, C. Veerasawmy Pillay, District Moonsiff of Conjeveram.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

No. 14745

EXTRACT from the Proceedings of the Government of India, in the Financial Department, d. 31st December 1862.

From A. J. ARBUTHNOT, ESQ., Chief Secretary to the Government of Fort Saint George, Judicial Department, to the Secretary to the Government of India, Home Department, No. 1859, d. 13th November 1862.

I AM directed to forward, for the favorable consideration of the Government of India, a copy of a petition from C. Veerasawmy Pillay, District Moonsiff of Conjeveram, in the Madras District.

2. The Petitioner sets forth that he was employed in the Zillah Court of Madura from 1828 to 1834, when he was dismissed from the service of the Government. On his appeal to the Court of Directors—but after a long delay caused by frequent references on the subject of his dismissal—Petitioner was in 1847 re-admitted into the service. He prays that under the peculiar circumstances of his case, he may be allowed to count as service towards pension, the period between his dismissal and re-employment.

3. The Government are of opinion, that as the Court of Directors in their final decision in the Petitioner's case, in their despatch of the 7th August 1839, Judicial Department, No. 10, para. 3, a copy of which accompanies, pronounced that his dismissal in 1836 was irregular and improper, and as the delay which took place in obtaining this decision was not caused by any act of the Petitioner, his case may be regarded as special, and his application acceded to.

PROCEEDINGS of the Madras Government, Judicial Department.

READ the following:—

Petition addressed by C. VEERASAWMY Pillay, District Moonsiff of Conjeeveram, to the Right Hon'ble the Governor in Council, Fort St. George, d., Madras, 13th October 1862.

MOST RESPECTFULLY SHEWETH,

THAT he was first entertained in public service in 1828 as Translator in the late Zillah Court of Madura, in which he continued until 1834, when he had the misfortune to be dimissed from service by order of Government, but the dismissal was subsequently, after a long interval and frequent references to the Home Government, declared by the late Hon'ble the Court of Directors as being irregular and improper and himself ordered to be restored to the service.

That your Petitioner was accordingly re-taken in service in 1847, as Sheristadar of the Principal Sudder Ameen's Court of Chingleput, from which he was promoted to the office of District Moonsiff which he now holds.

That having been thus thrown out of employ from 1834 to 1846, he respectfully trusts that the Right Hon'ble the Governor in Council will be pleased to take the Petitioner's case as a special one, deserving of his kind consideration, and pass an order to the effect that the period between his dismissal from service and restoration to it may be counted as service at the time of his retiring from Government employment; and as an instance of liberality of Government shown to a public servant similarly circumstanced as your humble Petitioner, the enclosed Minutes of Consultation, dated the 21st April 1853, is herewith submitted.

Your Petitioner, in duty bound, shall ever pray.

No. 1851, Order thereon, 13th November 1862.

The Petitioner sets forth that he was employed in the Zillah Court of Madura from 1823 to 1834, when he was dismissed from the service of Government. On his appeal to the Court of Directors—but after a long delay caused by frequent references on the subject of his dismissal—Petitioner was ordered to be restored to the service in 1847.

2. The Petitioner prays that under the peculiar circumstances of his case he may be allowed to count as service, with a view to pension, the period between his dismissal and re-employment.

3. The Government are of opinion, that as the Court of Directors in their final decision in 1846 in Petitioner's case, pronounced that his dismissal in 1836 was irregular and improper, and as the delay which took place in obtaining this decision was not caused by any act of the Petitioner, this case may be regarded as special, and, as such, be recommended for the favorable consideration of the Government of India.

Extract from a Despatch from the late Hon'ble the Court of Directors, dated 7th August, No. 10 of 1839.

Letter, dated 23rd August, No. 7, 1838.

3. In our Despatch of the 11th October (No. 3) 1837, we desired to be furnished with a copy of a calumnious petition for his share in preparing which, Veerasawmy Pillay had been dismissed from the situation of Translator to the Zillah Court of Madura, and we expressed our disapprobation of your having considered the fact of his having fabricated the petition to be established by means of an *Ex parte* enquiry held by the Officer who complained against him. In your reply, you inform us that the petition does not appear to have ever been presented to Government, and that the receipt of it is not admitted in any part of your proceedings. In your letter, dated 2nd October, No. 9, 1835, para. 19, we however find mention of "petitions presented by one Veerasawmy Pillay, Translator in the Zillah Court of Madura against the Judge" and in your proceedings, under date 11th August 1835, the transmission of "a further false and calumnious petition" against the Judge is mentioned. But if the fact of both or either of the petitions in question having been presented to you has been stated erroneously, we are the more surprised that you should have assumed not only this person's share in fabricating the petitions, but also their calumnious nature upon the authority of an *Ex parte* examination, held by the Officer against whom they are said to have been directed. This view of the case is confirmed by the Sudder Adawlut, who observe "as "these depositions were taken by Mr. Hooper, who was one of those against whom the petition was written, and not in the presence of Veerasawmy Pillay, who moreover was not "called upon for his defence, it is to be regretted that a more regular inquiry was not ordered "at the time; for the Court hold it to be objectionable in principle that any one should be "removed, still more prescribed from employment until he has first been admitted not only "to cross examine the evidence against him, but also be heard in his own defence". These sentiments are so reasonable and just that we desire that Veerasawmy may be forthwith restored to his employment, unless there should be other grounds for excluding him from it, not liable to similar objections. If there be those grounds, we desire to be informed thereon.

Paras. 11 to 13. also Secretary's letter, dated 16th January, No. 4, 1839.
Review of the case of Veerasawmy Pillay, late Translator to the Zillah Court of Madura.

No. 7000, Home Department, Fort William, the 6th December 1862.

Forwarded to the Financial Department, for consideration and orders, and its return requested.

Financial Department, Fort William, the 31st December 1862.

Resolution.

There is no rule or precedent, His Excellency in Council observes, by which the prayer of the Petitioner can be granted.

Having been *reinstated*, the break in the Petitioner's service will not prejudice his claim to reckon towards pension the entire period of his service *previous to his dismissal*; but, it seems clear to His Excellency in Council, that no portion of the period of his non-employment can, under any circumstances, be allowed to count as actual service, and that if the Petitioner has any claim at all, it will merely be to compensation for improper deprivation of office.

Ordered, that a copy of the above Resolution be forwarded to the Home Department, and that the original papers be returned.

(A true Extract)

Secretary to the Government of India.

Home 1853 Deptt

F.

Financial Department

No 11 of 4 P.

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With reference to the letter from the Secretary to the Government of Bengal, dated 26th November last, forwarding a copy of a Resolution communicating the observations of the Governor General in Council on the case of C. Veera-sawmy Pillai Assistant Commissioner of Conservancy in the Madras district.

Pro. 11 - 2 O.C.
Letter 28th Sept. 1853

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No. 147 dy 31st Jany 1853

Communicated to the Civil Pension Dept., to the Civil Paymaster, & to the Civil Judge of Chingleput, who will communicate the decision of the Govt. of India to the petitioner, C. Veerasawmy Pillay, District Moonsif of Conjeveram.

The Civil Pension Dept.
" Civil Paymaster.
" Civil Judge of Chingleput. } dcsps 2 Feby

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