M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 269 Press ~~Mis.~~

158-160

Dated 20 2 1883

5/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 20th February 1863.

Read the following papers:—

No. 158. From THOMAS WILKINS, Esq., Acting Deputy Registrar of the High Court of Judicature at Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 9th January 1863, No. 6.

1. I am directed by the High Court to state that the Acting Civil Judge of Tanjore has requested sanction for the disbursement to the late Sudder Ameen and now additional District Moonsiff of Tanjore, of his full salary from the 1st September 1862 when he ceased to be a Sudder Ameen under the Orders of Government, dated the 21st August 1862, No. 1,363, up to 9th October 1862, the day following which he took charge of his duty as additional District Moonsiff, to which he was appointed with the sanction of Government, dated the 15th September 1862, No. 1,502.

2. The High Court do not consider the Sudder Ameen entitled to his full salary for the period in question, but they recommend that he may be allowed as much as he would have drawn, if pension had been granted to him.

Referred to the Civil Paymaster, who will state what pension the late Sudder Ameen (now additional District Moonsiff of Tanjore) was entitled to on the 1st September last.

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

FORT SAINT GEORGE,
16*th January* 1863.

No. 159. No. 39.

OFFICIAL MEMORANDUM.

General Department.

With reference to Endorsement of the 16th ultimo, on a letter from the Acting Deputy Registrar of the High Court of Judicature, No. 6, of the 9th idem, the Officiating Civil Paymaster has the honor to report that Mahomed Ghouse Saib, late Sudder Ameen (now additional District Moonsiff of Tanjore) was eligible to a pension of Rupees 74 on the 1st of September last.

(Signed) H. A. MANGLES,
Officiating Civil Paymaster.

FORT SAINT GEORGE,
CIVIL PAYMASTER'S OFFICE,
2nd February 1863.

To the Chief Secretary to Government, Civil Pension Department.

No. 160. ORDER THEREON, 20th February 1863, No. 269.

In their Proceedings of 4th August 1862, No. 94, the Judges of the Sudder Court in proposing that the office of Sudder Ameen should be abolished throughout the Presidency, recommended that in Tanjore and several other Districts the Sudder Ameens' Courts should be converted into District Moonsiffs' Court, and that such of the presiding Officers as were capable and efficient should be appointed as additional Moonsiffs on their former salaries. Observing however that Mahomed Ghouse Saib, the Sudder Ameen of Tanjore, had been above 33 years in the public service, and presuming that he had therefore reached an age at which it would be improper to place him in the arduous position of a District Moonsiff, they suggested that he should be pensioned. A separate application was accordingly called for by Government.

21st August 1862, No. 1,363.

2. The High Court subsequently ascertained that Mahomed Ghouse Saib was only 49 years of age, and that his mental capacities were quite unimpaired. They therefore proposed to retain his services in the capacity of a District Moonsiff, and this course was approved by Government in their Proceedings, No. 1,502, dated 15th September 1862.

3. From the Acting Deputy Registrar's letter recorded above, it appears that the office of Sudder Ameen was abolished from 1st September 1862, and that Mahomed Ghouse Saib was unable to assume charge of the additional District Moonsiff's Court until 10th October 1862. For the interval the Civil Judge requests that he may be allowed to draw full salary. The High Court do not support this recommendation to its full extent, but they consider that he may be

former

allowed as much as he would have drawn, if a pension had been granted to him. This the Civil Paymaster reports would have been Rupees 74 per mensem.

4. As a general rule Officers thrown out of employ by the abolition of their appointment, and obtaining re-employment, are not entitled to any allowances during the interval. But the circumstances of the present case are exceptional, Mahomed Ghouse Saib if his age and qualifications had been accurately known to the High Court, would never have been thrown out of employ. He would have passed at once from the appointment of a Sudder Ameen to that of an additional Moonsiff on the same salary.

5. Under these circumstances, as a special case, His Excellency the Governor in Council is pleased to authorize the Civil Paymaster to pass to Mahomed Ghouse Saib an allowance of 74 Rupees per mensem for the interval between 31st August and the 10th October 1862.

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

Exd. T. McMootry

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following

From

The Actg Dy. Registrar of the High Court of Judicature at Madras. } *Rec'd 9th January 1863*

Memo: from the Offg Civil Paymaster 2nd February

Order thereon 24th February 1863 No 269

In their Proceedings

of the 4th August 1862, No 94 the Judges of the Sudder Court in proposing that the Offices of Sudder Ameen should be abolished throughout the Presidency, recommended that in Tanjore and several other Districts the Sudder Ameens' Courts should be converted into District Moonsiffs' Courts and that such of the presiding officers as were capable and efficient should be appointed as additional Moonsiffs on their former

former Salaries. Observing however that Mahomed Ghouse Sahib, the Sudder Amin of Tanjore, had been above 33 years in the public service and presuming that he had therefore reached an age at which it would be improper to place him in the arduous position of a District Moonsiff, they suggested that he should be pensioned. A separate application was accordingly called for by Government

2. The High Court subsequently ascertained that Mahomed Ghouse Sahib was only 49 years of age, and that his mental capacities were quite unimpaired. They therefore proposed to return his services in the capacity of a District Moonsiff, and their course was approved by Government

3. From the Telugu Deputy Registrar's letter recorded above it appears that the Office of Sudder Amin was abolished from 1st September 1862, and that Mahomed Ghouse Sahib was unable to assume charge of the additional District Moonsiff's Court until 10th October 1862. During the interval the Civil Judge requests that he may be allowed to draw full salary. The High Court do not support this recommendation to its full extent, but they consider that he may be allowed as much as he would have drawn if a pension had been granted to him. This the Civil Paymaster reports would have been Rupees 7 per mensem

4. As a general rule Officers thrown out of employ by the abolition of their appointment, and obtaining re-employment, are not entitled to any allowances during the interval. But the circumstances of the present case are exceptional. Mahomed Ghouse

Ghouse Sahib, if his age and
and qualifications had been
accurately known to the High
Court, would never have been
thrown out of employ. He would
have passed at once from the
appointment of a Sudder Amin
to that of an additional Moonsif
on the same Salary.

5. Under these circumstances,
as a special case, His Excellen-
cy the Governor in Council is
pleased to authorize the Civil
Paymaster to pass to Allahomed
Ghouse Sahib an allowance
of 74 Rupees per mensem for
the interval between 31st August
and the 10th October 1862.--

To the Honorable the Judges of
the High Court.
" Civil Paymaster 3
" Accountant General 3
" Civil Judge of Tanjore 3
dup 25 5-

Judicial 1863. Department.

No. 269

PROCEEDINGS OF GOVERNMENT,

Dated 20th February 1863.—

269

Abstract of the Case
of Sudden Cessation of Payt.
of Civil Establishment of Zemindary

158 to 160

7876] Madras—Printed at the Government Press.