M.R.O. 1—30,000—16-10-32.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 473-A. Press Mis.

158-169

Dated 25.3.1863.

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 25th March 1863.

No. 168. Read the following Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India; to His Excellency the Honorable the Governor in Council, Fort Saint George, dated India Office, London, 17th February 1863, No. 7.

I herewith transmit to you a copy of a Despatch which I have addressed to the Government of India, forwarding Revised Rules on the subject of the leave of absence to Judges of the High Court in Bengal, and to request that the Rules may be substituted for those which accompanied my Despatch to you, No. 19 of the 30th June 1862.

No. 15 of 17th February 1863.

Despatch from Sir C. WOOD, Bart., Secretary of State for India; to His Excellency the Right Honorable the Governor General of India in Council, dated India Office, London, 17th February 1863, No. 15.

My Lord,

Paragraph 1. Your letters, Nos. 33 and 51, dated respectively 14th July and 8th October 1862, on the subject of the Rule relating to leave on Medical Certificate, prescribed for Judges of the High Court, have been considered by me in Council.

2. On a further consideration of the subject, and for the reasons stated in your communications under acknowledgment, I have resolved to adopt the recommendation at paragraph 5 of your Despatch, No. 33, in regard to those Judges of the High Court who do not belong to the Covenanted Civil Service, and to leave the absence on Medical Certificate of the Judges who are Covenanted Civil Servants to be regulated by the rules of the service to which they belong.

3. The following Rules will, therefore, be substituted for Rules 6, 7, and 8 of the Furlough Rules transmitted with my Despatch, No. 37, of the 15th May last:—

1st. "Leave may be granted by the Governor General in Council to the Chief Justice, or "any Puisne Judge of the High Court who may not be a member of the Covenanted Civil Ser- "vice, under Medical Certificate, once during the term of his service, either for a period of six "months on half salary, payable on return and resumption of his duties, or for a period of fifteen "months on an allowance of £1,000 per annum. Such Chief Justice, or Puisne Judge, during "his absence, shall retain his office, but if his absence shall, under any circumstances, exceed "fifteen months, his office shall be vacated."

2nd. "If any Judge of the High Court who has taken leave of absence, under the foregoing "Rule, for a period of six months, shall desire to extend his absence beyond such period, he shall "be permitted to do so under due Medical Certificate, his allowance for the entire period of ab- "sence being calculated at the rate of £1,000 per annum."

3rd. "Leave of absence, under Medical Certificate, to Judges of the High Court, who are "members of the Covenanted Civil Service, will be regulated by the Rules 'for sick leave' ap- "plicable to the Civil Service generally."

4th. "No more than six months of the leave granted under Medical Certificate shall be "reckoned as actual service in calculating the period of service entitling the Chief Justice, or "Puisne Judge, to a pension.

4. I have resolved, on further consideration of the subject, so far to modify the instructions conveyed to you in the 2nd paragraph of my Despatch, No. 37, of the 15th May last, as to extend to the Judges of the High Court, who were transferred from the Supreme Court, the benefit of the Rule under which leave of absence may be granted, under Medical Certificate, subject to the same conditions as in the case of other Judges, respecting retention of office and the receipt of allowances for the period of absence. This does not necessitate any alteration in the wording of the rule. But, in regard to these Judges, it will be quite sufficient that, on such occasions, they submit the Medical Certificate, without applying for leave.

5. The annexed is a complete set of the Revised Rules on furloughs and leave of absence, which you are requested to publish as such, in the "Calcutta Gazette."

Gazette.")

Proceedings of the Madras Government, Judicial Department, 25th March 1863.

REVISED RULES RELATING TO FURLOUGHS AND LEAVE OF ABSENCE FOR JUDGES OF THE HIGH COURT.

1. A furlough for the period of one year, with an allowance of £1,000, payable by quarterly payments, shall be allowed to the Chief Justice and to each Puisne Judge of the High Court, after seven years' actual service as Chief Justice, or Chief Justice and Judge, or Judge, of the said Court.

2. The furlough granted under these Rules to a Judge selected from the Covenanted Civil Service shall be exclusive of the furlough to which such Judge is entitled under the Rules applicable to furloughs allowed to members of such service.

3. If a Judge of the High Court, selected from the Covenanted Civil Service, who has not taken his furlough under the Rules applicable to his branch of the service, before his appointment to the High Court, shall take such furlough within one year after the expiration of his furlough under these Rules, the furlough taken by him as Judge of the High Court shall be reckoned as so much time of his furlough under the Rules applicable to the Covenanted Service, and the amount drawn by him shall be adjusted, with reference to such Rules, by deductions from the allowances payable to him as a Civil Servant on furlough.

4. A Chief Justice, or Puisne Judge, during his absence on furlough, shall retain his office, but such furlough shall not be reckoned as actual service in calculating the period of service entitling the Chief Justice, or Puisne Judge, to a pension.

5. Leave may be granted by the Governor General in Council to the Chief Justice, or any Pusine Judge of the High Court who may not be a member of the Covenanted Civil Service, under Medical Certificate, once during the term of his service, either for a period of six months on half salary, payable on return and resumption of his duties, or for a period of fifteen months on an allowance of £1,000 per annum. Such Chief Justice, or Pusine Judge, during his absence shall retain his office, but if his absence shall, under any circumstances, exceed fifteen months, his office shall be vacated.

6. If any Judge of the High Court who has taken leave of absence, under the foregoing Rule, for a period of six months, shall desire to extend his absence beyond such period, he shall be permitted to do so under due Medical Certificate, his allowance for the entire period of absence being calculated at the rate of £1,000 per annum.

7. Leave of absence, under Medical Certificate, to Judges of the High Court who are members of the Covenanted Civil Service, will be regulated by the Rules "for sick leave" applicable to the Civil Service generally.

8. No more than six months of the leave granted under Medical Certificate shall be reckoned as actual service in calculating the period of service entitling the Chief Justice, or Pusine Judge, to a pension.

9. Short leave on private affairs may be granted to the Judges of the High Court, under the Rules applicable to Covenanted Civil Servants.

No. 169. ORDER THEREON, 25th March 1863, No. 473 A.

Communicated to the Honorable the Judges of the High Court, and to the Civil Paymaster.

2. The Revised Rules will be published in the Fort Saint George Gazette.

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

Exd. T. McMootry.

Judicial.

Proceedings of the Madras Govt.

Read Despatch from the Secretary of State, Enter 14th Feb. '63 No. 7.

Order— 25th March 1863 No. 473 A.

Communicated to the Honble the Judges of the High Court, & to the Civil Paymaster.

2. The revised Rules will be published in the Fort St. George Gazette.

The Honble the Judges of the High Court.
" Civil Paymaster.
To the Supdt. Gazette office
Gazette.

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Extract of 31st March

Judicial 1863. Department.

No. 473 of

PROCEEDINGS OF GOVERNMENT,

Fit 2460/62.

Dated 25 March/63

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