M.R.O. 1—32,000—16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 557 Press ~~Misc~~

81-82

Dated 13.4.1883 ~~19~~ .

4/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 13th April 1863.

No. 81. Read the following letter from A. MACDONALD RITCHIE, Esq., Registrar, High Court, Madras; to the Chief Secretary to Government, Fort Saint George, dated Madras, 9th April 1863.

I have the honor herewith to transmit a letter to my address, from Mr. Benjamin Brooks, who is Deputy Registrar and Deputy Clerk of the Crown of the High Court, and Clerk to Mr. Justice Bittleston.

From B. BROOKS, Esq., Deputy Registrar of the High Court; to A. MACDONALD RITCHIE, Esq., Registrar, High Court, Madras, dated 8th April 1863.

I have the honor to request that you will submit for the consideration of the Government, with a view to my obtaining leave of absence to Europe on Medical Certificate, for twelve months, in accordance with the second Clause of Section V of the Uncovenanted Service Absentee Rules the circumstances following:—

I have held different offices in connection with the late Supreme Court and present High Court, since the year 1850; after having held office in the Supreme Court at the Straits for three years, and have had no leave during either of these periods.

The state of my health is now such that my Medical adviser considers it absolutely necessary that I should proceed to England. I have accordingly applied to the Chief Justice for leave. This the Chief Justice is willing to grant, so far as he has authority to do so, a competent person or persons being found to officiate in my absence. But, as all the existing Officers of the High Court are only in temporary possession of their offices, whilst the new arrangements proposed for the Ministerial establishment of the High Court are under consideration, the Chief Justice considers that he cannot, in the present state of things, grant me leave beyond the period now limited for the continuance of the present Officers in their different offices; and as the Chief Justice has proposed my name for one of the offices in the new establishment, he deems it necessary or desirable, with reference to the terms used at the end of the sixth Clause of the Charter, that my leave for twelve months, on Medical Certificate, should have the sanction of the Government, so that if the proposed changes in the Ministerial establishment of the High Court should take place in my absence, the person officiating temporarily in my present offices, may be appointed, also with the sanction of the Government to officiate temporarily, in any new office, to which I may be appointed, in accordance with such rules as may be prescribed by the Governor in Council, according to the sixth Clause of the Charter.

I trust that the Government will see how unjust it would be that I should lose altogether the benefit of usual leave on Medical Certificate, in consequence of the unsettled state of the Court arrangements.

As the necessity for my leaving India is urgent, may I be permitted respectfully to [illegible] an answer from the Government, with as little delay as possible.

No. 82. ORDER THEREON, 13th April 1863, No. 554.

The Governor in Council has no objection to Mr. Brooks being granted leave of absence on Medical Certificate under the rules applicable to Officers in the Uncovenanted Civil Service; but the allowance to be drawn by him during his absence must depend upon the salary to be assigned to the office or offices to which he may be appointed on the revision of the Ministerial establishment of the High Court being completed.

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

Exd. T. McMurtry.

[redacted]

[redacted]

[redacted]

M Cou

Lit of April.

Ind April 1863. Department.

No.

PROCEEDINGS OF GOVERNMENT,

Dated 13 Apr