

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	555	Press
		Mis
83-86		
Dated	14.4.1863	19

12/13

Not to be folded or roughly handled





11/11/11

Proceedings of the Madras Government, Judicial Department,

14th April 1863.

4. It appears to the Governor in Council that the construction of the Officiating Civil Paymaster is correct. By the orders of the Government of India, 24th July 1862, absence during the Judicial recess is expressly put on the same footing with privilege leave. Hence a Judicial Officer may take either, at his option, provided that he has been eleven months continuously at his station ; but he cannot take both leaves within eleven months of each other. The orders of 24th July 1862 were subsequently ruled not to have retrospective effect. Officers, therefore, who were absent during the last vacation of May and June 1862, were not thereby precluded from taking privilege leave if otherwise entitled to it, but if they took it, they took it on its usual terms ; that is, they could not have any fresh privilege leave or its equivalent, recess leave, until eleven months after return to duty. Thus, in the case put in the correspondence, Mr. Cherry having had privilege leave in April of this year, cannot be absent from his station during the ensuing vacation.

(Signed) A. J. ARBUTHNOT

Chief Secretary.

such as would give them a claim to privilege leave. Their absence from the Court at any other time than during the adjournment would, moreover, be necessarily productive of inconvenience, and, where such is the case, privilege leave cannot be granted.

Judicial Officers will be expected to avail themselves of the adjournment for proceeding to any Sanatorium or other place they may desire to visit and an application for privilege leave will be granted by, or receive the support of, the High Court, unless under very exceptional circumstances; and, further, no Principal Sudder Ameen or District Munsiff will, in any case, be granted privilege leave without some person being appointed to act for him during his absence, except for a few days on very urgent private affairs. But it should be noted that privilege leave cannot in future

1. The rules prescribed in these proceedings will come into force with the next adjournment. A Judicial Officer remaining at his Station then may apply for privilege leave between that and the following adjournment, if at the date of his application six months shall have elapsed since he last had privilege leave and so with respect to privilege leave in subsequent years.
2. The adjournment in each year will be the point of time from which the reckoning in every case will be made and absence from, or presence at, the Court Station during such adjournment, will be the criterion by which a Judicial Officer's claim to privilege leave between that and the following adjournment, will be determined.
3. Absence during the annual recess will not be absence on privilege leave the substitution of the recess for privilege leave having been

Dr. J. B. Deane
Aug. 19.

7th prove leave and (2) the one succeeding this return.

True Extract

Signed / R. H. Chamber
 Registrar

To
The Off. Civil Paymaster
for his information.

(True Copy)

Edmund

Ap. Thord. Alt. 6 Lind. Bay - Harbor.

Judicial Department.

Ind. 1863 Dpt

From *Re: 14th April 1882.*

The Registrar
of the High Court.
Dated 30th Dec 31st Mch 1863

№ 715

Forwards Copy of
a letter from the office
Civil Surgeon to this
address relative to the
rules prescribed by the
Court to regulate
the taking of privilege
leave by Civil officers.

PROCEEDINGS of the MADRAS GOVERNMENT.

proceedings of the High Court of Just. at Mas. as (Here enter 18th March 1863 -)
 from the Registrar of the High Court to the Clerk of the Peace (Here enter 30th March 1863 N^o 278 -)

Order. Percon, 14 April 1863. No. 555.

I have no objection to the present order, but I think a subsequent revision should be made. Wm

I think a reference had better
be made to the Supreme
Gov^{ty} of an officer is bound
to remain at his station
during the adjournment
of the Court, why should the
Court be adjourned, it
impedes business and
sees no reason why if he
must be at his station he
should not act as judge.
My own Idea is that the
suggestion of the Gov^{ty} was
the best & that the Secy
should be empowered to
leave no other leave
part. Wm. H. J. P.

In his letter recorded above the Officiating Civil Paymaster has submitted for the orders of Government a correspondence which has passed between the High Court and himself with reference to a circular issued by the Honorable the Judges to the Judicial Officers in the Province, setting forth the conditions under which such officers may in future be absent from their stations, either

(C. M. L.)
Ap. Head St. to Riv. B.

either on privilege leave, or during the annual adjournment of the Court.

The main point upon which the Judges and the Civil Paymaster differ, is whether an Officer taking privilege leave thereby forfeits his right to be absent from ⁱⁿ the Station during the following adjournment, the intervening period being less than eleven months.

The High Court are of opinion that he does not, as, otherwise, he would for the sake of one month's privilege leave, be deprived of absence during two adjournments of two months each. This view is supported by a reference to the case of Mr. Cherry, Civil Session Judge of Salem, who is now absent on privilege leave for one month, and, in the opinion of

And you will

to all

of

I

II.

at 1862)

into

duty

takes both leaves within 12
months of each other.

III
The orders of 24 July 1862
were subsequently ruled not
to have retrospective effect.
Officers, therefore, who were
absent during the last vaca-
tion of May & June 1862 were
not thereby precluded from
taking privilege leave if
otherwise entitled to it, but
if they took it, they took it
on its usual terms; that is
they could not have any
fresh privilege leave or its
equivalent, except leave until
eleven months after return,
to duty.

Thus, in the case put
in the correspondence, Mr. C.
having had privilege leave
in April of this year, cannot
be absent from his station
during

During the ensuing Vacation.

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17
Civil Daymaster
The Honble the Judges of the High Court } despt 14
" All Civil Judges & Sub Judges Octacommis }
" do Principal Subordinate } despt 15

Judicial 1863. Department.

No. 535.

PROCEEDINGS OF GOVERNMENT,

Dated 14th April 1863.

Off. 852

872.

33964

*The construction allowed
by the Civil Engineers
in the Wells passed by
the Court of Chancery for
granting privilege, leave
to Judicial Officers and
not correct.*

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