M.R. O. 1—83,000—18-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 656 Press ~~His.~~

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Dated 28.4.1863 ~~19~~

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Not to be folded or roughly handled

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Proceedings of the Madras Governm Judicial Department,
28th April 863.

Read the following Extract from the Proceedings of the Honora President in Council, in the Home Department, under date the 6th April 1863, No. 2,252.

Read the undermentioned papers regarding the grant of leave of absence to Officers and servants of the High Courts at the three Presidencies :—

Endorsement from the Financial Department, dated 3rd October 1862, No. 5556.

To Governments Madras and Bombay, and Chief Justice, Calcutta, dated 31st October, Nos. 6,101-3.

From Chief Justice, Calcutta, dated 27th November.

From Government of Madras, dated 16th December 1862, No. 2,042.

From Government of Bombay, dated 6th March 1863, No. 435.

RESOLUTION.

The Financial Department having transferred for consideration and orders in this Department a question raised by the Civil Paymaster, Bombay, as to the terms upon which leave of absence might henceforward be granted to Officers of the High Court at that Presidency, His Excellency the Governor General in Council directed that the Judges of the several High Courts in India should be asked if they entertained any objection to the decision which the Supreme Government was inclined to adopt,—that all the Officers and servants of the High Court at the three Presidencies, Covenanted or Uncovenanted, who claim the privilege of being pensioned by the State, should all be brought strictly under the general Leave of Absence Rules applicable to either branch of the service.

2. From the replies now received, it would appear that the Judges unanimously recommend the imposition of the Leave Rules generally applicable to the Covenanted or Uncovenanted Service (as the case may be) on all the Officers or servants of the High Courts. The Judges at Bombay, however, couple with their assent, the remark that leave should be obtained from the Judges alone, after the Civil Paymaster has certified that the application is in conformity with the Rul

3. Accordingly the Honorable the President in Council is pleased to ut the decision which originally recommended itself to the Government of India, and, in doing so, further to rule that the power of granting leave, under the general Regulations hereby ordered for adoption, to the Officers and servants of the Court, appointed by the Court and entitled to pension, may be properly conceded to the Judges of the High Courts, subject in every case to the report of the Civil Paymaster that the applicant is entitled to leave. If the Civil Paymaster should report against the application, and the Court should take a different view from that recorded by Civil Paymaster, a reference to the arbitrament of Government will be necessary.

Ordered, that a copy of the above Resolution be forwarded to the Governments of Fort Saint George and Bombay, to the Chief Justice of the High Court of Judicature at Fort William in Bengal, and to the Financial Department of the Government of India.

(True Extract.)

(Signed) J. W. S. WYLIE,
Under Secy. to the Government of India.

No. 215. ORDER THEREON, 28th April 1863, No. 656.

Ordered to be communicated to the Honorable the Judges of the High Court, and to be published in the Fort Saint George Gazette.

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

Fxd. T. McMootry.

P. 2223

Extract from the Proceedings of the Hon'ble the President in Council, in the Home Department, under date the 6th April 1863.

READ the undermentioned papers regarding the grant of leave of absence to Officers and servants of the High Courts at the three Presidencies:—

Endorsement from the Financial Department, dated 3rd October 1862, No. 5550.

To Governments Madras and Bombay and Chief Justice, Calcutta, dated 31st October, Nos. 6101-3.

From Chief Justice, Calcutta, dated 27th November.

From Government of Madras, dated 16th December 1862, No. 2042.

From Government of Bombay, dated 6th March 1863, No. 435.

RESOLUTION.

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ORDERED, that a copy of the above Resolution be forwarded to the Governments of Fort St. George and Bombay, to the Chief Justice of the High Court of Judicature at Fort William in Bengal, and to the Financial Department of the Government of India.

(True Extract)

Under Secy. to the Govt. of India.

Order. 28th April 1863. No 656.

Ordered to be communicated to the Hon'ble the Judges of the High Court and to be published in the Fort St. George Gazette.

To the Hon'ble the Judges of the High Court
&c &c &c.