M.R.O. 1—30,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT

G.O. No. 813 Press Mis.

226-228

Dated 27-5-1863.

4/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 27th May 1863.

No. 226. Read the following letter from E. W. BIRD, Esq., Civil and Session Judge of Tanjore; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Judicial Department, Fort Saint George, dated Tanjore, 8th May 1863, No. 529.

1. I have the honor to submit for the consideration and orders of Government my application to be allowed my full salary as Civil and Session Judge of Tanjore from the 21st to the 24th March last, the period I took to join my permanent appointment here under the late orders of Government. I make this application, because the Civil Paymaster has retrenched me Rupees 110-14-10 on my Bill for the month of April, on the grounds that during these four days I was only entitled to pay at the rate of Rupees 1,400 per mensem; that is, I conclude on the salary I drew as Sub-Judge of Ootacamund, the substantive employment I held up to the 30th April 1862. I respectfully submit I am entitled under the rules to the full pay of my permanent appointment as Civil and Session Judge of Tanjore for the days in question on the following grounds.

2. I ceased to be Sub-Judge of Ootacamund, and therefore entitled to 1,400 Rupees per mensem, on the 1st May 1862, (a year ago) and was from that date Civil and Session Judge of Tanjore and entitled to Rupees 2,333, Annas 5, and Pice 4. Under orders of Government, however, I was directed to continue to officiate as Civil and Session Judge of Negapatam, a post of equal emolument with my own. From the 1st May 1862 I have been drawing my full pay as Civil and Session Judge of Tanjore under Bills passed by the Civil Paymaster himself, and my Bill for the salary of March, including the days I am now retrenched, was passed last month without objection by that Officer.

3. Being detained by orders of Government in a post of equal emolument with my own, I beg respectfully to submit that my pay due to me for my own substantive appointment as Civil and Session Judge of Tanjore cannot be stopt under Section 57 of the Civil Auditor's Manual, because I was in no sense then entitled to 1,400 Rupees a month either as Sub-Judge of Ootacamund or otherwise; and that Section, I submit, cannot apply. Sections 44 and 45 do not, I believe, apply to my case either; because I held a post of equal, not inferior, emolument to my own in March last, and my claim to the full salary of my permanent post being passed from the date of my appointment (1st May 1862). I trust my claim to draw pay during the few (4) days I was necessarily occupied in arranging for my journey here in March last may be allowed. It is a claim which I beg to submit is not opposed by any Rules, and one, I trust, the Government will admit is both fair and not unreasonable.

4. A copy of the audited pay Bill is submitted for perusal.

Forwarded to the Civil Paymaster for remarks.

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

FORT SAINT GEORGE,
13*th May* 1863.

No. 683.

No. 227. OFFICIAL MEMORANDUM.

Judicial Department.

With reference to the Chief Secretary's] endorsement, dated 13th instant, on the letter dated 8th idem, from Mr. E. W. Bird, Civil and Session Judge of Tanjore, the undersigned has the honor to report that on the 17th April 1862 that gentleman, being then Sub-Judge of Ootacamund, was appointed Civil and Session Judge of Tanjore permanently with effect from 1st May following, and was ordered to continue to act as Civil and Session Judge Negapatam, until further orders.

Accordingly under the provisions of paragraph 44, Chapter II, Civil Auditor's Manual, Mr. Bird was permitted to draw the salary of his permanent appointment as Judge of Tanjore, and continued to do so until the 20th March last, on which date he ceased to act at Negapatam.

Proceedings of the Madras Government, Judicial Department,
27th May 1863.

From the 21st to 24th March, inclusive—the time occupied in proceeding from Negapatam Tanjore—he was correctly allowed, from the salary of Civil Judge of the latter station, only amount equal to that of Sub-Judge, Ootacamund, agreeably to paragraph 45 of the Chapter the Manual already quoted.

Owing to an oversight on the part of this office, the requisite deduction was not made fr Mr. Bird's abstract for March at the time of audit.

CIVIL PAYMASTER'S OFFICE,
FORT SAINT GEORGE,
18*th May* 1863.

(Signed) W. J. RAYNOR,
Offg. Civil Paymaster.

To the Chief Secretary to Government.

No. 228. ORDER THEREON, 27th May 1863, No. 813.

The Civil Paymaster's remarks will be communicated to Mr. Bird, who will be informed th in the opinion of the Governor in Council the retrenchment is correct. If Mr. Bird had no been detained at Negapatam when appointed permanently to the office of Civil and Sessio Judge of Tanjore, he would have drawn during the period occupied by him in joining only s much of his salary as Session Judge, as was equal to the salary of the office last held by him. There is no apparent reason why the same rule should not be applied for the period occupied b Mr. Bird in joining when he actually took up his present appointment.

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

Exd. T. McMootry.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters:-

From the Civil and Session Judge of Tanjore — (Here enter 8th May 1863 No. 529)

From the Officiating Civil Paymaster. — (Here enter 18th May 1863 No. 683)

Order thereon 27th May 1863 No. 813

The Civil Paymaster's remarks will be communicated to Mr. Bird who will be informed that in the opinion of the Governor in Council the retrenchment is correct. If Mr. Bird had not been detained at Negapatam when appointed permanently to the Office of Civil and Session Judge of Tanjore, he would have drawn during the period occupied by him in joining only so much of his salary as

It appears to me that Mr Bird having ceased to be ~~civil~~ Sessions Judge at Ootacammund in April 62 & having been Civil & Sessions Judge at Tanjore since May 62 cannot with propriety be treated in March 63 as Sub Judge at Ootacammund with what his connection ceased appear app.

as Session Judge as was equal to the Salary of the Office last held by him— There is no apparent reason why the same rule should not be applied for the period occupied by Mr. Bird in joining when he actually took up his present appointment.

To. C. W. Bird Esqre.
Civil & Session
Judge of Tanjore.
With a Bill ref^d } ansd 24
" The Civil Paymaster.

Legal 1863. Department.

No. 873

(2)

PROCEEDINGS OF GOVERNMENT,

Dated 27 May 1863

Mr. E. W. Bird's application for full salary as Civil Judge from 21st to 24th March last, negatived.—

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Land Rev

C21 May 1863