M.R.O. 1—53,000—16-10-53.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1248	Press Mis.
118-120		
118-120 Dated	18-8-19	

8/9

Not to be folded or roughly handled

Read again Proceedings 20th June 1864, No. 901.

Read also the following papers :—

No. 118. From G. S. FORBES, Esq., Agent to the Governor in Ganjam ; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Chetterpore, 9th July 1864, No. 119.

With reference to the Government Order, No. 901 of the 20th ultimo, I have the honor to state that the late Agency District Moonsiffs of Berhampore, Palasa, and Aska having petitioned me in February 1864, claiming the difference between their former pay and the new scale of pay from 1st July 1862 (the date from which the District Moonsiffs under the jurisdiction of the ordinary Courts were permitted to draw the higher rate of pay) to 30th June 1863 (the date from which the transfer of the Agency Tracts to the jurisdiction of the Civil Court of Chicacole took place), and finding that a similar indulgence had been granted to the Agency Moonsiffs of Vizagapatam, a bill was sent to the Civil Paymaster for the difference of pay on account of all these Moonsiffs, but the Civil Paymaster passed this difference of salary only to the District Moonsiffs of Berhampore and Palasa, and refused to pass it to G. Venkataramdoss, on the ground that he drew his pay for the above period as Translator, and not as District Moonsiff: but G. Venkataramdoss was, in fact, performing the duties of District Moonsiff from April 1862, though he was designated as a Translator on the pay list. If the Government are disposed to admit Venkataramdoss' claim, I presume the charge can be met from the same source from which the increased salary was disbursed to the other two Moonsiffs in May last. Particulars of the sum of Rupees 1560, now claimed, are given in the margin.

	Rs.
Salary of 3rd Class District Moonsiff from 1st July 1862 to 30th June 1863, at 200 Rupees per mensem	2400
Deduct the amount already drawn as Translator for the same period, at 70 Rupees per mensem	840
Difference ...	1560

2. Previous to the sanction of the Government of India, dated the 16th March 1863, the pay of the District Moonsiffs of Berhampore and Palasa was only 90 and 70 Rupees respectively, but to both these officers the difference between their former and present pay of Rupees 200 was disbursed from 1st July 1862 as stated above.

3. The pay due to G. Venkataramdoss was therefore taken at 200 in calculating the difference above his pay as Translator, which was only 70. The arrears were claimed from 1st July 1862, because all the other District Moonsiffs were permitted to draw increased salaries from that date. I should add that when Venkataramdoss was named by the late Judge, Mr. Knox, to officiate as Moonsiff of Aska, he ceased to be borne on the Agency pay lists, and his appointment was abolished in consequence of the reductions then effected in the Agency establishment.

4. Some little time after, however, Mr. Knox, for some reason which I have never understood, named as Moonsiff of Aska an elderly man, formerly Sudder Ameen of the then Court at Itchapore, and who had been drawing a pension of 100 Rupees a month for more than a year, and who is certainly not superior to Venkataramdoss in energy or ability. The consequence is that the latter, after 28 years' service, now finds himself without employment of any kind, and unable in consequence to complete his full time for a pension. The Government will see therefore that his case is one of considerable hardship.

Referred to the Civil Paymaster, who is requested to report on what grounds the District Moonsiffs in Ganjam and Vizagapatam, who were subordinate to the Agents under the arrangements which were altered under the sanction conveyed in the Proceedings of the Government of India, dated 16th March 1863, No. 933, were allowed to draw the difference between their former salaries and the increased rate retrospectively from the 1st July 1862.

FORT SAINT GEORGE,
29th July 1864.

J. D. SIM,
Secretary to Government.

No. 81.

No. 119. OFFICIAL MEMORANDUM.

Fixed Department.

With reference to Government Order of yesterday's date, the undersigned has the honor to state that the District Moonsiffs under the Agents in Ganjam and Vizagapatam were allowed to receive the difference between their former salaries and the increased rates from 1st July 1862, upon the ground that there was apparently no difference, except as regards pay between them and the District Moonsiffs under the Civil Courts, and as the latter were granted the increased rates of salary sanctioned in the orders of the Government of India, No. 2905, dated 15th April 1862, from 1st July 1862 (Government Order, No. 1345, dated 18th August 1862), it was considered that there was no objection to the Agents' Moonsiffs being likewise permitted to do so.

FORT SAINT GEORGE,
30*th July* 1864.

(Signed) R. W. LODWICK,
Civil Paymaster.

To the Secretary to Government, Judicial Department.

No. 120. ORDER THEREON, 18th August 1864, No. 1248.

The foregoing papers relate to an application made by the Agent in Ganjam for the grant to G. Venkataramdoss Puntulu of the difference between Translator's and District Moonsiff's pay retrospectively from the 1st July 1862 to 30th June 1863.

2. In his letter of the 27th May last, the Agent stated that he appointed the Agency Translator to officiate as District Moonsiff of Aska under the authority vested in him by Section 9 of the Agency Rules. It appears, however, that the Agent not only appointed the individual to the office, but also created the appointment, for the Civil Paymaster's report, dated 9th June last, shows that, at the time, there were only two District Moonsiffs, those of Berhampore and Palasa, on the sanctioned establishment of the Ganjam Agency. Section 9 of the Agency Rules merely authorizes the Agents, subject to certain conditions, to make appointments to Moonsiffships within their limits, in the same way that the High Court, under Regulation VI of 1816, Section 6, make appointments to Moonsiffships in the Zillahs. It is only with the sanction of the Government of India that a stipendiary appointment can be created.

3. In his more recent letter, Mr. Forbes explains that the Agency Moonsiffs of Vizagapatam and the two Ganjam Moonsiffs, already referred to, have been granted by the Civil Paymaster the difference between their former salaries and the new

rate of pay retrospectively for the same period embraced in his recommendation in favor of Venkataramdoss. The Civil Paymaster's Memorandum recorded above shows the grounds on which he passed the enhanced allowance to the late Agency Moonsiffs from a date one year earlier than that on which the sanction applicable to them came into operation. The Government cannot admit the validity of these grounds as the Agency Moonsiffs were clearly not embraced in the Order of the Government of India 15th April 1862, Financial Department, No. 2905, which applied only to District Moonsiffs in Provinces under the ordinary regulations, and not to those in the Agency Tracts. It is no less clear that the Agent quite exceeded his power in creating a new appointment as he did in the case of Venkataramdoss whom he made District Moonsiff of Aska.

4. As it would be hard on the former Agency Moonsiffs if they were now put under stoppages, the Governor in Council will not direct the issue of retrenchments against them, and as it is only just that the same advantage should be conceded to Venkataramdoss, whose claims are in substance good, being founded on the efficient performance of the duties of the office, His Honor in Council resolves, under all the circumstances of his case, to authorize the disbursement to him of the difference between the salary already drawn by him and the pay of a 3rd Class Moonsiff from the 1st July 1862 to the 30th June 1863. The amount will be defrayed from any savings available or expected in the current year's Budget under Law and Justice.

(True Extract.)

Secretary to Government.

To the Agent in Ganjam.
" do. in Vizagapatam.
" Civil Paymaster.
" Accountant General.

Exd. J. Tulloch.

Memo.

The Agent in Ganjam applies for the grant to G. Venkataramdoss Pantulu of arrears of the differences between Translators' & District Moonsiff's pay from 1st July '62 to 30th June '63.

In his letter of the 27th May last, the Agent stated that he appointed the Agency Translator to officiate as District Moonsiff of Aska under the authority vested in him by §9 of the Agency Rules. It appears, however, that the Agent not only appointed the individual, but also created the appointment, for the Civil Paymaster reported that at the time, there were only two District Moonsiffs, those of Berhampore & Palasah on the sanctioned establishment of the Ganjam Agency. Section 9 of the Agency Rules merely authorises the Agent, subject to certain conditions, to make appointments to Moonsiffships within his limits, in the same way that the High Court, under Reg. VI-16 §VI

§ II, make appointments to Moonsiffships in the Zillahs. It is only with the sanction of the Govt. of India that any new appointment can be created.

The Agency Moonsiffs were not included in the scale which came into force from 1st July '62 under G. O. 18th Aug. 62 No. 1,345. They received increased salaries when the scale sanctioned in G. O. 22nd April '63 No. 619 came into operation. Yet Mr. Forbes states that the Vizagapatam & Ganjam Agency Moonsiffs were granted arrears of increase retrospectively from 1st July '62 by the Civil Paymaster. May he

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be asked by whom & on what grounds these arrears were granted, because the whole matter of the grant applied for on acct. of Venkataramdoss hinges on these alleged payments of arrears. As translator Venkataramdoss drew Rs. 70 a month, which was just as much as the old rate of pay of the Palasah Moonsiff, & the arrears claimed is ~~only~~ up to 30th June '63, the date on which the former judicial system in Ganjam and Vizagapatam was altered.

Paymaster's reply shows that he granted (or may be so called) to the Agency Moonsiffs according to any sanction — but on his own the merits of the case. Excluding the financial sanction, Venkataramdoss' application is fully good, for he performed the duty of Moonsiff for the entire period (& longer) for which supplementary remuneration is solicited

If the Ld Rs Recommend that
Pay was only created - and the Mr
Ters Petn only put in created
Pay under G.O. 22? April
1862 the whole thing is wrong -
Pt he Pay Present the Wrong
as it should be heard that
Pt Mem should be the Pt
Pt Mem should be the G.O
Last Cancelled in the G.O

C/S dept
9/7..

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Pay Case

Pay No 171 178
20.6.64
189 192
22.4.65

Judicial Department.

Said

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again Pros: 20th June '64 No. 901.

Read also the following papers —

Letter from the Agent in Ganjam dated 9th July '64 No. 119.

Memo. from the Civil Paymaster — 30th do — 81.

Read the Orders — 18th August 1864 No. 1248.

The foregoing papers relate to an application made by the Agent in Ganjam for the grant to G. Venkatarama Doss Pantulu of the difference between Translator's & District Alloonsiff's pay retrospectively from the 1st July '62 to 30th June '63.

In his letter of the 27th May last, the Agent stated that he appointed the Agency

Agency Translator to officiate as District Moonsiff of Asha under the authority vested in him by § 9 of the Agency Rules. It appears, however, that the Agent not only appointed the individual to the office but also created the appointment, for the Civil Paymaster's report, dated 9th June, last, shows that, at the time, there were only two District Moonsiffs, those of Berhampore and Palasah, on the sanctioned establishment of the Ganjam Agency. Section 9 of the Agency Rules merely authorises the Agents, subject to certain conditions, to make appointments to Moonsiffships within their limits, in the same way that the High Court, under Reg. VI - 16 § VI, makes appointments to Moonsiffships in the Zillahs. It is only

only with the sanction of the Govt. of India that a Supernumerary appointment can be created. In his more recent letter Mr. Forbes explains that the Agency Moonsiffs of Viragaftatam & the two Ganjam Moonsiffs, already referred to, have been granted by the Civil Paymaster the differences between their former salaries & the scale of pay retrospectively for the same period & based in this upon a recommendation in favor of Venkatarami for the Civil Paymaster's allowance. The Civil Paymaster's letter shows recorded grounds for that recommendation. He passed the enhanced allowances to the late Agency Moonsiffs from a date one year earlier than that on which the sanction applicable to them

them came into opera-
tion. The Governor in
Council is constrained
to remark that both
the Agent in Ganjam
& the Civil Paymaster
have exceeded their
powers — the former
in creating 2 new Ap-
pointments, & the latter
in dealing with claims
not in accordance with
existing sanction, but
on his own opinion of
the merits of the case.

4. As it would be both
hard & unjust to
deprive the former
Agency Moonsiffs
if they were now put under
stoppages, the Gover-
nor in Council will
not direct the issue of
retrenchments against
them, but as there
should be no appear-
ance of injustice in
the same advantage
is not conceded to
Venkataramdoss,
who

In fact I cannot admit
the validity of the ground
as he knew Moonsiffs
form clear & unembar-
rassed with orders of the
Govt of India 15 April
1862 F D No 2985 &
applied only to Districts
in Provinces under Ordi-
nary Regulations and
not to those in the
Agency Tracts. It is
less clear that he
exceeded his
powers in creating
some nine or ten
new appointments
with out of Pension
Funds which would
have been Disposable

It is only just that

should be

whose claims are in
substance good, being
founded on the effi-
cient performance of
the duties of the office,
His Honor in Council resolves, un-
der all the circum-
stances of his case, to
authorise the disburse-
ment to him of the dif-
ference between the sa-
lary already drawn by
him & the pay of a Third
Class Moonsiff from
the 1st July '62 to the 30th
June '63. The amount
will be defrayed from
any savings available
or expected in the cur-
rent year's budget under
Law & Justice.

5. These proceedings will
be reported to the Govern-
of India

To the Agent in Ganjam.
" " Vizagapatam.
Civil Paymaster.
Accts. Genl. —

desp 22/8

Ind 1864. Department.

No. 1248.

PROCEEDINGS of GOVERNMENT.

Dated 1st August 1847.