M.R.O. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	1452	Press ~~Mis.~~
22-23 Dated	4-10-	19 1864

415

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
4th October 1864.

No. 22. Read the following letter from R. W. LODWICK, Esq., Civil Paymaster, Fort Saint George; to the Secretary to Government, Fort Saint George, Judicial Department, dated 2nd September 1864, No. 122.

I have the honor, with reference to Government Order, No. 1297, dated 29th ultimo, to point out that, in the case of Mr. Morris, there was no vacancy of appointment, and that therefore it does not seem within the competence of His Excellency in Council to grant the amount accruing from his absence to the acting officer.

2. A case of a similar kind was decided by the Government of India in their Order, No. 411, dated 6th January 1862, which is not on record, but which I have a note of.

3. The Bombay Government were in that order told that acting officers are not to receive the full pay of the appointments in which they act, out of the savings caused by the absence of other officers.

4. Under these circumstances, I respectfully request a re-consideration of the orders issued.

No. 23. ORDER THEREON, 4th October 1864, No. 1452.

The Governor in Council observes that the Order of the 29th August last, No. 1297, granting the full salary of the appointment for the period for which it was undrawn and available, to the officer who performed the duties, is in accordance with the opinion already expressed by the Government on this point in paragraph 2 of their Order of the 8th June, No. 850; and that the competence of this Government to sanction the payment of full salary in such cases, is not dependent on the way in which the full salary becomes available, whether owing to a full vacancy or any other cause. That this has been the established practice in this Presidency is apparent from the letter of a former Civil Auditor, Mr. W. Waterfield, recorded in Proceedings of 28th March 1861, No. 172, Financial Department.

2. The Governor in Council cannot recognize rules laid down in orders not communicated to him.

3. The Civil Paymaster will give effect to the Order of the 29th August.

(True Extract.)

Secretary to Government.

To the Civil Paymaster.
„ Mr. J. G. Thomson, Acting Judge of the Small Cause Court of Tellicherry.

Exd. J. Tulloch,

on the margin: Suits

(2)

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

d letter from the Secretary ——— / Received 2d Septr 62 No 122

Order 4 October 1862 No 1452.

The Governor in Council observes that the Order of the 29 August last No 1297, granting the full salary of the appointment for the period for which it was undrawn and available, to the Officer who performed the duties, is in accordance with the Opinion already expressed by the Govt on their Joint minute of their Order of the 8 June No 850. and that the competence of this Govt to sanction the payment of full salary in such cases, is not dependent on the wages in which the full

full salary becomes avail-
-able, or whether owing to a full
vacancy, or any other cause-
That this has been the Es-
-tablished practice in this
Presidency is apparent from
the letter of a former Civil
Auditor, Mr. R. Waterfield,
recorded in Proceedings of
28th March 1861 No 1742 Fi-
-nancial Department.
2— The Government in pursuing
Course pursuing the said
Course in Orders not communi-
-cated to him"
3— The first Paymaster
is to give effect to the order
to which he takes exception.-
Mr. 29 Sept

The first Paymaster
Mr. J. P. Thomson - Acting Judge
of the Small Cause Court of

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Judicial 1864. Department.

No. 1157

PROCEEDINGS of GOVERNMENT.

Pet. 2232.

Dated 4th October 1864

22-28