M.R.O. 1—89,000—16-10-29.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Judicial DEPARTMENT.

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| G.O. No. | 1495 | Press | ~~Mis.~~ |
| 105-107 Dated | 14-10- | 19 | 1864 |

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***Not to be folded or roughly handled***

*Proceedings of the Madras Government, Judicial Department,*

*14th October* 1864.

Read the following papers:—

No. 105. From F. S. CHILD, Esq., Civil Judge of Cuddapah; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated 15th September 1864, No. 469.

With reference to an Official Memorandum from the Civil Paymaster, No. 37, dated 12th instant, a copy of which I enclose, I have the honor to refer, for the orders of His Excellency the Governor in Council, the question of the salaries of Acting Moonsiff Ameeroodeen Sheriff, and Moonsiff V. Gopaul Rao, for May, June, and part of July.

2. My letter to the Civil Paymaster, dated 9th instant, of which I forward a copy, fully explains the peculiarities of their case.

From F. S. CHILD, Esq., Civil Judge of Cuddapah; to the Civil Paymaster, Madras, dated Cuddapah, 9th September 1864.

In forwarding the Pay Abstract of V. Gopaul Rao, the Moonsiff of Nundialumpett, and Ameeroodeen Sheriff, Acting Moonsiff of Doovoor in this District, for the months of May and June, and the first four days of July, it is necessary to enter into an explanation of this case. These officers were appointed to their present situations in *Gazette* of 15th March last, page 468, but were not allowed to join by the Judge of Bellary in consequence of the non-receipt of the orders for the abolition of the Courts of Adoni and Tadmurry.

2. Gopaul Rao was Moonsiff of the Court of Gooty, and Ameeroodeen Sheriff at Cullianadroog. These Courts were closed for the adjournment on the 30th April; no order having then been received to make over charge, orders were issued on the 30th April by the Civil Court of Bellary, abolishing the Adoni and Tadmurry Courts, and ordering those Moonsiffs referred to, to give over charge of their Courts to the Moonsiffs of the abolished Courts; but of course the orders could not be received till after the Courts were *closed*, and charge was only given over by Gopaul Rao on the re-opening of the Courts on the 13th June. Ameeroodeen Sheriff having remained at his station gave over charge on the 10th or 12th of May during the adjournment.

3. In consequence of the adjournment of my Court, these officers were unable to take charge of their stations here till after its re-opening on the 4th July, and, therefore, through no fault of theirs, they have been placed in this difficulty that they draw no pay from the 1st May till 5th and 6th July when, having the previous day taken oaths before me, they took charge. It appears, therefore, only fair that they should be authorized to draw the pay of their present appointments from the day on which they lose the pay of their former appointments, they having been appointed to their present posts on the 15th March, and by the order of their superiors being prevented from joining till 5th and 6th July, as above stated. It is right to observe that this will entail no extra expense, inasmuch as otherwise the pay will be credited to Government. It appears to me certain that this principle would apply in the case of a Civil and Sessions Judge being moved to another post on the abolition of his former Courts. These officers appear to come under paragraph 52, page 9, of the Uncovenanted Civil Service Vade Mecum; and it should be observed also, though in both cases charge would not, as is above shown, be given over till after the 1st May, they were not able to draw pay at Bellary, as the Government had done away with the two Courts (not those they were in) on the 1st May.

No. 37.

OFFICIAL MEMORANDUM.

Financial Department.

Your letter No. 455, dated 9th instant.

2. States that as the Courts at Tadmurry and Adoni were abolished under Government Order, 26th April 1864, No. 620, Judicial Department, from the 1st May following, this office cannot pass any allowances to the District Moonsiffs until they assumed charge of the Courts in the Cuddapah District to which they were appointed.

3. If you consider that there are special circumstances in these cases which call for a relaxation of the rules, you must address Government direct. Bill returned unaudited.

FORT SAINT GEORGE,
*12th September* 1864.

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

(True Copies.)

(Signed) F. S. CHILD,
*Civil Judge.*

Referred to the Civil Paymaster for report.

FORT SAINT GEORGE,
*29th September* 1864.

(Signed) J. D. SIM,
*Secretary to Government.*

No. 106. From W. DONALD, Esq., Chief Assistant Civil Paymaster in charge, Fort Saint George; to the Secretary to Government, Judicial Department, Fort Saint George, dated 5th October 1864, No. 149.

I have the honor, with reference to Government endorsement on letter from Civil Judge of Cuddapah, No. 1931, dated 15th ultimo, to report that Gopaul Rao was District Moonsiff of Gooty, and is entitled as such to the full pay of that office until he gave over charge of that Court to Soobba Rao, the Moonsiff of the abolished Court of Adoni. Further, as he was appointed before the date of the order abolishing the Adoni Court, *to be* District Moonsiff of Nundialumpett, he is entitled, out of his new appointment, to pay equal to the salary of his former appointment from the date of giving over charge of the Gooty Court, to that of assuming charge at Nundialumpett.

2. Ameeroodeen Sheriff was District Moonsiff of Cullianadroog, and is entitled as such to the full pay of that office until he gave over charge of the Court to Kunteerava Charry, the Moonsiff of the abolished Court of Tadmurry. As, however, he was appointed to act as District Moonsiff of Doovoor, he is not entitled* to any salary from the date of giving over charge of the Cullianadroog Court to that of assuming charge at Doovoor, as he was out of employ during that period.

*Paragraph 51 of the Uncovenanted Servants' Vade Mecum.

No. 107. ORDER THEREON, 14th October 1864, No. 1495.

Ordered that a copy of Mr. Donald's letter be furnished to the Civil Judge of Cuddapah. The Governor in Council concurs in paragraph 1. The remarks in paragraph 2 are correct; but, under the circumstances explained by Mr. Child, the rule referred to cannot be equitably enforced in the case. According to rule, Ameeroodeen Sheriff has no claim to any allowance from the date on which he ceased to be District Moonsiff of Cullianadroog until he became Acting Moonsiff of Doovoor. Looking, however, to the date of his appointment to Doovoor (15th March), and the date on which he ceased to be Moonsiff of Cullianadroog (10th or 12th May), it is obvious that, but for his detention under the orders of the Civil Judge, he might have joined his new station before being displaced in his permanent appointment. On this ground, the Governor in Council considers that Ameeroodeen should be allowed the salary of his rank up to the time he was enabled to assume charge of the Doovoor Court, and directs that it be defrayed from savings in the current year's Budget.

(True Extract.)

*Chief Secretary.*

To the Civil Judge of Cuddapah.
„ Civil Paymaster.
„ Accountant General.

Exd. T. Cartledge.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

ad the following letters—

From the Civil Judge of Cuddapah—Inter 15 Septr. 64 No. 469.

the Chief Assistant to the Civil Paymas— 5 Oct. — 149.

Order— 14 October 1864 No. 1495.

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the date on which he ceased to be District Moonsiffs of Cullianadroog until he became Acting Moonsiffs of Doovoor. Looking however, to the date of his appointment to Doovoor (15th Mar) & the date on which he ceased to be Moonsiff of Kalianadrug (10th or 12th May), it is obvious that, but for his detention under the orders of the Civil Judge, he might have joined his new station before being displaced in his permanent appointment. On this ground, the Governor in Council considers that Ameeroodeen should be allowed the salary of his rank up to the time he was enabled to assume charge of the Doovoor Court, and

and directs that it be defrayed from the savings in the current year's Budget.

The Civil Judge of Cuddapah.
" Civil Paymaster.
" Accts. Genl. —

Judicial 1864. Department.

No. 1495

PROCEEDINGS *of* GOVERNMENT.

Feb. 2046 –

Dated 14 October 1864.

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