

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 33/

Press
Mis.

122-123

Dated 8 - 3 - 1918 1864

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
8th March 1864.*

No. 122. Read the following letter from F. M. KINDERSLEY, Esq., Acting Judge of the Small Cause Court of Tanjore; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Tanjore, 22nd February 1864, No. 42.

I have the honor to request you will lay before His Excellency the Governor in Council my application for permission to absent myself from my station during the adjournment of this Court.

2. The Civil Paymaster informs me that, as I only returned from privilege leave on the 1st September last, I am not entitled to absent myself.

3. I would submit that this, in my case, would be a very hard ruling, and one which, I am sure, was never intended when the rules regarding absence during adjournment were framed.

4. When I availed myself of the two months' privilege leave due to me on the 1st July last, I was holding a *Revenue* appointment, and had been performing duty as a *Revenue officer* for a continuous period of 29 months. I was, of course, totally unaware that I was about to be transferred to the Judicial Branch of the service, and therefore could not arrange to take my privilege leave in such a manner as not to interfere with future Court adjournments.

5. The effect of the Civil Paymaster's ruling will be not only to deprive me of the benefit of the approaching adjournment, but also of the privilege leave which will fall due to me on the 1st August next; for, even if I could then avail myself of it, I should again lose the adjournment next year.

6. I respectfully submit that my case is an exceptional one; and that, having been transferred, on public grounds, from one branch of the service to the other, I am fairly entitled to the benefit of a rule which allowed Judicial officers to absent themselves during the first adjournment, although they might have availed themselves of privilege leave within the previous eleven months.

7. I would also urge that the period of adjournment has been extended in order to induce Judicial officers to avail themselves of it, so as not to require privilege leave at a time when the Courts are open; that in Proceedings of Government, dated the 14th April 1863, No. 555, the construction put upon the rules is that "Judicial officers cannot take both privilege leave and leave during the recess, though it is *optional* with them which leave they will avail themselves of;" and that, as I have only been posted to the Judicial branch of the service this year, unless I am allowed the same privileges as other Judicial officers this year, I am debarred from all leave without forfeiture of salary, the exigency of the service, and the order of Government precluding the grant of privilege leave.

No. 123. ORDER THEREON, 8th March 1864, No. 331.

Under the circumstances represented in the foregoing letter, the Governor in Council sees no objection to Mr. Kindersley absenting himself from his station during the approaching adjournment of the Court of Small Causes at Tanjore.

True Extract.)

To the Acting Judge of the Court of Small Causes at Tanjore.

Chief Secretary.

Ed. J. Tulloch.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the A. J. Judge of the
Small Cause Court of Tanjore.

Recd in No. 22nd February 1864.

Order Thereon. 8th March 1864. No. 331.

Under the circumstances
represented in the foregoing
letter, the former in council
see no objection to Mr. Kim-
-berley absenting himself
from his station during the
approaching adjournment of
the Court of Small Causes
Tanjore.

[Handwritten initials and signatures]

To the A. J. Judge of the Court of S. C. at Tanjore D. J. P. = 17/3/64

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Judicial 1864. Department.

No. 331

PROCEEDINGS of GOVERNMENT.

Dated 8 March 1874.

Com. No. 331. 60.
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