

MADRAS RECORD OFFICE.

Government of Madras.

Special
~~Revenue~~ DEPARTMENT.

G.O. No.	757	Press
		~~Mis.~~
29-210		
Dated	26-5-	191864

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Not to be folded or roughly handled

26th May 1864.

No. 209. Read the following:—

To His EXCELLENCY THE RIGHT HONORABLE SIR W. T. DENISON, K. C. B.,

Governor in Council of Fort Saint George.

The humble Petition of DANOOKODY Moodelly, 1st Grade District Moonsiff of Nittymbalam in the Zillah of Tinnevely.

MOST RESPECTFULLY SHEWETH,

That aggrieved at the decision arrived at by the High Court as per enclosed authenticated copy* of their Proceedings, dated 11th March last, compelling your petitioner to retire on pension, grounded on the unjust remarks of

* Marked A.

the Civil Judge of Madura in respect to him, he begs respectfully to submit this his humble appeal of obtaining the redress he seeks at the hands of your Excellency in Council, on the explanation herein afforded.

2. That while your petitioner was actively discharging his duties as the 1st grade District Moonsiff of Tinnevely, he was at the request of Mr. Cotton, the Civil Judge of Madura, transferred to the latter station in February 1863, as Acting District Moonsiff.

3. That in October last, the Civil Judge of Tinnevely wished to be informed if your petitioner was likely to return to his permanent post, and he, your petitioner, availed this opportunity of mentioning to Mr. Cotton his willingness to do so, on being questioned by that gentleman.

4. That ever since this, your petitioner cannot positively say, but if he is to judge from Mr. Cotton's demeanor, he appeared to be displeased, though your petitioner never intended to incur it, as his only object to leave the station was on account of the climate not being suited to his constitution.

5. That soon after, Mr. Cotton addressed the High Court, proposing the nomination of a successor to the acting appointment your petitioner held at Madura, and made some unnecessary remarks, that your petitioner was so deaf that he could not hear what was going on before him, a remark quite irrelevant to fact and uncalled for in the absence of any complaint on the score of the defect during the nine months he was doing his duties under him.

6. That the High Court sanctioned the nomination, and misled by Mr. Cotton, your petitioner was ordered to be examined by the Zillah Surgeon of Madura as to his alleged defect, while his (petitioner's) connection as Acting Moonsiff of Madura having ceased soon after a successor was nominated, properly speaking he should have been examined by the Zillah Surgeon of Tinnevely, to which District alone your petitioner stood then as a permanent 1st grade District Moonsiff.

7. That the Zillah Surgeon, Dr. Wilson, before whom your petitioner appeared on the mornings of the 10th and 12th November last, gave a certificate that the defect was a confirmed deafness, after uttering but a few words in a low tone on each of these occasions.

8. That, since your petitioner's return to Tinnevely, as he was then very weak from Dyspepsia, he placed himself under the treatment of two Medical Officers of that place, and though their united certificate, endorsed by Mr. Hodgson, the Civil Judge of the station was submitted to the High Court in his letter, under date the 30th December last, in verification of his fitness

to service, yet the Honorable Judges declined to modify their already passed Order* to retire on pension, unless Dr. Wilson on a fresh examination altered his former opinion.

* Dated 23th November 1862.

9. That the result of such second examination of your petitioner, to which he subjected himself with hesitation, was, as he expected, as unfavorable as before, evidently from a mistaken preconceived displeasure entertained by the Surgeon against him.

10. That your petitioner's subsequent offer to appear before the Central Medical Committee of Trichinopoly was also declined, and your petitioner is at a loss to know why such unlimited preference is given to Dr. Wilson alone regardless of the expressed opinion of Mr. Hodgson from personal examination as to your petitioner's qualification for service, and despite of the certificates of two Medical Officers of Government, which preponderates by a majority and by which, under the Orders of Government, (dated the 4th August 1863, published in the Fort Saint George Gazette, page 206) the question is placed beyond the possibility of a doubt in his favor.

Proceedings of the Madras Government, Judicial Department,
26th May 1864.

11. That taking all the circumstances of the case, the chief animus of the question is whether your petitioner is in a fit state of hearing, as certified by two Doctors of Tinnevely or not? That if the *ipse dixit* of Mr. Cotton, supported as it were by Dr. Wilson, be taken, can there be any probability to surmise that Mr. Hodgson would venture, as an Officer of Government, to recommend your petitioner as eligible to his responsible post, in the face, and aware as he is, of the nature of the certificate of Dr. Wilson from the tenor of the Proceedings of the High Court, dated the 25th November last, unless he was animated to do so by a clear conscience.

12. That owing to the question of eligibility being *still undecided*, the hardship of being deprived of the salary for the last five months, is greatly felt by your petitioner, who must succumb to a pension, if ultimately insisted upon, as inadequate to the services rendered by your petitioner; but he sanguinely relies on the justice of a paternal Government for favorable consideration, that notwithstanding all his previous services he attended and cleared all the intricate and heavy cases left on the file in arrears in the Madura Moonsiff's Court, with the hope of being rewarded eventually, commensurate to his labors, but to be now taunted by his juniors who are placed on an onward footing for promotion, is a grievance more than he can express or support, and from which Government only can relieve him, as a common act of justice, towards an old willing and hard working Public servant like your petitioner, while he assures His Excellency in Council to perform his duties as efficiently as hitherto with credit to himself, and in furtherance of the interest of Government.

13. That under these circumstances, your petitioner, in submitting the enclosed copy of the certificate * of the two Doctors of Tinnevely, respectfully entreats your Excellency in Council will be pleased to order his restoration to the Tinnevely Moonsiff's Court, as his immediate superior Mr. Hodgson, is willing to take him as will be seen from the copy of his letter † to the High Court, dated 30th December last, and should there still exist any further doubt

he is ready to appear before the Medical Board as he is at present in the Presidency, to prove that his power of hearing is not so affected as to justify the proceedings adopted against him, and your petitioner shall, as in duty bound, ever pray.

SOORRAMONEA MOODELLY'S LANE,
DOOR No. 797.

MADRAS, *Parsawalkum*, 14th May 1864.

(Signed) DANOOKODY Moodelly.

No. 210. To the Honorable Sir C. H. SCOTLAND, Knight, Chief Justice of the High Court of Judicature, Madras, dated Fort Saint George, 26th May 1864, No. 751.

I am directed by His Excellency the Governor in Council to transmit to you the enclosed petition presented to Government by Danookody Moodelly, a District Moonsiff of the 1st grade in the Zillah of Tinnevely, complaining of an order passed by the High Court requiring him to retire on the ground that he is disqualified by deafness for the performance of his duties.

2. The opinion at which the Honorable the Judges have arrived as to the physical unfitness of Danookody Moodelly for the discharge of his duties as a Judicial Officer, appears to be based on two Medical Certificates given by the Zillah Surgeon of Madura, which, however, are in opposition to the opinion recorded by the late Zillah Surgeon of Tinnevely, concurred in by another Medical Officer at that Station.

3. Adverting to these conflicting opinions and to the position of the petitioner, who, it is to be presumed from the fact of his having been selected for a District Moonsiffship of the 1st grade, must have hitherto discharged his duties in a satisfactory manner, the Governor in Council would suggest that before finally compelling him to retire from the Public service, the Honorable the Judges should require Danookody Moodelly who is now in Madras, to appear before the Principal Inspector General of the Medical Department or his Secretary, and to produce a Certificate from either of these Officers for the consideration of the Court.

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

Edw. J. Tulloch,

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No. 751 - Judicial Department
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Chief Justice of the High Court
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2. The opinion at which

MA
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JP

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Fort St George }
26 May 1864 }

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Petition of Dan Roddy
Modelly, Dist. Monip.

Macdonald & Co. 11

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the Hon. Secy.

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