M.R.O. 1—38,000—18-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 850 Press ~~Mis.~~

90-91

Dated 8-6- ~~19~~ 1886

3/4

Not to be folded or roughly handled

No. 90. Read the following letter from R. W. LODWICK, Esq., Civil Paymaster, Fort Saint George; to the Chief Secretary to the Government of Madras, dated Fort Saint George, 2nd June 1864, No. 25.

I have the honor, with reference to Government Order No. 785, dated 31st ultimo, to point out that, although there is no objection to the receipt by the Honorable Mr. Norton of the full salary of the appointment of Advocate General, as the said appointment is actually vacant, there seems to be no rule under which Mr. Mayne can be permitted to draw the full pay of Mr. Norton's appointment, that gentleman being the incumbent of the office: and the orders of the Su[illegible]ernment giving permission to local Gov[illegible] full salary to acting Officers having reference only to cases of *full vacancies*.

Supreme Government's Resolution, No. 11,019, dated 25th October 1860.

2. Referring to Government Resolution, No. 35[illegible]te, I beg to state that Mr. Mayne's pay was withheld by my Department be[illegible]s stood appointed on full pay, it was not *certain* whether he was to continue [illegible]f f Assistant Secretary to Go[illegible]rnment. As the abstract of the Chief Secretary [illegible]tained without inconveni[illegible]reat number of people, the doubtfu[illegible]as struck out and a remark made tending t[illegible] the information required.

3. As Government are now pleased to state that Mr. Mayne is to continue Assistant Secretary his case should, I think, be treated under the [illegible]e Government Order No. 2[illegible]n 1860, which gives half [illegible]l to act in an appointment not subordinate to his own, until such time as the orders of the Government of India on the case are received.

No. 91. ORDER THEREON, 8th June 1864, No. 850.

The Governor in Council does not concur in the objections urged by the Civil Paymaster against the full salary attached to the office of Clerk of the Crown and Crown Prosecutor being passed to Mr. Mayne.

2. In the opinion of His Excellency in Council, the fact of an appointment not being permanently vacant is no bar to the Officer officiating in it drawing the full salary, provided that, as in the present case, no part of that salary is drawn by the permanent incumbent. The order of the Government of India of the 30th August 1853, to which the Civil Paymaster refers, is to the effect that "when a salary already sanctioned for certain duties is given to the Officer who has performed them, a reference to the Government of India is not necessary." Under this order it is clearly competent to the Madras Government to grant to Mr. Mayne the full salary of the office in which he is acting in the High Court, the full salary being available, and the duties of the office actually performed by Mr. Mayne.

3. In regard to the second ground of objection, based on the order of the Government of India of the 16th March 1860, the Governor in Council is of opinion that this order cannot with propriety be applied to offices of the nature of those held by Mr. Mayne, both of which demand special qualifications and legal training, and for which it would be difficult to obtain the services of a well qualified Officer if the full salary in each case were not given.

4. The Governor in Council accordingly directs that the Civil Paymaster will pass the full salary of the office of Clerk of the Crown and Crown Prosecutor to Mr. Mayne.

(True Extract.)

Chief Secretary.

To the Civil Paymaster.

Exd. J. Tulloch.

9.

Read 15 to Dec 1864
850

Observations on the objections urged by the Civil Auditor against the allowance of a Clerk to the Office of the Comm[r] of the Revenue Survey Annual Salary Rs 1171

Rates of Pay 1864.

Read the following letter from the Comptroller
Civil Engineer
Nilgiris Dated 2nd Nov 1864 No 1051

8th June 1864 No 850.

The Governor in Council does not concur in the objections raised by the Civil Engineer against the allowance of Clerk & Draftsman and Surveyor drawing pay paid to Mr [illegible] me.

2. In the opinion of His Excellency in Council, that of an establishment is permanently vacant no bar to officiating on it drawing full salary, pro tanto in the present case, no part of that salary is drawn by the permanent

Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

permanent mea[illegible]
order of the Gov[illegible]
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Civil Paymaster refers, is
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was already sanctioned
for certain duties is given
to the officer who has
performed them, a reference
to the Government of India
is not necessary". Under
this order it is clearly com-
petent to the Madras
ment to grant to Mr
Mayne the full salary
office in which he
is acting in the High Court,
the full salary being avail-
able, on the duties of the
office actually performed
by Mr Mayne.

3. In reply to the second
ground of objection, based
on the Order of the Court of
Directors of the 16th March 1859,
the Governor in Council is of
opinion that this order
cannot in any propriety be
applied to cases of the
nature

nature of that by which
Mayne, both of which
demand special qualifica-
tions and legal training,
and for which it would
be difficult to obtain the
services of a well qualified
officer if the full salary
in each case were not
given.

4. The Governor in
Council accordingly directs
that the Civil Paymaster
will pay the full salary
of the office of Clerk of
Crown and Crown Prose-
cutor to Mr Mayne.

6/7

To the Civil Paymaster
J. D. Mayne Esqre & dup 9/6

186/. *Department.*

No. 5.5.9

PROCEEDINGS *of* GOVERNMENT.

Dated 8 . . 1864

9 91.