

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1404

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Dated 29.9.1865 19 .

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
29th September 1865.*

No. 311. Read the following Proceedings of Government in the Military Department, dated 23rd September 1865, No. 3562.

Communicate Despatch from Secretary of State, respecting the disposal of officers removed from their Staff appointments for inefficiency, misconduct, &c. } (Vide Proceedings, Military Department, dated 23rd September 1865, Nos. 679 and 680.)

No. 312. ORDER THEREON, 29th September 1865, No. 1404.

Communicated to the Inspector General of Police, and to the Agents in Ganjam and Vizagapatam.

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Inspector General of Police.

„ Agent in Ganjam.

„ Agent in Vizagapatam.

Ed. J. Tulloch.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following:—

Military Despatch from the Right Honorable the Secretary of State for India, India Office, London, 17th March 1865, No. 81; to His Excellency the Right Honorable the Governor General of India in Council.

Paragraph 1. I have considered in Council your letter, No. 23, dated the 6th January 1865, forwarding copy of a correspondence relating to the cases of Lieutenant Colonel * * * and Captain * * * who have been severally removed from their Staff appointments.

2. The Commander-in-Chief has, it appears, no unwillingness to re-employ Lieutenant Colonel * * * should a favorable opportunity offer itself; and His Excellency has fulfilled his expressed intention of arranging for the re-employment of Captain * * * by nominating him to be Staff Officer to one of the Columns of the ———.

3. In forwarding this correspondence, you point out that there are very many cases in which the removal of an Officer from his appointment should not entail any further punishment, and you add that an Officer of the British or Indian Service, removed from an appointment, retains his Regimental position and pay, unless his removal be caused by grave misconduct, requiring further punishment by sentence of Court Martial, or summary removal from the Army by Her Majesty.

4. You further remark, paragraph 4, "It may, and does, very often happen "that an Officer who may be unfitted, or may become unfitted, for the particular "position in which he has been placed, would prove an excellent servant of the "State in another Department, or in another sphere of employment. Even in the "event of an Officer being removed from his appointment for negligence or misconduct, the case might be far from such as to demand any further punishment, "or the entailment upon himself and family of a sentence involving that utter ruin "which the placing of an Officer on half-pay in this country would in most cases "entail. In fact, if the removal of Officers from appointments is ordinarily to be "attended with such a result, the Staff Corps will shortly cease to draw any "recruits."

5. In much that is here stated I fully agree.

6. I must observe, however, that in my Despatch, No. 318 of the 18th August 1861, you were informed, with reference to the 10th Clause of the Royal Warrant of 10th January 1861, that Officers whom the Government might not see fit to employ in any capacity ought to be removed from the Staff Corps, under the authority specified in the 7th paragraph of the Staff Warrant, and placed upon half pay or pension, under the provisions of the 10th paragraph of the same Warrant.

7. The removal of an Officer from a Staff appointment, and especially under such circumstances as were brought to notice by your Government in the cases of Lieutenant Colonel * * * and Captain * * * necessarily suggests the inquiry whether, considering the grounds of such removal, the Officer in question is or is not to be employed again. If not, his transfer to the half pay or pension list should take place at once.

8. In either case the intention of your Government should be distinctly stated.

9. Under any circumstances, I cannot permit an Officer of the Staff Corps, removed from his appointment for misconduct or incapacity, to remain unemployed beyond a reasonable time.

10. You observe justly that it may and does often happen that an Officer, who may be unfitted for the particular position in which he has been placed, would prove an excellent servant of the State in another Department. In such cases, I should hope it would be seldom necessary to remove the Officer until an opportunity occurs for transferring him to some Office or position for which he is well fitted.

11. I have only to observe further upon this point, that I can hardly share in your apprehension that if the removal of Officers from appointments for misconduct were ordinarily to be attended with such a result, the Staff Corps would shortly cease to draw any recruits.

12. With respect to the rules which you propose for observance in such cases, the first rule proposed in the 5th paragraph of your letter has already received my approval.

13. With respect to the second and third proposed rules, I am still of opinion that the general rule should be that laid down in my Despatch, No. 199 of the 24th June 1864, viz., that no Officer of the Staff Corps who may be removed from a Staff appointment for inefficiency or misconduct, shall be allowed to count as Staff Service for promotion the period passed subsequently to such removal in doing general duty or out of employment.

14. The claim of an Officer of the Staff Corps to promotion in that Corps is regulated, as your Government is aware, by length of service of two kinds, 1st, service in the Army; 2nd, actual service on the Staff.

15. In the latter case, the number of years' actual service on the Staff, qualifying for promotion to the several grades, is very small; and it has been already decided that no leave of absence, except privilege leave, shall be allowed to reckon as such Staff Service.

16. I cannot assent to the propriety of giving to an Officer removed from a Staff appointment for misconduct or inefficiency, and there could hardly be two more marked instances than those of Lieutenant Colonel * * * and Captain * * * as reported by your Government and His Excellency the Commander-in-Chief, a privilege which is denied to Officers of unexceptionable character when absent on leave from whatever cause.

17. In the event, however, of an Officer of good character and general aptitude for Staff employment being removed from any situation, in consequence of proved unfitness for the special duties of that situation, I shall not object to his name being submitted, with the approval of the local Government, for the favorable consideration of Her Majesty's Government, with a view to a relaxation of the above general rule.

MILITARY DEPARTMENT, SIMLA, 4TH SEPTEMBER 1865.

No. 39.

Copy of the foregoing forwarded to the Secretary to the Government, Fort Saint George, Military Department, for the information of His Excellency the Governor in Council, and for guidance as respects paragraphs 8 and 13 to 17.

(By order,)

(Signed) H. W. NORMAN, Colonel,
Secy. to the Govt. of India.

ORDER, No. 3562, 23rd September 1865.

Communicated to the Commander-in-Chief and Military Account Department.

(True Extract.)

Marshall
Secretary to Government.

To the Adjutant General.
" Controller of Military Accounts.
" Military Accountant.
" Examiner Pay Department.
" Examiner of Claims.
" Public Department. *With 5 spare Copies.*
" Revenue Department.
" Public Works Department.

Exd. A. W. Cooke.

