

MADRAS RECORD OFFICE.

Government of Madras.

Internal DEPARTMENT.

G.O. No.	165	Press
		~~Mis.~~
Dated	28-1-1867	

Not to be folded or roughly handled

5/6

28/1/67

Proceedings of the Madras Government, Judicial Department,
23th January 1867.

Read the following papers :—

No. 299. From the Examiner of Claims, to the Chief Secretary to Government, Fort Saint George; dated Fort Saint George, 21st December 1866, No. 642.

I have the honor, by direction of the Accountant General, to forward the accompanying copies of Official Memoranda which have passed between this Office and the Registrar, High Court, Original Side, in order that I may be favored with the opinion of the Right Honorable the Governor in Council, whether the Registrar's view or mine is correct, as to the liability of members of the Establishment of the High Court, Original Side, to suspension, upon their applying for the benefit of the Insolvent Act, before I make a second application for the refund of the pay of the men named in the correspondence for the days in October. The Registrar has not up to this time sent me the Bank's receipt for the money retrenched, and I think, I am, therefore, justified in supposing he has not made the refund; but, before taking any further steps, it seems to me to be only right that the point in dispute should be settled.

2. It is proper that I should inform Government that I was not in a position to refuse pay for October, as the Establishment Pay Bill was presented and passed upon 1st November, and the notice appeared in the Gazette of 2nd idem.

3. With regard to the last paragraphs of the two Memoranda, I may explain that I made the inquiry because, for the last two years, a slip of paper, bearing the words "No Officers of Court are on leave this month," has been attached to the Establishment Pay Bills, in accordance with paragraph 2 of Proceedings of Government, dated 20th November 1860, No. 570, Financial.

No. 578.

OFFICIAL MEMORANDUM.

Establishment Pay Bill, High Court, Original Side, for November 1866.

The undersigned has the honor to inquire why pay was claimed for Vyavoor Davarajah Moodelly and James William Todd, subsequent to 24th October, as, on 25th idem, they filed petitions applying for the benefit of the Insolvent Act, and are from that date *ipso facto* suspended from Government employ till the orders of Government on their cases are received.

2. Their pay for November has been disallowed from the above bill, and the undersigned requests that the Registrar will repay at once into the Bank of Madras the sum of Rupees 14-10-10, being the pay of those men from 25th to 31st October, and forward the receipt for the same to this office for record.

3. The undersigned has further to request that the Registrar will be so good as to explain whether the word "Officers" in the monthly Certificate of no leave is intended to apply to the entire Establishment.

OFFICE OF EXAMINER OF CLAIMS,
FORT SAINT GEORGE,
1st December 1866.

(Signed) W. DONALD,
Examiner of Claims.

To the Registrar, High Court, Original Side.

OFFICIAL MEMORANDUM.

The undersigned has the honor, in reply to the Official Memorandum, No. 578, from the Examiner of Claims, dated 1st December 1866, to inform him that Vyavoor Davarajah Moodelly and James William Todd's pay was claimed for the whole of October, because they were not suspended from Government employ from the dates of their filing their petitions, as the nature of their duties in the office is of such nature that their services could not be dispensed with.

*Proceedings of the Madras Government, Judicial Department,
28th January 1867.*

2. This was done because it is considered that the Order of Government directing suspension does not apply to the Office of the Registrar of the High Court, Original Side, in that it did not apply to the Office of the Registrar of the late Supreme Court, and also because the Registrar being at the same time Chief Clerk of the Insolvent Court, and as the petitions of all Insolvents, being filed in the latter office, come at once to his notice, the reason for the Order of Government on the subject of Insolvents ceases to apply.

3. Copies, however, of the Schedules of Vyavoor Davarajah and James William Todd, and the orders thereon made, are in the course of preparation to transmit to Government, for its orders thereon.

4. The word "Officer" applies to every one named in the abstract for which the Registrar draws pay, as well as to the Officers of the Court who draw pay on their own abstracts.

HIGH COURT, MADRAS, ORIGINAL SIDE,
14th December 1866.

(Signed) A. M. RITCHIE,

Registrar.

To the Examiner of Claims, Fort Saint George.

No. 300. From the Registrar of the High Court of Judicature at Madras, Original Side, to the Chief Secretary to Government, Fort Saint George; dated Madras, 22nd December 1866.

I forward herewith copies of the Schedules of James William Todd and Vyavoor Davarajah Moodelly, two Clerks in the Office of the Registrar of the High Court, Original Side, together with the orders of the Insolvent Court made thereon respectively, for the purpose of the same being laid before the Right Honorable the Governor in Council.

2. In transmitting these papers, I have the honor to state that the insolvency of these persons does not, in either instance, appear to have arisen from acts of extravagance, but rather from indiscretion, and the enhanced prices of all articles of consumption, and the smallness of their salaries.

3. In discharging them, the Acting Chief Justice made no order for the payment by either of them of any portion of their salary.

4. The Examiner of Claims has stopped the pay of these men for the month of November, and asked for a refund for six days in October, and in answer to an Official Memorandum of his on the subject, I have sent to him an Official Memorandum, a copy of which accompanies this.

5. If I am correct in the view I have taken of the Order of Government respecting persons in Government employ becoming Insolvents, I have the honor to request that the Examiner of Claims may be directed to pass the Abstract for the pay of James William Todd and Vyavoor Davarajah Moodelly for the month of November last.

6. Should, however, His Excellency in Council take a different view of the case, I have still the honor to request that an order to pay these men may be made, as this is the first instance of the Order of Government in the case of Insolvents having had to be considered in reference to Clerks in the Office of the Registrar of the High Court, Original Side, and as these men have been, and still are, performing their respective duties to my entire satisfaction.

7. I should be sorry if these writers suffered from any error of judgment on my part.

*Proceedings of the Madras Government, Judicial Department,
28th January 1867.*

No. 301. ORDER THEREON, 28th January 1867, No. 165.

The Governor in Council observes that the Government Order, directing that every person in public employ taking the benefit of the Insolvent Act shall *ipso facto* be suspended from the Service, applies to every Public Officer in the Presidency. Under the circumstances stated by the Registrar, however, the Government are pleased to sanction, as a special case, the payment of the salary objected to by the Examiner of Claims to the two Clerks referred to.

(True Extract.)

Chief Secretary.

To the Examiner of Claims.

„ Registrar, High Court, Original Side, with six enclosures, returned.

Exd. J. H. Burns.

4.

199037

Judicial 1807
Vol 65
Proceedings of the
Madras Government
Oct 28th Jan 1837

W. J. P.

Order 28 Aug. 1867 H. 165

Woll

of Claims to the two clerks
referred to

W

84

Editor's Table

To the Examiner of Claims
— Registrar High Court —
Chgo. side }
— Editor's Table

December 1864. Department.

No. 165.

PROCEEDINGS OF GOVERNMENT.

Dated 28th January 1867.

15-77
11/10/64

11-92

14/1/50

249-307.

C. M. Jones
1868