

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

223-228	G.O. No.	1867	Press
			~~Mis.~~
	Dated	19 — 11 — 1918	6/7

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
19th November 1867.*

No. 227. Read the following letter from E. C. G. THOMAS, Esq., Civil and Session Judge of Madura, to the Chief Secretary to Government, Fort Saint George; dated Madura, 2nd November 1867, No. 255.

The Acting Accountant General, in his objection statement on my salary for May and June 1867, directed, in the following terms, that Rupees 362-5-10 should be recovered from my next pay bill.

"Inadmissible—Mr. Thomas' appointment to Madura, which was available on the 29th May 1867, having been notified so early as 20th April 1867, he should have joined it on the former date. Having failed to do so, he can only be allowed pay as Small Cause Court Judge, Madura, and deputation allowance, as Acting Civil and Session Judge of Cuddalore, from 1st to 23rd May; and from 29th, the date from which his appointment as Civil and Session Judge of Madura took effect, and from which his acting appointment at Cuddalore must be considered to have terminated, to 6th June 1867, the date preceding that on which he joined Madura, he reverts to the pay of his appointment as Sub-Collector, being the last permanent appointment which he had actually joined."

"Rupees 362-5-10 should be recovered upon his next like bill."

2. The above amount has been so recovered from me.

3. I addressed the Accountant General in the words which I take the liberty (as being the briefest and simplest course) of transcribing below:—

"As the Madura Court was in recess on the 29th May, having been closed for two months from the 7th April 1867, I could not have received charge of the Court had I gone there, for no one would have been able to give over charge, the High Court having clearly laid down that the intentions of Government plainly allow that period of relief to all the Court servants, as well as to the Judge, and that all are entitled to be absent. My repairing to the town of Madura at an earlier date than I did would, therefore, have been useless. It cannot be supposed that the Government would wish to deprive me of the relief intended to be afforded to all Judicial Officers at the recess, when no public gain could possibly accrue from it. It may be observed that, as it was, I lost three weeks of the usual two months. I submit that, by being present at the re-opening of the Court after the recess, I joined and took charge on the earliest date on which it was open to me to do so. My appointment did not depend, as is usually the case, on the date of my joining: it is especially notified in the Gazette to 'commence from the date of Mr. R. R. Cotton's retirement.' Had I joined a day after the proper day for the re-opening of the Court, the date on which the salary of my present confirmed appointment should commence might be matter for discussion, but I submit that there has been no act of mine which can deprive me of the right of having the terms of my appointment accepted in their simple literality. I became Civil and Session Judge of Madura from the date of Mr. R. R. Cotton's retirement, and on the very earliest day on which it was open to me to do so I fulfilled the duties of the post."

"I object, therefore, to the justice of this retrenchment of Rupees 362-5-10."

*Proceedings of the Madras Government, Judicial Department,
19th November 1867.*

4. I trust the Government will do me the liberality of directing that, under the circumstances, I be considered to have been Acting Judge of Cuddalore till 29th May, when my new and confirmed appointment became vacant, and Judge of Madura from that date, in accordance with the terms of the appointment.

No. 228. ORDER THEREON, 19th November 1867, No. 1867.

The Governor in Council observes that, in appointing Mr. E. C. G. Thomas to be Civil and Session Judge of Madura, it was expressly stated that the appointment "will take effect from the date of Mr. R. R. Cotton's retirement," which took place on the 29th May 1867. On that date, however, the Court at Madura was closed for the recess, and was not re-opened until the 7th of June last, when Mr. Thomas assumed charge.

2. It is clear that Mr. Thomas could not have taken charge of the Court before the 7th of June, and in the opinion of the Governor in Council he is entitled to the full salary of the appointment from the date (29th May) from which it became available. The Accountant General is, therefore, authorized to withdraw the retrenchment against Mr. Thomas.

(True Extract).

Chief Secretary.

To the Accountant General.
To E. C. G. Thomas, Esq., Civil and Session Judge of Madura.

Memo for orders.

*Mr. Thomas' appointment
as Civil & Session Judge of
Madura took effect on the
29th May.*

*The Madurn Court was
closed on the 7th April
for the two months an-
nual recess. He joined
& took charge when the
Court re-opened on 6 June*

The Accountant General
has withheld his salary
as Civil Service Judge
from 29th May until
6th June. on the ground
that he only then
joined his appointment
as shown by Mr. Thomas
if he had gone to Madras
during the Court's absence.

he could have done so with
& there was no one to pre-
vent change.

Under these circumstances.

I submit that the
Accountant General be
authorized to withdraw
the remuneration yet

due.

28th 8. 1887

If by keeping away
from Madras let the

date of the
reopening of the
Court. There Mr
Thomas had
learned an
addition to the 2 month recep
due to him at Cuddalore. I
thought he would be about raising
the retrenchment but it seems
that he did not get even the
2 month recep. Now at
Cuddalore he was entitled.
I would then free release
him from the stoppage
ordered by the Acceptor.

WR

by

For orders

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the
Civil and Session Judge of
Madura.

Here enter 2^d Nov^r 1867 No 255.

Order. 19th Nov^r 1867 No 1867-

The Governor in Council
observes that in appointing
Mr. E. J. G. Thomas to be
Civil and Session Judge of
Madura, it was expressly
stated that the appointment
"will take effect from the
"date of Mr. R. R. Cotton's
"retirement," which took
place on the 29th ^{May} ~~January~~ 1867.
On that date however the
Court at Madura was closed
for the recep, and was not
re-opened until the 7th of
June last, when Mr. Thomas
assumed

N.

WR

by

assumed charge.

2 It is clear that Mr Thomas could not have taken charge of the Court before the 7th June, and in the opinion of the Governor in Council he is entitled to the full salary of the appointment from the date (29th May) from which it became available. The Accountant General is therefore authorized to withdraw the retrenchment against Mr Thomas.

Wm

18 2/5

To the Accountant Genl — 3
Edw Thomas Esq. Secy to the Govt

*Memorandum
against R. H. H.*

227.228

March 1867. Department.

No. 1867

PROCEEDINGS OF GOVERNMENT.

Oct. 27/80.

Dated *10/10/80* *10/10/80*

1867