

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1877	Press
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Dated	20-11-1867	

247-248

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
20th November 1867.*

No. 247. Read the following letter from C. F. CHAMIER, Esq., Civil Judge of Salem, to the Chief Secretary to Government, Fort Saint George; dated Salem, 30th October 1867, No. 5.

I have the honor to lay before the Government a matter which has been weighing upon my mind, and of which I have every reason to hope the Government will take a favorable and considerate view. On the 11th December last, the District Moonsiff of Oosoor reported that he was laid up with fever, and quite unable to attend the Court, and requested leave of absence till the 2nd of January. As the Christmas holidays commenced on the 24th of December, and the 23rd was a Sunday, the period of leave solicited only amounted to twelve days. He enclosed a medical certificate to show that he was really ill, but did not apply for sick leave under Section 11 of the Rules, and suggested that he need not be subjected to any stoppage of pay. The next day the District Moonsiff made a second application, requesting leave for only ten days, from the 11th to the 20th of December. I made some inquiry, but could not discover that leave could be granted without loss of salary; and on the 13th December I recommended that leave on medical certificate should be granted to him under Section 11 of the Rules, which was afterwards sanctioned by the High Court.

2. A subsequent application for ten days' leave was made by another District Moonsiff; and the High Court then pointed out that I was competent to grant casual leave to the District Moonsiff under the Notification published at page 1087 of the *Fort Saint George Gazette* of the 18th November 1858. The District Moonsiff of Oosoor then drew my attention to the circumstance that he had expressly asked for leave without any deduction from his pay, and begged that the moiety of his salary, of which he had been deprived, might be refunded. I enclose a copy of my letter to the High Court on this subject, and a copy of the answer which I received. So liberal a spirit pervades the Notification above referred to, that I feel justified in bringing the District Moonsiff's case to the notice of Government, in order that he may be allowed the benefit of the rule therein prescribed. His not receiving this benefit in the first instance was owing entirely to my not being aware of the applicability of the Notification to his case. As he expressly asked for leave without loss of pay, it seems just that he should not be subjected to such loss, when leave could otherwise have been granted. The request, therefore, which I have to make to Government, on behalf of the District Moonsiff of Oosoor, is that he may be considered to have been absent on casual leave from the 11th to the 20th of December 1866. It is not an uncommon thing to see orders of this kind in the Official Gazette, where a public officer has been prejudiced by some mistake as to the ground of his absence from duty; and the present appears to be a case in which relief should be afforded. It will be remembered that District Moonsiffs cannot take privilege leave. The five days' rule enables them to obtain slight relaxation from ten and a half months' continuous duty; but in the event of illness extending beyond five days, it certainly is desirable that they should be able to obtain a few days' leave without loss of salary. Had I known that this could be done, I should have granted casual leave to the District Moonsiff of Oosoor; and I trust that the Government will considerately relieve him from the consequences of the misapprehension of the rules which has unfortunately occurred in his case.

*Proceedings of the Madras Government, Judicial Department,
20th November 1867.*

From the Civil Judge of Salem, to the Registrar of the High Court, Appellate Side, Madras :
dated Salem, 29th April 1867.

I have the honor to enclose, for the favorable consideration of the Honorable the Judges, copy of a letter from the District Moonsiff of Oosoor, requesting that the portion of his salary deducted on account of the leave granted to him in February last may be refunded. The request appears reasonable. I was not aware, at the time the District Moonsiff's application for a few days' leave was made, that it could be granted without loss of salary.

From the Acting Registrar of the High Court of Judicature, Madras, Appellate Side, to the
Civil Judge of Salem; dated Madras, 16th May 1867.
In reply to your letter dated 29th ult.

In reply to your letter dated 29th ultimo, I am directed to state that the High Court are unable to comply with the request of the District Moonsiff of Oosoor, as it appears that the moiety of his salary was deducted under Section 11 of the Uncovenanted Absentee Rules for the period the District Moonsiff was absent on sick leave, and casual leave cannot be granted retrospectively.

Referred to the Examiner of Claims, for report as to whether there is any objection to Mr. Chamier's proposal.

FORT SAINT GEORGE,
6th November 1867.

(Signed) R. S. ELLIS,
Chief Secretary.

No. 247A.

No. 838.
MEMORANDUM.

The undersigned has the honor to state that, in the circumstances of the case, the leave granted by the Civil Judge to the District Moonsiff of Oosoor from 11th to 20th December may be commuted, should Government see fit, to casual leave.

12th November 1867.

To the Chief Secretary to Government.

(Signed) W. DONALD,
Examiner of Claims.

No. 248.

ORDER THEREON, 20th November 1867, No. 1877.
 ndence is referred to the Accountant G

This correspondence is referred to the Accountant General, for report whether a gazetted Officer, such as a District Moonsiff, who is the head of an office, can obtain casual leave from his judicial superior, the Civil and Session Judge.
(True Extract).

(True Extract).

Chief Secretary.

To the Accountant General.

Exd. J. H. Burns.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter

Read the following letter from the
 first judge of Salem
 R. E. of 30. Oct 167. h. s.
 Report from Examining
 of Claims - of 12. Nov 167
 Two cert. Two

Report from Examiner
of Claims - of 12 Nov/67
The work done

Under the circum-
stances represented by the
first judge of Salem,
the Governor in Council
is pleased to direct that
the "Sick leave" granted
to the District Munsiff
of Coimbatore be commuted
into "Casual leave."

ed to "Casual Care."

as the Civil Code says he need
 I pass their bill I much doubt if
 the Criminal Code will show
 apply to gazetted judicial function-
 they get 2 months adjournment
 or 6 weeks with leave of the Mfrs
 and have the balance of 5 days rule to
 the Civil Judge of a District
 - - Public the proceedings of the
 Court.
 - - Accountant General
 - - Examiner of Claims

action in
 war, casual
 and 4 four
 times the 5 days -
 leave. He gets -
 4 of those
 means: - 30 days -
 2 months, 10 days -
 and 20 - day 110 days -
 2.95 in a sufficient
 W.M.

20

Mr (Chief Secretary)
has sent me the order
which I attached in
my note on the other
page. I see that the
order is (unimpaired)
I am pretty
sure however that
the point of casual
leave is a forgotten
affair or incident of
any kind of an office
which a District Magistrate
is entitled to the
order of the Government
for. and I will
refer the case back
to the Accountant
General for further
information as to the
bearing of the order.
C. H.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

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Civil Judge of Salem
(Received 30 Oct 1867 No 5)

Order. 20 Nov 1867 No 1877

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N.
Whol.
W. H.
C. H.

To the Accountant General - 23/11

Wm. B.
1867. Department.

No. 1847

PROCEEDINGS OF GOVERNMENT.

7th 20th 43.

Wm. B.
Dated 20 *Wm. B.*

Wm. B.

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