

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

315-316	G.O. No.	2131	Press
			~~Mis.~~
	Dated	31-12-1867	

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
31st December 1867.*

No. 215. Read the following letter from the Deputy Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, Fort Saint George; dated Madras, 12th December 1867, No. 66.

With reference to Mr. Nelson's letter, dated the 30th ultimo, No. 60, I am directed to forward, herewith, the proceedings of the High Court of this date, removing the District Moonsiff of Trichinopoly from his situation, and to recommend that he be declared disqualified to be employed in the public service for the period of five years.

Proceedings of the High Court of Judicature at Madras, 12th December 1867.

Read letters, dated 13th and 14th ultimo, Nos. 360 and 364, from the Acting Civil Judge of Trichinopoly, reporting the result of the inquiry into the charges against the District Moonsiff of Trichinopoly, and recommending his dismissal from the service.

1. The facts, as stated by the District Moonsiff himself, are that he, on the 2nd August 1866, acquired a large interest in land, and his excuse for not reporting it is that it was not registered until the 7th March 1867.

2. It is quite manifest that this is no excuse whatever. On or before the 15th January 1867 he was bound to report it, and the penalty for not reporting it is by the rules dismissal.

3. All the attendant circumstances seem to the High Court calculated to aggravate the case, and to render it clear that it was his intention persistently to conceal the purchase.

4. The buying of land in the son's name, combined with the gross falsehood that the son and not he borrowed the money to clear the land from encumbrances, seems to the High Court to show this with abundant clearness. That the Moonsiff has been guilty of gross falsehood there is no doubt. That falsehood was probably not purposeless, and its purpose is explained by the hypothesis that he intended systematically to disregard orders which he was bound to obey.

5. The employment of the Vakil of his Court to negotiate loans is another exhibition of gross impropriety on the part of the Moonsiff, aggravated by his unquestionable knowledge that a considerable portion of the loan was to be obtained from Rungasawmy Iyengar, then a party to several suits and other proceedings in the Moonsiff's Court.

6. His persistent disregard of repeated orders to attend his Court at proper hours, and the falsehoods told to cover his disobedience are another.

7. Though such conduct calls for severe punishment, the High Court will abstain from inflicting on him the extreme penalty to which he is strictly liable under the rules, which were introduced for obviously wise purposes. The High Court accordingly resolve to remove him* from

* T. Rajahgopal Naick.

the office of District Moonsiff of Trichinopoly, and to forward a recommendation to Government that he be declared disqualified to be

employed in the public service for a period of five years.

(True Extract).

(Signed) T. WILKINS,
Depty. Registrar,
Appellate Side.

No. 216. ORDER THEREON, 31st December 1867, No. 2131.

The Governor in Council is not of opinion that it is desirable to declare a public servant disqualified for employment for so long a period as five years.

2. In the case of the District Moonsiff of Trichinopoly, to which the letter above recorded refers, the Governor in Council considers that if the misconduct of this officer has been of so grave a nature as to disqualify him for employment for

Heard and met with

*Proceedings of the Madras Government, Judicial Department,
31st. December 1867.*

five years, it would be better to declare him unfitted for future employment in the public service. Should the Judges of the High Court be disposed to take a more lenient view of the District Moonsiff's case, his removal from his present appointment will be a suitable punishment. In this latter case it would rest with the High Court to determine upon the proper occasion for his re-employment in a Judicial office.
(True Extract).

Chief Secretary.

To the Honorable the Judges of the High Court.

Ed. J. Tulloch.

*On the recommendation of
the Honble the Judges of
the High Court, the Governor
in Council declares J. Raja
Jopant Naikis, late District
Moonsiff of Richeimpoth, dis-
qualified for employment
in the public Service for
a period of five years.*

*To His Honble the Judges of the
High Court:-*
- - - Revenue Department -
- - - Public Works - D.
- - - Publicity - - - D.
- - - Public - - - D.
- - - Education - - - D.
- - - Police - - - D.
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to the Judge

Memo for orders

I have drafted an order
in the case of the Indisputable
Munsiff in accordance
with the recommendation
of the High Court, but
it seems a very unusual
course to declare a public
servant disqualified
for five years.

It would be better for
the Court to remove him
from the Appointment
of District Munsiff
They can refuse to re-employ
him for as long as they
please and might leave

To the

Exd. J. Tulloch.

in question of his employment
in any other branch
of the public service
than the judicial
the pleasure of the
Govt.

Mr.

This requirement from the High Court
is the first of the kind I have
ever seen or heard of. But
accepting as a supposition the
grounds on which the High Court
rest their proposal, I doubt
whether that the Govt. can
reasonably object to it.
We have ourselves seen this
suspension for two years, of
Mr. Riddell's Court service. The
pleasure of that order to his
appointment as a civil servant at
Bengalabad, and we now
frequently hear of Captains of
regiments who, by law, are
suspended for various periods,
from the exercise of their
duties. When their

Certs are restored to them
at the end of the period of sus-
pension they may find owners
of higher talents than they
them be employed. Thus it will
be with Mr. Riddell. Neither the
Govt. nor the High Court can
legally appoint him to another
distinct appointment, as the
class of appointments to the office
lies with the Civil Service. He
will then for rest with the Dis-
tress at the end of his 5 years
to secure the favor of some
Civil Servant in whose cause there
may be a vacancy. He will not
be a volunteer, to discontinue
his, I apprehend, to discontinue
a friend of the company kind
as far as I will remain unem-
ployed - though the High Court
order shall that of a civil servant
be a permanent appointment -
I would suppose the course
action of the Court.

I would not sanction the issue of
such an order as the High Court
propose. So proposed a man from
employment in the public service for a
period of five years is in my judgment
an absurdity. If the circumstances of
the case are such as to justify suspension
from employment for 5 years they
must be amply sufficient to justify
the permanent removal of the British
subject from the public service.
I would more propose a public
office for life than three months or
for more than one year. If a more
severe punishment is requisite, but
punishment should be removal
from the service.

by A.

I would remove him from the service.
Such a decision would prevent the
Govt. condoning his offence of the law
for a subsequent period and sanctioning
his reemployment.

Memorandum

Memorandum of Trading
Annual Report

Council

1882-1883

1882-1883

1882-1883

1882-1883

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R16
C19
A16

1882-1883

315-4316.
215-216.



Dated 21 Dec 1867

PROCEEDINGS OF GOVERNMENT.

No. 2131.

Justice Department.
1867

Justice Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the
Deputy Registrar of the High Court, Madras.

Here enter 12th Dec 1867. 1066.

Order thereon 31st Dec 1867 N: 2131.

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is not of opinion that it is
desirable to declare a public
servant disqualified for em-
ployment for so long a period
as five years.

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above recorded refers, the Governor
in Council considers that
if the misconduct of this
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a nature as to disqualify
him for employment for
five

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five years, it would be better
to declare him unfitted for
future employment in the
Public Service. Should the
Judges of the High Court be
disposed to take a more
lenient view of the District
Municipal case, his removal
from his present appoint-
ment will be a suitable
punishment. In this
latter case it would rest
with the High Court to deter-
mine upon the proper
occasion for his ^{re-employment} ~~re-employment~~
^{in a} ~~in a~~ judicial ^{Office} ~~Service~~.

RW

To the Honble the Judges of the
High Court. Sirs.