

MADRAS RECORD OFFICE.

Government of Madras.

Jurial DEPARTMENT.

G.O. No.	339	Press ~~Mis.~~
Dated	2-3-1918	

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department.

2nd March 1867.

No. 28. Read the following letter from the Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, Fort Saint George; dated Madras, 28th February 1867, No. 17.

I am directed by the Judges of the High Court to request that the Government will be pleased to instruct the Account Department to pass to Appavaiyar, District Moonsiff of Perambalur, in the Trichinopoly Zillah, the pay of a 3rd Class Moonsiff for the first thirteen days of November last. The circumstances under which his pay for that period has been disallowed are as follow :—

2. In my letter, dated 18th October last, I reported to Government that the Additional Moonsiff's Court in the Trichinopoly Zillah would be closed at the end of the month. The Court actually closed was not that commonly known as the Court of the Additional District Moonsiff of Conad, but the Torriore Moonsiff's Court over which Appavaiyar was then presiding. The Moonsiff of Conad had only been appointed provisionally, and the Judges directed that he should revert to his former post and make room for Appavaiyar on the 1st of November. It occurred, however, to the late Civil Judge that this was a good opportunity for bringing more under his personal control another Moonsiff with whom he had reason to be dissatisfied, the Moonsiff of Arealur. Accordingly on the Civil Judge's recommendation, dated the 29th October, the High Court published an order in the *Gazette*, dated the 5th November, directing Appavaiyar to take up the appointment of District Moonsiff of Arealur (since changed to Perambalur), and transferring the Arealur Moonsiff to Conad (since designated Trichinopoly). This order would not reach Trichinopoly till the 8th or 9th, and Appavaiyar was consequently unable to assume charge of his new Court till the 14th. Meanwhile, although the Conad Court had been vacated on the 1st, he had not been allowed to take charge of it. The Examiner of Claims has, therefore, been compelled to disallow his pay from the 1st to the 13th inclusive.

3. The Judges are clearly of opinion that the District Moonsiff is entitled to pay during that interval. It was the late Civil Judge's order, not his own negligence, that prevented his taking charge of the Conad Court, and that Court having been vacated on the 1st November, no extra expense will be incurred if his claim is allowed.

4. I should add, that the Judges proposed to notify in the *Gazette* that Appavaiyar was to be considered as having officiated as District Moonsiff of Conad from the 1st to the 13th November, but the Examiner of Claims is of opinion that even then his claim would be inadmissible, since he never took up the appointment.

No. 29.

ORDER THEREON, 2nd March 1867, No. 339.

Sanctioned.

(True Extract).

To the Honorable the Judges of the High Court.

„ Accountant General.

Exd. J. Tulloch.

Chief Secretary.

