

(1) Number of pages 26

(2) Date of repair 26.6.86

(3) Initials of the Referencer law

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

G.O. No.		Press.
B.P. No.	354	Mis.
Dated	4. 3 - ~~2. 3 -~~ 1868	197

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
4th March 1868.*

Read the following papers :—

No. 21. From the Deputy Accountant General, Madras, to the Chief Secretary to Government, Fort Saint George; dated Fort Saint George, 20th February 1868, No. 374.

Post Audit Department.

I have the honor, by direction of the Accountant General, to call your attention to the following case :—

Mr. E. W. Bird, of the Civil Service, was granted 15 months' leave to Europe on sick certificate on the 27th February 1866, and on the 9th April 1867 that leave was further extended to five months, making him due in Madras on the 28th November 1867, he having quitted Madras on the 28th March 1866.

2. Mr. Bird arrived at Madras on the 29th November, and therefore exceeded his leave by one day, and under the rules forfeited his appointment.

3. He nevertheless joined the forfeited appointment at Tanjore, and the Examiner of Claims passed to him absentee allowance in full, at Rupees 833-5-4 a month, for November.

4. On the case coming under review by me, owing to a bill being received for December from Tanjore for my audit, in which it appears that Mr. Bird has been paid from the 1st to 4th, at Rupees 833-5-4, I was obliged to direct a retrenchment to be made of Mr. Bird's allowances as under.

Full allowances for 28th November, as Mr. Bird was then at sea and had over-stayed his leave.

From 29th November to 4th December, so much of his absentee allowance as is in excess of the subsistence allowance of his rank—in all Rupees 126-14-10.

5. It is now necessary that Mr. Bird should be re-appointed to Tanjore to give him a claim to his pay, and I have, therefore, the honor to request that His Excellency in Council will be pleased to re-appoint him, with retrospective effect from the date of taking charge, the 5th December, in order that I may pass Mr. Bird his salary as Civil and Session Judge from that date.

No. 22. From the Examiner of Claims, to the Chief Secretary to Government, Fort Saint George; dated Fort Saint George, 22nd February 1868, No. 175.

I have the honor, with reference to the Deputy Accountant General's letter to your address, dated 20th instant, No. 374, to state, by direction of the Accountant General, for the consideration of the Right Honorable the Governor in Council, the reason which induced me to hold that Mr. E. W. Bird had not forfeited his appointment of Civil and Session Judge of Tanjore, although he arrived from sick leave to Europe, per *Mooltan*, upon 29th November 1867, in consequence of which I passed to him the allowances objected to by the Deputy Accountant General.

2. Mr. Bird and other officers returned to their duty in this presidency from leave to Europe by the second direct mail in October last. Owing to circumstances over which they had no control the passengers were, at Suez, divided into two batches, one proceeded by the P. and O. Steamer *Bengal*, the other per P. and O. Steamer *Mooltan*; the former arrived at Madras on the 28th, the latter on 29th November 1867. Mr. Bird, as above mentioned, was a passenger by the latter steamer, and had, strictly speaking, over-stayed his time.

Post Audit Department

Fort Saint George

Accountant Genl's Office

20 February 1868

N. 34/14

Friend

The Deputy Accountant General,
Madras

The Chief Secretary to Government.

Have the honor, by direction of the Accountant General, to call your attention to the following cases.

1. Mr. E. W. Bird of the Civil Service was granted 15 months leave to Europe on sick Certificate on the 27 February 1866, and on the 5 April 1867 that leave was further extended to 5 months, making him due in Madras on the 28 Nov. 1867. He having quitted Madras on the 28 March 1866.

2. Mr. Bird arrived at Madras on the 29 November, and therefore exceeded his leave by one day and under the rules forfeited his appointment.

3. He nevertheless joined the forfeited appointment at Tanjore, and the Examined Claims passed to him Absentee Allowance in full at Rs 33.5-4 a month for November.

4. On the case coming under review by me owing to a bill being received for Absentee from Tanjore for my audit, it then appears that Mr. Bird has been paid some

the 1st to 4th of Nov. 54 I was obliged to deduct
a retrenchment to be made of Mr. Bird's
allowances as under:-

Full allowances for 28 November as Mr. Bird
was then at sea and had overstayed his leave.

From 29 November to 4th December so much
of his absence allowances as is in excess of the
subsistence allowance of his rank in all Rs. 126-11-10

It is now necessary that Mr. Bird should
be reappointed to Tanjore to give him a claim
to his pay, and I have therefore the honor to request
that His Excellency in Council will be pleased
to reappoint him with retrospective effect
from the date of taking charge the 5th December,
in order that I may pay Mr. Bird his salary
as Civil and Sessions Judge from that date.

I have the honor to be

Sir

Your Obedient Servant

W. H. Birch

Deputy Accountant Genl.

Exd

Fort Saint George
Account Genl's Office
22nd February 1868

N^o 175.

From The Examiner of Claims

To The Chief Secretary
to Government
Financial Department

Sir
I have the honor with reference
to the Deputy Accountant General's letter to
your address dated 29th instant N^o 374 to state
by direction of the Accountant General for the
consideration of the Right Honorable the Governor
in Council the reason which induced me to hold
that Mr. E. W. Bird had not forfeited his ap-
pointment of Civil and Sessions Judge of Tanjore
although he arrived from Sick Leave to Europe
per "Holtan" upon 29th November 1867 in con-
sequence of which I paid to him the allow-
ances objected to by the Deputy Accountant
General.

Mr. Bird and other Officers returned
to their duty in this Presidency from Leave to
Europe by the 2nd direct mail in October last -
Owing to circumstances over which they had no
control the passengers were, at Suez, divided
into 2 batches; one proceeded by the P. & O. Steamer
"Bengal", the other per P. & O. Steamer "Holtan".

The

The former arrived at Madras on the 28th; the latter on 29th November 1867 - Mr. Bird, as above mentioned, was a passenger by the latter steamer, and had strictly speaking oversteaid his time -

3. It appeared to me, however, that all the Officers who returned to duty by the same opportunity, vizt the 2^d direct mail of October from England, should be upon the same footing as regards the date of their return to duty, and consequently that those who arrived by the "Mooltan" were entitled to be considered as having returned to duty upon the same date as those who came for Bengal". Accordingly I held that the 28th November must be reckoned as the date on which Mr. Bird returned to duty, and as this was the day on which he was due at Madras (his 12 months leave extending to the 27th idem inclusive) he arrived retaining his appointment, and was entitled to the allowances I passed to him -

4. I regret very much indeed that I did not report to Government at the time as I ought undoubtedly to have done, the view I had taken of this matter, with the request that, if they concurred with me they would seek the confirmation of the Government of India to the same. This Government will now have to do should they be pleased to coincide with my opinion -

5. Temporary absence from duty (with the permission of the Accountant General) prevented me from explaining to Mr. Lodwick, when the

Case

case came under his notice, the cause of my having acted in the way I did.

6. Although it does not affect the point under consideration, I would in conclusion respectfully remind Government that the despatch from England of the mail in question was delayed for 3 days by orders of Her Majesty's Government.

I have the honor to be
Sir
Your most obedient servant
H. Donald
Examiner of Claims

Ind. T. 1885 Department of
the Interior

The Secretary of the
Department of the Interior

The Chief Clerk of the
Department of the Interior

Washington
D.C.

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Sept 22 1885

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Sept 22 1885

N^o 137. Tanjore
22^d February 1868

From
E. W. Bird Esquire
Civil and Session Judge
of Tanjore

To
The Honorable R. S. Ellis C. B.
Chief Secretary to Government
Fort Saint George

Sir
With reference to the letter
to Government of the Deputy Ac-
countant General Madras (Post Audit
Department) N^o 374 of the 20th instant
copy of which has been sent to me
by that Office, reporting a re-
suspension of my pay from the
28th November to the 4th December
last, on the ground I had then
forfeited my appointment by over-
staying my leave one day, & re-
quest now to be reappointed to
this Court, I have the honor to
submit that I embarked in a
P. & O. Steamer for Madras

21

It is to be noted that the said
suspension of pay is not
by spending the leave by me
and I repeat that in my leave
I have not spent a day & I am
satisfied that the Department is not
in a position to pay that date

No 403
1374
The Chief Clerk of Court
Mr. S. S. Ellis
20th Feb 1868

1374
Dependent

6
Indian Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter—

From the *Accountant General* *How* dated 20 *February* 1868 No 354
Examiner of Claims — 22nd — 175
Mr. E. W. Bird Civil & Session Judge of Tanjore — 22nd — 137

Order thereon 1 March 1868 No 354

WPK
 The Governor in Council
 directs the cancellation of
 the retrenchment of Mr. E. W.
 Bird's salary reported in
 para 4 of the Deputy
 Accountant General's letter
 above recorded, ^{There is not, in} ~~there is not~~
 the opinion of the Govt. in Council any ^{substantive} ~~reason~~ for Mr. Bird's re-
 appointment to his office
 of Civil and Session Judge
 of Tanjore. The delay of one
 day which occurred in Mr.
 Bird's rejoining his appoint-
 ment on the expiration of
 his leave from England, was

Revenue Department
Madras 1868

From E. W. Bird
the Civil & Session Judge
of Tanjore

Mr. Chief Secretary
to Government
Madras

Mr. Bird
Madras

Regd. with extra
attendant in pen
ance & the and
may be cancelled
no apprehension
made a type
the dep't and

from a delay in the time
of the contract steamer for
which Mr. Bird was in
no way accountable. Under
these circumstances the
~~Government Council~~
^{it is} considered unnecessary to
refer this matter for the
confirmation of the Govern-
ment of India.

2 The Accountant General
is requested for the future
to communicate directly
with the Government so as
to avoid conflicting reports
by his official subordinates
such as have been made
in the case under disposal.

W

24 Dec 10

To the Accountant General
E. W. Budd Esq. C. & J. Judge
of Bangalore
Per Secretary

Handwritten signature and text at the top of the page.

21024

(3)

15th 1868. Department

No. 357

PROCEEDINGS OF GOVERNMENT.

CHAS. 597.

Dated 15th March 1868

21024