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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

G.O. No.	408	Press.
B.P. No.		Mis.
Dated	11.3.1868	197

Not to be folded or roughly handled

Copy

To

THE HONORABLE SIR C. H. SCOTLAND, Kt.

Chief Justice of the High Court of Judicature.

HONORABLE SIR,

I am directed by the Governor in Council to transmit the annexed copy of a

*Dated 19th February 1868, No. 311.

letter* from the Secretary to the Government of India, and to request that the

Honorable the Judges of the High Court will be good enough to favor this Government with an expression of their views on the question raised therein relative to privilege leave and vacation leave to Judicial Officers.

I have the honor to be,

Sir,

Your most obedient servant,

FORT SAINT GEORGE,

11th March 1868.

Secretary to Government.

From the Secretary to the Government of India, to the Registrar of the High Court, Calcutta; dated Fort William, 19th February 1868, No. 311.

Home Department,
Judicial.

The question of leave to Judicial Officers, so far as it relates to privilege leave and vacation leave, is now under the consideration of the Government of India, with a view to laying its conclusions before the Secretary of State.

2. The Governor General in Council is sensible of the great advantage of periodical vacation leave—a principle, indeed, already well recognized in India—to Judicial Officers. The monotony of judicial work, and the continued strain which it involves on the same class of mental faculties, create a universally recognized necessity for vacations which, without being excessive, shall yet be ample.

3. But on the other hand, it seems impossible to reconcile the system of vacations when once placed on a proper footing, with the retention of what is termed privilege leave, which is now permitted to all Administrative Officers. Privilege leave seems, in fact, to His Excellency in Council to be eminently an institution designed for Administrative Officers, and all its incidents show that in fact it was so designed. The theory of privilege leave is, that it shall not involve any additional expense. This condition, the Governor General in Council thinks, is not easy to enforce in the case of the Judges of the High Court and other Judicial Officers. If a purely Judicial Officer is sick, the only course appropriate to his position is to take sick leave, so that the Government may appoint a successor to do his work. The duties of a Judicial Officer are of such a kind that little or no inconvenience is caused by his absence during a definite portion of the year, but his going away at promiscuous and indeterminate times causes the maximum of interruption to the business of the Court.

4. Before, however, coming to any final decision as to the recommendation which should be addressed to the Secretary of State, the Governor General in

Council wishes to be favored with an expression of the views of the Chief Justice and the other Judges of the High Court, both as regards leave to Judges of that Court, and to other Judicial Officers in the Mofussil.

No. 312.

Copy forwarded to the Government of Fort Saint George, with a request that the opinion of the High Court may be obtained and submitted to the Government of India.

(Signed) E. C. BAYLEY,
Secy. to the Govt. of India.

Ed. F. B. Brattleman

JUDICIAL DEPARTMENT.

No. 408.

To

THE HONORABLE SIR C. H. SCOTLAND, Kt.

Chief Justice of the High Court of Judicature.

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(Signed) E. C. BAYLEY,
Secy. to the Govt. of India.

Encl. F. R. Bantleman.

Judicial Department

No. 1108.

To The Honorable Sir C. H. Scottland, Kt.
Chief Justice of the High Court of Madras.

Honorable Sir,

I am directed by the Governor in Council to transmit the annexed copy of a letter from the Secretary to the Govt. of India, and to request that the Honorable the Judges of the High Court will be good enough to favor this Government with an expression of their views on the question raised therein alluded to in the above mentioned letter relative to privilege leave and vacation.

19th Feb 1860 No. 311.

W. H. L.

W. H. L.

vacation leave to
Judicial Officer

W.

Fort St. George
11th March 1868.

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Handwritten notes at the top of the page, possibly a title or address.

14-7-1868

Lucy M. Depaull.

Nov 1868.

To the Honorable
The Justices of the
Supreme Court of Indiana
Indiana.

Oct 17 1868.

Lucy M. Depaull.

J-

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