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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Medical DEPARTMENT

V.B

G.O. No.	4. 81	Press.
B.P. No.		Mis.
Dated	19. 3.	1868 ~~197~~ .

Not to be folded or roughly handled

HSP 512
481

Proceedings of the Madras Government, Judicial Department
19th March 1868.

No. 205. Read the following letter from the Accountant General, Madras, to the Chief Secretary to Government, Fort Saint George; dated Fort Saint George, 11th March 1868, No. 406.

Post Audit Department.

I have the honor to acknowledge the receipt of the Order of Government in the Judicial Department, dated 4th instant, No. 354, and to state that, as directed in the 2nd paragraph, all communications from this office to Government will, in future, be made by me direct.

2. I beg at the same time to submit copy of a letter, which, under the orders of the Government of India, I have felt constrained to address to that authority in regard to Mr. Bird's case.

From the Accountant General, Madras, to the Financial Secretary to the Government of India; dated Fort Saint George, 11th March 1868, No. 6713.

Post Audit Department.

I have the honor to submit the following case for the consideration and orders of the Government of India.

2. Mr. E. W. Bird, Civil and Session Judge of Tanjore, was granted 15 months' leave of absence to Europe on Medical Certificate on the 27th February 1866, and on the 9th April 1867 that leave was further extended for five months, making him due in Madras on the 28th November 1867.

3. On the 24th October last Mr. Bird left England, with a view to return to his duty by the steamer advertised to leave Marseilles on the 28th idem, and which was under contract to arrive at Madras on the 25th November; or three days within his leave, but in consequence of the unexpected detention of the Mail Steamer at Marseilles for three days, under the orders of Her Majesty's Government, Mr. Bird did not arrive at Madras until the 29th November, and having thus over-stayed his leave by one day, his appointment as Civil and Session Judge became, under Section 12 of the Rules, forfeited.

4. On the 5th December, within the time allowed for joining from the port of debarkation, Mr. Bird resumed charge of his Court, but without re-appointment, and without forfeiture of salary, the local Government considering that such was unnecessary, as the delay in Mr. Bird's arrival at Madras arose from circumstances for which he was in no way accountable.

5. There has consequently been a direct infringement of the rules in force, and I have, therefore, deemed it my duty to report the case for the orders of the Supreme Government; but I beg at the same time to submit for consideration whether, in cases similar to the present in which the violation of the rules has been clearly caused by unforeseen circumstances over which the officer concerned could exercise no control, it might not be left to the local Government to deal with the case on its merits, and if deemed fitting to absolve the officer from the penalties of the infringed rule without special reference to the Government of India.

No. 206.

ORDER THEREON, 19th March 1868, No. 481.

To be recorded.

(True Extract).

R. S. ELLIS,
Chief Secretary.

Ed. J. Talloch.

Post Audit Depart.

481
Fort Saint George
Account: Genl's Office
11 March 1868

From
J. Lushington Esquire
Accountant General
To The Financial Secretary
Government of India

Sir

I have the honor to submit the
following case for the consideration and order
of the Government of India.

2. Mr. E. W. Bird Cmb and
Sesior Judge of Tanjore was granted 15
months leave of absence to Europe on Med-
ical Certificate on the 27th February 1866 and
on the 9th April 1867 that leave was further
extended for five months making him due
in Madras on the 28th November 1867.

3. On the 24th October last Mr.
Bird left England with a view to return
to his duty by the Steamer advertised to
leave Marseilles on the 28th Idem, and which
was under contract to arrive at Madras on
the 25th November or three days within his
leave, but in consequence of the unexpected
detention of the Mail Steamer at Marseilles for
three

three days under the orders of Her Majesty's Government, Mr. Bird did not arrive at Allahabad until the 29th November, and having thus overstayed his leave by one day, his appointment as Civil and Session Judge became, under section III of the rules forfeited.

On the 5th December, within the time allowed for joining from the Port of embarkation, Mr. Bird resumed charge of his Court, but without reappointment, and without forfeiture of salary, the local Government considering that such was unnecessary, as the delay in Mr. Bird's arrival at Allahabad arose from circumstances for which he was in no way accountable.

There has consequently been a direct infringement of the rules in force, and I have therefore deemed it my duty to report the case for the orders of the Supreme Government, but I beg at the same time to submit for consideration, whether in cases similar to the present in which the violation of the rules has been clearly caused by unforeseen circumstances over which the Officer concerned could exercise no control, it might not be left to the local Government to deal with the case on its merits, and if deemed fitting

481
fitting to absolve the Officer from the penalties of the infringed rule without special reference to the Government of India.

Shame &c
(Signed) J. Lushington
Accountant General

/ True Copy /
D. H. P. S. S. S.
By Chief Assistant

For the Secy.
Capt. A. S. S. S.

Post Audit Report:

481 / 517

N: 206

Fort-Saint-George
Accountants Office
11th March 1868.

From
F. Lushington Esquire
Accountant General
To The Chief Secretary
to Government

Sir

I have the honor to acknowledge
the receipt of the order of Government in
the Indian Department, dated 4th Instant,
N: 354, and to state, that as directed, in
the 2^d para, all communication from this
Office to Government will in future be made
by me direct.

2. I beg at the same time to
submit copy of a letter, which under the
orders of the Government of India I have
felt constrained to address to that authority
in regard to Mr. Birds' case.

I have the honor to be
Sir

Your most obedient servant
F. Lushington
Accountant General

Recd 19th March 1868
Chub-205.

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Advising that all communications from this office will in future be made by the

Postmaster General to the

Postmaster General to the

Postmaster General to the

Postmaster General to the

Postmaster General to the

Postmaster General to the

Postmaster General to the