

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2191

Dated 30 Oct. 1895

INDEXED.

[Despatch Abstract.]

M.R. BY O. CHANDU MENON.

Declining to grant-----, Sub-Judge of Mangalore, privilege leave for the whole period of three months as applied for, but offering no objection to that officer taking other leave for which he might be eligible.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	5146		1895	1188	R		
	6059		1895	83	R		
				27/1/96			

CURRENT NO. 4804.
Judicial { 1895. } Department.

No.

FROM 207 d 220 9 shis (ab)
The Registrar of the High Court
of Judicature, Appellate Side,
Madras.

Dated 10th October } 1895.
Received 12th do

No. 2827.
Enc ————

UNDER SECRETARY.
12 OCT 5
PUBLIC DEPT.

Requesting re-consideration
of the order of Government
refusing 3 months' privi-
lege leave to Mr. K. R. C.
Chandru Menon Bargar,
Subordinate Judge of
Mangalore.

Every letter, whether printed or in manuscript, should be docketed and abstracted on the back; and the abstract should state clearly the purport of the letter and not merely its title subject.

Enclosures and statements also, whether sent with letters, or merely under cover, should be numbered, docketed and abstracted. The headings of statements should be written in full to prevent mistakes. (G. O. 8th April 1893, No. 239, Public.)

[G.]
75
4,000-13-5-95.

NOTE FOR THE UNDER SECRETARY.

The order may issue?
As observed by the High Court in the concluding portion of para 1 of Cuo. 4804 Chandu Inenon must be granted some sort of leave (presumably privilege) from the 28th Augt. to the 14th sept. & a substitute appointed for that period. No mention of this is made in the order E

AS 21/10 Mention must be made of this; that leave can it be; either sick leave or un^d private affairs I sh^d. think; apparently he did not return to duty on 14th Sept; if so, surely he cannot be on privilege leave until that date & on other leave subsequently.
P. 70 21/10

Revised draft order submitted.
The last draft order was submitted
to H.M. This too must apparently be
circulated to him.

18
22/10

Under § 264 no other kind of leave
except extraordinary leave can be
granted in continuation of any other
kind of leave. But extraordinary leave
without allowances can be so granted
even in continuation of priv. leave.
vide revised art. 372

18
22/10

No. 2827.

High Court of Judicature,
Madras, 10th October 1896.

CURRENT NO. 4804

From

D. W. G. Corrie Esquire,
Sg. Registrar of the High Court
of Judicature, Appellate Side,
Madras.

To

The Honorable J. F. Price, C.S.I.,
Chief Secretary to Government,
Fort Saint George.

Honorable Sir,

With reference to your letter
forwarding G.O. dated the 3rd instant, No. 2047,
Judicial, refusing to grant 3 months' privilege
leave to Mr. P. Chaudh Meenon Svargal,
Subordinate Judge of South Kanara, I am
directed to state that although the Sub-
Judge represented himself as recovered
on September 14th, he handed over charge
on August 28th by order of the District Judge
for the reason that he was too unwell to do
work. He should therefore be granted leave
for at least the period up to September 14th
and another officer has been acting for him.

2.

I am to say that the High Court
is convinced that it would be far better
both

both for the Sub. Judge and his court that
he should take a longer rest and to request
that the Government will be pleased to
reconsider its order refusing leave for 3
months.

3. I am to add that the
Honorable the Judges proposed to suggest
a transfer between Mr. Chandra Menon
and Mr. Krishnan (now at Palghat) at the
end of the leave recommended or at the
close of this year.

I have the honor to be,
Honorable Sir,
Your most obedient servant,
D. W. C. Comil
Ag. Registrar.

[G.]
[25.]
600-7-5-95.

Jud. DEPARTMENT.

C. No. 4804.

FOR ORDERS.

This current relates to
Sub Judge Chandra Menon's
application for privilege leave.
The previous papers are in
transit and will not be
available for a week. This
being urgent, is accordingly
submitted for orders without
them - The circumstances of
the case may be briefly
recapitulated: - O. Chandra
Menon, Sub Judge of Mangalore
fell ill about the latter
portion of August and immediately
applied for leave on medical
Certificate - As there were
difficulties in the way of his
complying with the provisions
of the C.S.R. as to the medical
Certificate, he withdrew
his application for sick leave.
He had meanwhile recovered

his health on ^{the} 14th Sep. but nevertheless submitted an application for privilege leave for an extended period of 3 mos. from the date of his handing over charge of the Court - The High Court recommended the appropriate leave, Govt., however, in § 2007 3.10.95 was held that as the Sub Judge ^{had} by his own showing, which was confirmed by the medical certificate* forwarded by him, completely recovered his health on the 14th Sep, his case from that date at least could not be considered one of "urgent necessity" within the meaning of Art 206(b), C.R. The leave was accordingly refused.

The High Court now requests a reconsideration of this Order on the ground chiefly that the Sub Judge is in need of rest. ~~It is submitted that a compliance with this request would constitute a very bad precedent and that the former orders should be adhered to. There is nothing to prevent this Officer taking leave on private affairs, which would however amount almost to a punishment, as it would affect his furlough.~~

Sub Judge Chandramoni
leave

FOR ORDERS.

HM
Hon. Mr. Justice.

* which stated that
he was fit for work

FOR ORDERS.

So I should say - The time
he has already been absent
must, I should say, be treated
as sick leave

MS
14/10/95
JG
14/10/95

^{unwarranted}
The leave is clearly inadmissible
under the rules.

20
13/10/95

DEPARTMENT.

C. No.

FOR ORDERS.

Hon. Mr. Blair

*a. 12/10
R. 12/10*

jud - DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated 189 , No.
Again G.O., dated 189 , No.
Current No. *4804* of 1895, dated *10 Oct.*, from *The H.C. U.S.*
" " " 189 , " " "
" " " 189 , " " "

ORDER.

Note for the Hon. Mr. Blair
This paper being urgent, is submitted to the Hon. Mr. Blair as the Hon. Mr. Blair takes no circulation at Ooty after today. With refer to the letter of the Sub Judge to clearly state, the Sub Judge is clearly not eligible for sick leave, as he had completely recovered his health on 14th Sep (Please see that portion of the note for orders marked in red ink. The Order is to be kept and made as a matter of the kind of leave the Sub Judge might take in lieu of sick leave)
The Hon. the C.J. H.C. 9
with C.L.

*W.A.
14.7*

*10795
21/10/95*

The leave recommended is clearly inadmissible under the rules and the Government regrets that it is unable to reconsider its previous orders in the matter.

15710/95 (2. Order)

Sub Judge Chandramoni
bawa.

H. M.

(Fr. Orders / ...)

019/0

INDIAN TELEGRAPHS. Monthly Number.

To
(Office)

Telephonically

From
(Office)

Words.

Day.

Hour.

Minute.

Official

Instructions.

23

13

25

To

(Person)

The Under Secy
Trib. Dept.

From

(Person)

High Court.

The Registrar has no information
as to Chandramoni having taken over
charge. He is awaiting the orders of Govt.

23/1/85

64 Word Form.

F.C.2.

Recd. from

LN.

Sent to

LN.

At

Hrs.

Mts. by

At

Hrs.

Mts. by

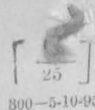
Telegraph Master.

G. G. P. - No 230 T - 18-9-94 - 20.00.000

He treated.
In No. 2077 of 3.10.85 it was
held that the case could not be
regarded as one of "urgent necessity"

From

From



DEPARTMENT.

C. No.

FOR ORDERS.

This current is ^{re-circulated} ~~re-submitted~~ to H.A. & it is respectfully submitted that the order should contain some remark as to the nature of the leave taken by Chanda Mason during his absence from Sdg. He handed over charge on 28th August under orders from the Dist. Judge & from the attached telephone message it appears that he is awaiting the orders of Govt before rejoining. The High Court cannot grant him leave & Govt must therefore pass ^{orders} as to the manner in which the period of his absence from duty is to be treated.

In G.O. 2047 of 3.10.55 it was held that the case could not be regarded as one of "urgent necessity"

C 19/10

R 21/10

within the meaning of C.S.R. art. 306 (b) after the 14th Sept^r, but it is submitted that it may be so considered for that period 28th August to 14th Sept^r, having regard to the fact that the ^{subordinate} ~~man~~ was so unwell that his official superior directed him to hand over charge.

If he is granted privilege leave for that period, under C.S.R. art. 267 he can get extraordinary leave without allowances in continuation

until the date of ^{his} resuming charge. ~~He is not entitled to full pay for 17 days & no pay for 40 days~~ ^{he might take} ~~will probably come to~~ ^{longer than} furlough pay for 57 days. - It is submitted that

the High Court should be informed that Chanda menon may either take furlough for the whole period of his absence from duty or privilege leave till 14th Sept^r & thereafter extraordinary leave without allowances, or leave on private affairs, - He will hardly be eligible for leave on "medical certificate".

E
FOR ORDERS.

H. E. THE GOVERNOR.
THE HON'BLE MR. H. W. BLISS, C.I.E.
THE HON'BLE MR. J. GROSE.

if eligible,
wherever most profitable

28/10/95

28/10/95

[G]
9
2,600-15-8-95.

Current No. 577

DEPARTMENT.

From
W. C. Holmes Esquire
Mangalore

No.

Dated 20th }
Received 24th } October 1895
Enclosures

SUBJECT.

Requesting that Mr. O. Chenda Menon's leave may be gazetted

9.0-577

Mangalore

20th Oct 95



My dear Mr. Price
I am much obliged for
your letter of the 14th inst
informing me about my
passage & about Joseph's
movements. I have ac-
cordingly taken my passage
for Marseilles by the S.S.
"Caledonia" leaving B. Bay
on the 14th December.

My son: Judge Mr. O.
Chundru menon is very
anxious that his name
should be gazetted, as
owing to this not being
done he has not been
able to draw any pay

for a considerable
time now - not since
the 1st August I believe -
and he is thereby put
to considerable incon-
venience he informs me.
If his leave could be
forfeited at an early
date I should be much
obliged as he is a hard
working excellent
officer, & I am sorry for
the inconvenience he has
been put to.

Yours sincerely
W. H. Holmes

Again G.O., dated 3rd October 1895, No. 2047

Again G.O., dated

189 , No.

Current No. 1804 of 1895, dated 10.10.95, from High Court

D.O. " 577 " 1895, " 20.10.95, " Mr. W.C. Holmes

" " " 189 , " , "

ORDER. 30 October 1895 No 2191

The Sub. Judge's case was clearly not one of urgent necessity after the 14th of Sept. and the Govt. regrets that it is for this reason impossible to grant him privilege leave for the whole period of his absence from duty. H.E. in Council has however no objection to granting Mr. R. Ry C. Chandu Menon Adv. either

- (1) privilege leave from the 28th of August to the 14th of Sept. and extraordinary leave with allowances from the latter date until the date upon which he resumes charge of his duties
- (2) furlough or leave on private affairs for the whole period of his absence provided that a

is eligible therefor
(From orders)

29/10/95
29. x 95-
The Hon the C. J. of the C. J. Dec 68
180/10.

Sub. Judge Chandu Menon's leave

FROM ORDERS.

E

C. S.

Office note
Jobe has copied &
Despatched this evening on
tomorrow morning. The Regt.
telephoned once about this
today

When given for copying
When copied
When examined
When signed

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENGLO-CRS TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

A A A A A A A

N.B.-
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.