Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2260.

Dated 5" Nov 1895.

INDEXED.

[Despatch Abstract.]

GOVERNMENT PLEADER AND PUBLIC PROSECUTOR, TRICHINOPOLY.

Appointing M.R.RY.S.Kuppuswami Surma Avargal to be the -- until the return to duty of the permanent incumbent and informing certain petitioners that their petitions have been recorded as the vacancy in the office of Public Prosecutor, Trichinopoly, is about to expire.

BACK PAPERS.

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

FURTHER PAPERS.

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

CURRENT No. 4288

Jud! Dept.

1895

1459 G.O. 15.6.94. Mis
1188 G.O. 18.5.94 "
949 G.O. 4.4.94 "
1309 G.O. 18.5.86 Sc.

From

J. Andrew Esquire,
Ag: Collector and District Magistrate of
Trichinopoly,

CHIEF SECRETARY
-9 SEP. 1895
GOVERNMENT OF MADRAS

To

The Chief Secretary to
Government, Judicial Dept.
Madras.

Dated 5th }
Despd 6th } September 1895.
Recd 9th }
& Regd

Ref (b) on Cir: No. 923/on of 95.

Enclosure Nil.

Submitting for approval nomination of M. R. Ry S. Kuppusami Sarma Avl. A. B. L. as ag: Govt. Pleader and Public Prosecutor, vice M. R. Ry K. S. Ganapatti Aiyar Avergal appointed to act as Dist. Munsiff of Trichinopoly.

Ref
Is there anything to show that [illegible] as P.P. [illegible] [illegible]

CURRENT No. 4289 Trichinopoly District Magistrate's of 5th September 1895.

Ref(b) on Cir: No. 923/magte of 1895. Desp.d 6th Sept. 95.

From

J. Andrew Esquire
Ag: Collector and District Magistrate
Trichinopoly,

To

The Chief Secretary to Government,
Judicial Department.
Madras.

Sir,

With reference to G. O. No. 1309 18th May 1886 Judicial, I have the honour to state that, M. R. Ry K. S. Ganapatti Aiyar B. A. and M. L. Government Pleader and Public Prosecutor of this District having been appointed by the High Court to act as District Munsiff of Trichinopoly during the absence of M. R. Ry K. Ramachandra Aiyar avergal on leave for 2 1/2 months, I have nominated M. R. Ry S. Kuppusami Sarma B. A. and B. L. High Court Vakil, attached to the local bar to act as Government Pleader and Public Prosecutor. The District Judge approves

approves of my nomination. As the vacancy is only temporary, I am not sure if it is necessary to apply for approval. I think it well to do so however as it is not impossible that the appointment may become permanently vacant before very long.

4s.

2. I beg to invite attention to G. O. dated 18th May 1894 No. 1183 Judicial in which Government declined to accept the nomination of my present nominee on the ground that he had not at that time local experience. Since then he has been practising at the local bar, and has also conducted Estate work which he has done to my satisfaction. I therefore presume that he now has sufficient local experience to justify his appointment.

I have the honor to be
Sir,
Your most obedient servant
Khader Nawab
For Ag: Collector and District
Magistrate.

CURRENT No. 4310

Judicial Deptt.

From.

L. S. Ramachandra Aiyar
High Court Vakil.
Trichinopoly.

Date 7 }
Recd. 9 } September 1895
Regd 10 }

Encl I

Subject

Regarding the Appointment of Govt Pleader and Public Prosecutor; Trichy.

Copy of the Testimonial by Dr. Duncan. M. A. D. S. C.

PRESIDENCY COLLEGE,
8th April 1884.

Mr. L. S. Ramachandra Aiyer was a pupil of this College for two years, studying for the Degree Examination which he has recently passed. He passed the F. A. Examination in the 1st class and came here with a high character for ability and diligence from his former Head master. While here, he proved himself a *first rate* student, *intelligent, persevering* and *careful,* and as a consequence, high up, among, his class fellows. His conduct has been as *commendable* as *his intellectual qualities.* He leaves this Institution as an Arts Student with my best wishes for his welfare and I feel sure he will prove himself as good a man as he has been a student.

(Signed) D. DUNCAN. M. A. D. S. C.

True Copy
L S Ramachandrier

8

189 5

Judl. Dept.

Enclos. No. 1

To

C. No. 4310

CHIEF SECRETARY
-9 SEP 1895
GOVERNMENT OF MADRAS

CURRENT No. 4310

CHIEF SECRETARY
-9 SEP 1895
GOVERNMENT OF MADRAS

To

HIS EXCELLENCY, THE RIGHT HONORABLE

Governor Fort St George.

The humble petition of L. S. Ramachandra
Aiyar, High Court Vakil, practising at
Trichinopoly.

MOST RESPECTFULLY SHEWETH,

1. The office of Public Prosecutor and Government Pleader, Trichinopoly, has become twice vacant within the course of about 18 Months, the first occasion owing to the death of Mr. S. Krishnamachariar and this time owing to the appointment of Mr. K. S. Ganapathy Aiyar as acting District Munsif, Trichinopoly.

2. This office has all along been held by the senior and experienced members of the Bar, some of whom were men of university distinctions and considerable local experience. A departure from this time-honored custom was attempted to be made by Mr. Andrew last year but Your Excellency's Government would not permit of any injustice being done and the result was that Mr. Andrew's nomination was vetoed by Government and a Master of Laws with good local experience was chosen for the office and this gave general satisfaction.

3. Though Mr. Andrew did not succeed in having Mr. S. Kuppusawmi Sarmah nominated as Public Prosecutor last year, still he wished to extend to him some patronage; and, for the first time in the history of Public Prosecutorship, detached the cases belonging to the Court of Wards and placed them in charge of his nominee, Mr. S. Kuppusawmi Sarmah, instead of leaving them in the hands of the Public Prosecutor, as usual.

4. Now that Mr. K. S. Ganapathy Aiyar has become an acting District Munsif and is not likely to revert to the office of Public Prosecutor, a nomination had to be made by Mr. Andrew, who, without considering the claims of the members of the local Bar, has put in Mr. S. Kuppusawmi Sarmah again, though others who are by all means far senior to him, with more extensive practice and wider local exeperience, had applied for the appointment.

5. Your Excellancy's Government has always expected of Collectors to adopt some standard or rule of nomination in case of appointments to this office, and it is but natural that practitioners, who have spent the best years of their life in serving in a District, should anxiously look upon the appointment as a reward for a well spent career. If a gentleman, that comes from another District, and has but about one year's local experience, and is junior to many others that are practising in the same District for a number of years supersedes all our legitimate claims and aspirations, Your Lordship may well imagine the keenness and extent of our disappointment.

6. Your Lordship's petitioner is a Law Graduate of 1886, and enrolled in April 1887. His practice in Trichinopoly District extends over a period of nine years; and the same is as extensive and successful as that of any other practitioner. His past career has been brilliant as will be seen from the testimonial of Dr. Duncan M.A., D.S.C., herewith appended. With a University career more distinguished than that of the nominee of the Collector, with a seniority as Vakil of the High Court of

over three years, with more extensive and successful practice in the District for a number of years, petitioner cannot imagine why his claims should be superseded and why the Collector should persist in making the same nomination, except that petitioner was one of those that loudly protested against the injustice of the Collector's appointment last time.

7. If, last time, preferment went by merit and the appointment was given to a Master of Laws, it is difficult to understand why a law graduate of longer standing, the senior Vakil of the High Court with more extensive and larger local experience should be postponed to a junior that has but about one year's local experience.

8. If it was thought necessary to detatch Estate cases from the Public Prosecutor last year, it is difficult to understand why this year it should be combined in the same individual.

9. Petitioner, therefore, humbly prays that Your Excellency's Government would require the Collector to re-consider the appointment and give due preference to petitioner's claims.

S S Ramachandier

7th September 1895.

NB A copy of this petition has been submitted to the Collector, for forwarding the same to His Excellency with such remarks as he may think fit

S S Ramachandier
Vakil

[G/9]
2,000—2-4-95.

Current No. 4313

Judicial DEPARTMENT.

From

T. V. Sanjiva Row
1st Grade. Pleader
Trichinopoly

No.

Dated 6
Received 9 } September 1895
Regd — 10
Enclosures

SUBJECT.

Requesting to reconsider his nomination as Govt Pleader and Public Prosecutor

CURRENT No. 4313

To

HIS EXCELLENCY,

THE GOVERNOR-IN-COUNCIL,

MADRAS.

The humble Memorial of T. V. Sanjiva Row,
First Grade Pleader, Trichinopoly.

RESPECTFULLY SHEWETH,

1. That the office of Government Pleader and Public Prosecutor in a district is an honor and a distinction that every one of the members of the Bar may aspire to.

2. That the said office in this District having been vacated in 1894 by the demise of the late Mr. S. Krishnamachariar, several members of the local bar had applied for the same. But the present District Magistrate (J. Andrew Esquire) appointed one Mr. S. Kuppusami Sarma, a brother of the late Government Pleader and a High Court Vakil that was then practising at Nellore, for the vacant place and Your Excellency's memorialist and other Members of the local Bar having appealed to Your Excellency's Government against the said nomination, Your Excellency ordered that a selection ought to be made from among the Members of the local Bar and in accordance with that direction, one Mr. K. S. Ganapathy Iyer, B.A., M.L., and First Grade Pleader was appointed for the place.

3. That the said Mr. K. S. Ganapathy Iyer having recently been appointed to act as District Munsif of Trichinopoly for a period of about 3 months, the office of Government Pleader and Public Prosecutor again fell vacant and the said Mr. S. Kuppusami Sarma has again been appointed by the Collector and District Magistrate (J. Andrew Esquire) to act for the permanent incumbent and it is against this last nomination that Your Humble Memorialist begs to send in his appeal to Your throne of justice.

4. That, since the appointment of the Collector's nominee (Mr. S. Kuppusami Sarma) was vetoed by Your Excellency's Government in 1894, the Collector divested the Government Pleader of his functions as Pleader for the Court of Wards, which, till then, had all along been combined in the Government Pleader, and vested the same in his nominee. Memorialist leaves it to Your Excellency-in-Council to consider whether this was not done for creating in him (Mr. Sarma) a sort of claim for the Government Pleadership when it should fall vacant. Luckily for him the opportunity has soon presented itself.

5. Your Excellency will be pleased to observe that, otherwise, the claims of the said Mr. S. Kuppusami Sarma are by far inferior to those of the other members of the Bar including your Memorialist, who would not have ventured to trouble Your Excellency had the Collector and District Magistrate adopted some just and equitable principle in making the selection.

6. Mr. S. Kuppusami Sarma was enrolled so late as 1890 and was practising in Nellore till his first nomination by the Collector in 1894 as Government Pleader and he has put in a practice of only a year and a half in this District.

7. That, in comparison with the extent and quality of the practice of Your Excellency's Memorialist and some other Members of the Bar, the practice of the nominee in question is very limited.

8. That Your Memorialist's claims and qualifications are as follow:—

- (*a*) He has had a practice of 15 years in this District, the first four years as a 2nd Grade Pleader and the latter 11 years as a First Grade Pleader;
- (*b*) That, in point of extent and quality of practice, he stands second to none in the bar;
- (*c*) That he has, on several occasions, been engaged by the Government to defend prisoners in murder cases;
- (*d*) That he has, so far back as 1886, been recommended for a District Munsiffship;
- (*e*) That he has, since 1887, been publishing a series of Digests of the reported cases, one of which, "A Digest of Privy Council Rulings," having been recommended by the High Court of Madras, Your Excellency's Government was pleased to patronize the same by supplying *all* the Civil Courts in the Presidency with copies of the same. It has also secured the patronage of some other Governments (vide enclosures).

9. That vacancies of this kind are few and far between and long-standing and competent Members of the bar eagerly expect that, when a vacancy does occur, the claims of all for the long-looked-for distinction will be fairly and impartially considered by the adoption of some standard or other, such as experience, educational qualifications, extent of practice &c., and that when the best man vacates the office, the next best will, as a matter of course, get it as a reward for his labors. Memorialist only submits that if no such thing is done, the mortification and disappointment would be very keenly felt.

10. That, in this connection, Your Memorialist begs leave to submit that being a High Court Vakeel or graduate in law is not a necessary qualification for the place, since all the Government Pleaders in this District up to date, except the said Mr. K. S. Ganapathy Iyer, have been only First Grade Pleaders, as the Government Pleaders in the Districts of Tanjore, Coimbatore, Chittore, Cuddalore, Ganjam, South Canara, Cuddappa, Kristna, Kurnool, South Malabar, North Malabar & Nellore even now are.

11. That, while knowing fully well that this is an acting appointment, Memorialist submits that when once his claims are overlooked in favor of another, a claim is unduly created in favor of that other for the permanent place when it should fall vacant.

Fully relying on the justice of Your Excellency's Government, Memorialist leaves the matter entirely in your hands with a prayer that Your Excellency in Council may be pleased to order the Collector & District Magistrate to reconsider his nomination.

TRICHINOPOLY,
6th *September*, 1895. } T. V. Sanjiva Row

A copy of this memorial has been sent to the Collector to be forwarded to the Government with his remarks if any. 7. 9. 95. T. V. Sanjiva Row

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ENCLOSURES.

—):o:(—

COPY OF PROCEEDINGS OF THE MADRAS GOVERNMENT.

FINANCIAL DEPARTMENT.

Read the following paper :—

I. From the Registrar of the High Court of Judicature at Madras, Appellate Side, dated 4th September 1890, No. 2130, forwarding copy of a Digest of the Privy Council Decisions by M. R. Ry. T. V. Sanjiva Row, 1st Grade Pleader, Trichinopoly: and recommending the purchase of a sufficient number of copies of the same for distribution to the District and the Subordinate Judges.

Order :—13th October, 1890, No. 714.

The Government will take forty copies, out of which thirty seven will be supplied to the High Court for use and distribution to District and Subordinate Judges.

(True Extract)

(Signed) FREDERICK PRICE,
Chief Secretary.

No. 2407.

(True copy)

(Signed) H. FOSTER,
Officiating Registrar.

High Court of Judicature,
Appellate Side, Madras,
16th October, 1890. }

To

M. R. Ry.
T. V. SANJIVA ROW,
1st Grade Pleader,
TRICHINOPOLY.

MEMORANDUM.

—):o:(—

No. 490.

II. M. R. Ry. T. V. Sanjiva Row is requested to supply 114 copies of his "Digest of Privy Council Decisions" to the High Court and to forward a bill for the same to the Chief Secretary to Government, Financial Department.

(By order)

(Signed) LIONEL DAVIDSON,
Acting Assistant Secretary.

Fort Saint George,
12th March, 1894. }

To

M. R. Ry.
T. V. SANJIVA ROW,
First Grade Pleader,
TRICHINOPOLY.

No. 83, dated Lucknow, 13th January, 1891.

III.

To.

Mr. T. V. SANJIVA ROW,
Pleader,
TRICHINOPOLY, MADRAS.

Sir,

With reference to your letter, dated 6th December, 1890, I am directed to request you to forward to this office seven more copies of your Digest of Privy Council cases, making with the two copies received, nine copies in all, for which a bill should be furnished.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) C. HOSKINS,
Registrar,
Court of Judicial Commissioner,
OUDH.

IV.

No. 5387 G.

From

E. W. PARKER Esqr.,
Registrar, Chief Court,
PUNJAUB.

To

T. V. SANJIVA ROW,
First Grade Pleader,
TRICHINOPOLY.

Dated, Lahore, the 11th December, 1890.

Sir,

With reference to your letter No. 28 P. dated the 28th Ultimo, I am directed to forward Rs. 10—11—0 being the price in full, for two copies of the Digest supplied for the use of this Court. An acknowledgment for the amount will oblige.

I have &c.,
(Signed) E. W. PARKER,
Registrar.

CHIEF SECRETARY
-9 SEP 1895
GOVERNMENT OF MADRAS

V. From

THE REGISTRAR
of the Chief Court,
MYSORE.

To

Mr. T. V. SANJIVA ROW,
1st Grade Pleader,
TRICHINOPOLY.

Dated 15 } Decr. 1890.
Despatched 10 }

Gl. No. 5827/3853.

Intimates that a money order for Rs. 15—15—0 has this day been forwarded to his address on account of the 3 copies of the "Digest of Privy Council cases" sent by him.

(By order)

(Signed) S. HANNYELLEN,
Registrar.

N.B. All the above are true copies of the originals.

T. V. Sanjiva Row

CURRENT No. 4327
1895 Judl. Depts

17

From J. Andrew Esq.
Ag. Collector & Magistrate
Trichinopoly

To
The Chief Secretary to
Government, Judicial Deptt.
Ootacamund.

CHIEF SECRETARY
11. SEP. 1895
GOVERNMENT OF MADRAS

Endorsement Dis. No. 455 of 95
M.

Dated 9th }
Despd. 9th } September 95.
Recd. 11 }
Regd 12

Encl. 1.

Forwarding with remarks the petition of L. S. Ramachandra Aiyar, High Court Vakil, protesting against the Collector's nomination of S. Kuppusami Sarma, as Govt. Pleader and Public Prosecutor Trichinopoly and requesting that his claims to the office may be considered.

Copy of the Testimonial by Dr. Duncan. M. A. D.S. C.

PRESIDENCY COLLEGE,
8th April 1884.

Mr. L. S. Ramachandra Aiyer was a pupil of this College for two years, studying for the Degree Examination which he has recently passed. He passed the F. A. Examination in the 1st class and came here with a high character for ability and diligence from his former Head master. While here, he proved himself a *first rate* student, *intelligent, persevering* and *careful,* and as a consequence, high up, among, his class fellows. His conduct has been as *commendable* as his *intellectual qualities.* He leaves this Institution as an Arts Student with my best wishes for his welfare and I feel sure he will prove himself as good a man as he has been a student.

(Signed) D. DUNCAN, M. A. D. S. C.

True Copy - L S Ramachandra Aiyer

1895
Judl Dept.
Bundle 1
4327

Through the Collector and District Magte
Trichinopoly

To

HIS EXCELLENCY, THE RIGHT HONORABLE

Governor Fort St George.

The humble petition of L. S. Ramachandra
Aiyar, High Court Vakil, practising at
Trichinopoly.

MOST RESPECTFULLY SHEWETH,

1. The office of Public Prosecutor and Government Pleader, Trichinopoly, has become twice vacant within the course of about 18 Months, the first occasion owing to the death of Mr. S. Krishnamachariar and this time owing to the appointment of Mr. K. S. Ganapathy Aiyar as acting District Munsif, Trichinopoly.

2. This office has all along been held by the senior and experienced members of the Bar, some of whom were men of university distinctions and considerable local experience. A departure from this time-honored custom was attempted to be made by Mr. Andrew last year but Your Excellency's Government would not permit of any injustice being done and the result was that Mr. Andrew's nomination was vetoed by Government and a Master of Laws with good local experience was chosen for the office and this gave general satisfaction.

3. Though Mr. Andrew did not succeed in having Mr. S. Kuppusawmi Sarmah nominated as Public Prosecutor last year, still he wished to extend to him some patronage; and, for the first time in the history of Public Prosecutorship, detached the cases belonging to the Court of Wards and placed them in charge of his nominee, Mr. S. Kuppusawmi Sarmah, instead of leaving them in the hands of the Public Prosecutor, as usual.

4. Now that Mr. K. S. Ganapathy Aiyar has become an acting District Munsif and is not likely to revert to the office of Public Prosecutor, a nomination had to be made by Mr. Andrew, who, without considering the claims of the members of the local Bar, has put in Mr. S. Kuppusawmi Sarmah again, though others who are by all means far senior to him, with more extensive practice and wider local exeperience, had applied for the appointment.

5. Your Excellancy's Government has always expected of Collectors to adopt some standard or rule of nomination in case of appointments to this office, and it is but natural that practitioners, who have spent the best years of their life in serving in a District, should anxiously look upon the appointment as a reward for a well spent career. If a gentleman, that comes from another District, and has but about one year's local experience, and is junior to many others that are practising in the same District for a number of years supersedes all our legitimate claims and aspirations, Your Lordship may well imagine the keenness and extent of our disappointment.

6. Your Lordship's petitioner is a Law Graduate of 1886, and enrolled in April 1887. His practice in Trichinopoly District extends over a period of nine years; and the same is as extensive and successful as that of any other practitioner. His past career has been brilliant as will be seen from the testimonial of Dr. Duncan M.A., D.S.C., herewith appended. With a University career more distinguished than that of the nominee of the Collector, with a seniority as Vakil of the High Court of

over three years, with more extensive and successful practice in the District for a number of years, petitioner cannot imagine why his claims should be superseded and why the Collector should persist in making the same nomination, except that petitioner was one of those that loudly protested against the injustice of the Collector's appointment last time.

7. If, last time, preferment went by merit and the appointment was given to a Master of Laws, it is difficult to understand why a law graduate of longer standing, the senior Vákil of the High Court with more extensive and larger local experience should be postponed to a junior that has but about one year's local experience.

8. If it was thought necessary to detatch Estate cases from the Public Prosecutor last year, it is difficult to understand why this year it should be combined in the same individual.

9. Petitioner, therefore, humbly prays that Your Excellency's Government would require the Collector to re-consider the appointment and give due preference to petitioner's claims.

S S Ramachandrier

7th September 1895.

CURRENT No 4327

28

Endt on Petn No $\frac{45}{m}$ of 95

(Enc. one)

Dt 9th Septr 95

Forwarded to the Chief Secretary to Government in continuation of this office Ref. (b) on Cmt No $\frac{923 \text{ of } 95}{\text{Mc Dt } 5\text{-}9\text{-}95}$ in wh I drew attention to the fact that on the former occasion Government rejected my present nominee.

2. The last part of para 6 is entirely uncalled for, as Petitioner's action ~~application~~ on the former occasion had nothing whatever to do with the present nomination. At the beginning of 1893 a number of Vakils objected to my nomination of Kuppuswami Sarma, Petitioner among them, but I do not recollect whether he took any prominent part in that protest or not, as I have never seen the papers since or thought of the matter. As a matter of fact I did not give the smallest consideration to the fact that Petitioner or anyone else protested on that occasion when the present vacancy occurred.

3. In making my present nomination, I did not act on the supposition that any member of the Bar — wh is not Government Service — has any claim to the post of Public Prosecutor & I think it is open to the Collector to nominate the person whom he has reason to think will give most satisfaction — after consulting the Dt Judge who is naturally better acquainted with the legal & forensic qualifications of the different Vakils. In the present case I knew Kuppuswami Sarma, he has conducted Court of Wards Suits for more than a year, he acted as Public Prosecutor for a short time early in 1893, the late Superintendent of Police (now Dy Inspector General) was satisfied with his work as Public Prosecutor & wished him confirmed. I forwarded to the District Judge the applications received for the present vacancy, and he suggested two of them as likely to prove most efficient for the post; my nominee Kuppuswami Sarma was one of these two.

5. As to para 3, Kuppuswami Sarma has conducted his Court of Wards Suits satisfactorily. I kept him on that work as a sort of compensation for his disappointment in the Public Prosecutorship, & the rules nowhere state that the Govt Pleader should do Estate work.

Ag. Collector & Magte

Trichinopoly.
9.9.95

Jud^l CURRENT 1895. No. 4328
Jud^l Dept^t

25

From J. Andrew Esq.
Ag. Collr & Magistrate
Trichinopoly

To
The Chief Secretary
to Government, Judicial
Department Ootacamund

CHIEF SECRETARY
11. SEP. 1895
GOVERNMENT OF MADRAS

Endorsement on Petn. no. 454 of 95 / M.

Dated 9th }
Desp^d 9th } Sept. 95.
Rec^d. 11 }
Reg^d 12 –

Enc. I.

Forwarding with remarks the petition of T.V. Sanjiva Rao, 1st Grade Pleader, protesting against the Collector's nomination of S. Kuppuswami Sarma, as Government Pleader and Public Prosecutor Trichinopoly and requesting that the claims of his seniors be considered.

Endt. on Petn. No. 454/M of 95
D^d 9th Sept^r 95

Submitted through the Chief Secretary to Govt in continuation of this office Ref. (Ro) on Current No. 923 of 95/M D^d 5-9-95.

J Andrew.
Ag Collector & Magte

Trichinopoly
9.9.95.

C4
G.O. 13 Oct 95. No 714. Jud

[illegible]
16/9

[illegible]
14/9/95

26

1895

From J. Andrew Esq.
Collr. & Magistrate
Trichinopoly

To The Chief Secretary
to Government, Judicial
Department, Fort St George

[illegible] No. 44[illegible]

Dated 9th
Despd. 9th } Sept. 95.
Recd.

Sir,

Forwarding with remarks the petition of T. V. Sanjiva Rao, 1st Grade Pleader, protesting against the Collector's nomination of S. Kuppusami Sarma as Government Pleader and Public Prosecutor, Trichinopoly and requesting that the claims of his seniors be considered.

Submitted. Here is the [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Ref. (b) on [illegible]
9239/95 of 5-9-95.

[illegible]

Trichinopoly
9.9.95

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

27

To

HIS EXCELLENCY,

THE GOVERNOR-IN-COUNCIL,

MADRAS.

9.9.95

The humble Memorial of T. V. Sanjiva Row,
First Grade Pleader, Trichinopoly.

RESPECTFULLY SHEWETH,

1. That the office of Government Pleader and Public Prosecutor in a district is an honor and a distinction that every one of the members of the Bar may aspire to.

2. That the said office in this District having been vacated in 1894 by the demise of the late Mr. S. Krishnamachariar, several members of the local bar had applied for the same. But the present District Magistrate (J. Andrew Esquire) appointed one Mr. S. Kuppusami Sarma, a brother of the late Government Pleader and a High Court Vakil that was then practising at Nellore, for the vacant place and Your Excellency's memorialist and other Members of the local Bar having appealed to Your Excellency's Government against the said nomination, Your Excellency ordered that a selection ought to be made from among the Members of the local Bar and in accordance with that direction, one Mr. K. S. Ganapathy Iyer, B.A., M.L., and First Grade Pleader was appointed for the place.

3. That the said Mr. K. S. Ganapathy Iyer having recently been appointed to act as District Munsif of Trichinopoly for a period of about 3 months, the office of Government Pleader and Public Prosecutor again fell vacant and the said Mr. S. Kuppusami Sarma has again been appointed by the Collector and District Magistrate (J. Andrew Esquire) to act for the permanent incumbent and it is against this last nomination that Your Humble Memorialist begs to send in his appeal to Your throne of justice.

4. That, since the appointment of the Collector's nominee (Mr. S. Kuppusami Sarma) was vetoed by Your Excellency's Government in 1894, the Collector divested the Government Pleader of his functions as Pleader for the Court of Wards, which, till then, had all along been combined in the Government Pleader, and vested the same in his nominee. Memorialist leaves it to Your Excellency-in-Council to consider whether this was not done for creating in him (Mr. Sarma) a sort of claim for the Government Pleadership when it should fall vacant. Luckily for him the opportunity has soon presented itself.

I did it [illegible] of Commissioner [illegible] [illegible] feeling that the appointment. I cannot recollect if the other consideration [illegible] my head

5. Your Excellency will be pleased to observe that, otherwise, the claims of the said Mr. S. Kuppusami Sarma are by far inferior to those of the other members of the Bar including your Memorialist, who would not have ventured to trouble Your Excellency had the Collector and District Magistrate adopted some just and equitable principle in making the selection.

6. Mr. S. Kuppusami Sarma was enrolled so late as 1890 and was practising in Nellore till his first nomination by the Collector in 1894 as Government Pleader and he has put in a practice of only a year and a half in this District.

7. That, in comparison with the extent and quality of the practice of Your Excellency's Memorialist and some other Members of the Bar, the practice of the nominee in question is very limited.

8. That Your Memorialist's claims and qualifications are as follow:—

(a) He has had a practice of 15 years in this District, the first four years as a 2nd Grade Pleader and the latter 11 years as a First Grade Pleader;

(b) That, in point of extent and quality of practice, he stands second to none in the bar;

(c) That he has, on several occasions, been engaged by the Government to defend prisoners in murder cases;

(d) That he has, so far back as 1886, been recommended for a District Munsiffship;

(e) That he has, since 1887, been publishing a series of Digests of the reported cases, one of which, "A Digest of Privy Council Rulings," having been recommended by the High Court of Madras, Your Excellency's Government was pleased to patronize the same by supplying *all* the Civil Courts in the Presidency with copies of the same. It has also secured the patronage of some other Governments (vide enclosures).

9. That vacancies of this kind are few and far between and long-standing and competent Members of the bar eagerly expect that, when a vacancy does occur, the claims of all for the long-looked-for distinction will be fairly and impartially considered by the adoption of some standard or other, such as experience, educational qualifications, extent of practice &c., and that when the best man vacates the office, the next best will, as a matter of course, get it as a reward for his labors. Memorialist only submits that if no such thing is done, the mortification and disappointment would be very keenly felt.

10. That, in this connection, Your Memorialist begs leave to submit that being a High Court Vakeel or graduate in law is not a necessary qualification for the place, since all the Government Pleaders in this District up to date, except the said Mr. K. S. Ganapathy Iyer, have been only First Grade Pleaders, as the Government Pleaders in the Districts of Tanjore, Coimbatore, Chittore, Cuddalore, Ganjam, South Canara, Cuddappa, Kristna, Kurnool, South Malabar, North Malabar & Nellore even now are.

11. That, while knowing fully well that this is an acting appointment, Memorialist submits that when once his claims are overlooked in favor of another, a claim is unduly created in favor* of that other for the permanent place when it should fall vacant.

* This is so, & this was my reason for sending up the appoint nomination; as the post will probably be vacant permanently before long, though I am doubtful if it is necessary to submit acting appointments for approval. [illegible]

Fully relying on the justice of Your Excellency's Government, Memorialist leaves the matter entirely in your hands with a prayer that Your Excellency in Council may be pleased to order the Collector & District Magistrate to reconsider his nomination.

Trichinopoly,
6th *September*, 1895.

T. V. Sanjivarow

ENCLOSURES.

—):o:(—

COPY OF PROCEEDINGS OF THE MADRAS GOVERNMENT.

FINANCIAL DEPARTMENT.

Read the following paper :—

I. From the Registrar of the High Court of Judicature at Madras, Appellate Side, dated 4th September 1890, No. 2130, forwarding copy of a Digest of the Privy Council Decisions by M. R. Ry. T. V. Sanjiva Row, 1st Grade Pleader, Trichinopoly: and recommending the purchase of a sufficient number of copies of the same for distribution to the District and the Subordinate Judges.

Order:—13th October, 1890, No. 714.

The Government will take forty copies, out of which thirty seven will be supplied to the High Court for use and distribution to District and Subordinate Judges.

(True Extract)

(Signed) FREDERICK PRICE,
Chief Secretary.

No. 2407.

(True copy)

(Signed) H. FOSTER,
Officiating Registrar.

High Court of Judicature,
Appellate Side, Madras,
16th October, 1890.

To

M. R. Ry.
T. V. SANJIVA ROW,
1st Grade Pleader,
Trichinopoly.

MEMORANDUM.

—):o:(—

No. 490.

II. M. R. Ry. T. V. Sanjiva Row is requested to supply 114 copies of his "Digest of Privy Council Decisions" to the High Court and to forward a bill for the same to the Chief Secretary to Government, Financial Department.

(By order)

(Signed) LIONEL DAVIDSON,
Acting Assistant Secretary.

Fort Saint George,
12th March, 1894.

To

M. R. Ry.
T. V. SANJIVA ROW,
First Grade Pleader,
Trichinopoly.

No. 83, dated Lucknow, 13th January, 1891.

III.

To.

Mr. T. V. SANJIVA ROW,
Pleader,
Trichinopoly, Madras.

30

Sir,

With reference to your letter, dated 6th December, 1890, I am directed to request you to forward to this office seven more copies of your Digest of Privy Council cases, making with the two copies received, nine copies in all, for which a bill should be furnished.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) C. HOSKINS,
Registrar,
Court of Judicial Commissioner,
OUDH.

IV.

No. 5387 G.

From

E. W. PARKER Esqr.,
Registrar, Chief Court,
PUNJAUB.

To

T. V. SANJIVA ROW,
First Grade Pleader,
TRICHINOPOLY.

Dated, Lahore, the 11th December, 1890.

Sir,

With reference to your letter No. 28 P. dated the 28th Ultimo, I am directed to forward Rs. 10—11—0 being the price in full, for two copies of the Digest supplied for the use of this Court. An acknowledgment for the amount will oblige,

I have &c.,
(Signed) E. W. PARKER,
Registrar.

V. From

THE REGISTRAR
of the Chief Court,
MYSORE.

To

Mr. T. V. SANJIVA ROW,
1st Grade Pleader,
TRICHINOPOLY.

Dated 15 } Decr. 1890.
Despatched 10 }

Gl. No. 5827/3853.

Intimates that a money order for Rs. 15—15—0 has this day been forwarded to his address on account of the 3 copies of the "Digest of Privy Council cases" sent by him.

(By order)

(Signed) S. HANNYELLEN,
Registrar.

1895
Judl:
1
4328

N.B. All the above are true Copies of the original,
7. 9. 95 T. V. Sanjiva Row

CURRENT No 4328

51.

To

James Andrew Erskine
Collector & Dt. Magistrate,
Trichinopoly

Honored Sir,

In sending herewith Copy of a memorial to His Excellency, the Governor-in-Council, I beg to request your honor will be so kind as to forward the same with any remarks you may consider meet.

I beg to remain
Honored Sir,
Your most obedt.
Servt.
T. V. Sanjiva Row

Trichinopoly
7th September, 1895

29

[G/25]
600—23-7-95.

Jud! DEPARTMENT.

C. Nos 4289, 4310, 4313, 4327 &

FOR ORDERS.

+ G. O. of 21-4-94. No 949 7

I still think one of the local men had better be appd. — But perhaps Mr. Andrew has some special reason for preferring this stranger — If so, I don't want to go against him & perhaps do harm for want of knowledge — Please ask him d.o. You might also tell him that I think that the Govt. Pleader should as a rule have the C. of W. work

W.

20/9/95

+ G. O. of 15 June 94. No 1459. IX

In March 1894 Mr Andrew recommended M.R.Ry. Kuppu-sami Sarma, B.A. & B.L. for the post of Govt. Pleader & Public Prosecutor, Trichinopoly (then vacant). Some petitions were received from the members of the local Bar protesting against this nomination. On a consideration of these petitions the Govt. rejected the Dt. Magist nomination on the ground that the nominee had not sufficient local experience and appointed M.R.Ry S. Ganapati aiyar, B.A. & M.L. to the said Office. This gentleman has now been appointed by the High Court to act as a Dt. Munsif and it is believed that he will be confirmed in that appointment ~~ere~~ before lon

P.T.

A vacancy has thus been caused in the office of ~~the Local~~ Govt. Pleader & Public Prosecutor, Trichy.

Mr Andrew puts forward his former nominee (S. Kuppusami Sarma) saying "that he has now sufficient local experience to justify his appointment" and that he has conducted Estate work (which was given to him "as a sort of compensation for his disappointment in the Public Prosecutorship") to his (Mr. Andrews) satisfaction. The Dt. Judge approves his nomination.

2. one Ramachandra× Aiyar, B.A & B.L, High Court Vakil and Sangivia Rao†, First Grade Pleader, are also applicants for the ~~vacant~~ post; the former says that he has had a practice of over 9 years in the Dt. and the latter appears to have had a local experience of 15 years.

~~3 Mr. Andrew's recently [illegible]~~

19/9/95

D 17-9-95

17/9/95

Appointment of Gov.

FOR ORDERS.

H. M.

× (Nos 4310 & 4327)

† (Nos 4317 & 4328.

23/9.

D.O. No. 372.

Ootacamund
2nd Octr. 1895

My dear Andrew,

With reference to your official letter dated 5th. September 1895, ref. on current No. 923/M of 95 and your endorsements on two petitions from L. S. Ramachandra Aiyar and T. V. Sanjiva Rao protesting against your nomination of S. Kuppusami Sarma as Govt. Pleader and Pub. Prosecutor, I am directed to ask whether you have any special reasons for preferring the last-mentioned individual. Govt. is still disposed to consider that it ~~will~~ would be desirable to appoint a man with greater local experience, but possibly you have special reasons for recommending the different course. I am to say also that Govt. thinks that the local Govt. Pleader should, as a rule be entrusted with the Court of Wards' work.

Yours sincerely

To
J. Andrew Esq. I.C.S

Despd.
2/10.

D
26.9.95

D.O. to Mr. Andrew

S/

CHIEF
SECRETARIAT,
D. O.
No. 372
Dated, 2. 10. 1895

H.M. D.O. 557/95

[G/9]
3,000—23-1-95.

~~Current~~ D.O. No. 55/

DEPARTMENT.

From

J. Andrew Esqr. I.C.S
Trichinopoly.

No.

Dated 8th Octr. 1895

Received 10 " "

Regtd 10 " "

Enclosures

SUBJECT.

Recommending Kuppusami Sarma as Govt. Pleader at Trichi.

D.O. 372 d 2.10.95
& paprs.

Re appointment of Govt. Pleader Trichinopoly

H.M. D.O. 561 & 657/95.

For orders

Subd. with refce. to H.M.'s remarks in the note for orders under cover of D.O. No 372 d 2.10.95

D
12.10.95

In Current 557, Mr. Andrew writes to say that Ganapati Iyer, the permanent public prosecutor, reverts to his duties as such, in a few weeks time, & that it is unlikely that the appointment will fall vacant for some considerable time. He suggests that the papers be recorded

D
21.x.95

22/10/95

Very well

23/10/95

c 22/10
1/10

4/10/95

D.O. No. 551 **Collector's Office,**

39/

TRICHINOPOLY,

8th October 1895

GOVERNMENT OF MADRAS * CHIEF SECRETARY * 10 OCT. 1895

Dear Mr Price

I delayed a few days replying to your D.O. of 2nd inst until, on returning from camp, I could refer to a D.O. recd. long ago from Fiddian giving his opinion on the different local Vakils.

I joined this district on 2 Dec 93, & within a month or so the Government Pleader died. Naturally I knew nothing of the qualifications & character of the Vakils, & I carefully consulted both Bagshawe & Fiddian as to whom I should nominate. I was absolutely unprejudiced myself, as I scarcely knew any of them, and all I was anxious

40

to do was to select the man best qualified by character & abilities. Bagshawe also made careful enquiries, and the result strongly recommended Kuppusami Sarma. He had but lately joined the Trichy bar, and at Fiddian's suggestion I put him in to act at once, so that Fiddian might have an opportunity of seeing how he did his work. After some time Fiddian wrote to me as follows regarding my nominee :— "as far as I can see at present you cannot do better than recommend the acting man. he is young yet and will no doubt improve. He has done well so far, & there is no man in the local bar who is at all likely to do better".

3. Fiddian also gave me his opinion of the other applicants, & as regards Ramachandra Aiyar & Sanjivi Rao, who have applied on the present occasion, he wrote they were "both great wasters of time and not particularly strong pleaders."

4 Fiddian also did not give a high professional opinion of any of the others except one who is altogether out of the question as he is strongly mixed up in factions, & I w.d not in any case recommend him.

5 Should Gov.t decide to reject Kuppusami Sarma, I am in considerable doubt as to whom I sh.d recommend. Certainly not Ramachandra Iyer who is in no way fitted for the post. (such is also Broadfoot's opinion ~~also~~). In that case I would probably recommend Sanjivi Rao as Broadfoot considers him also competent, and — failing Kuppusami Sarma — I don't think there is anyone else likely to do better. I daresay he c.d be trusted in big cases (& I believe his character is all right), but experience w.d improve him. But I do hope that Government

will accept my nomination of Kuppusami Sarma. He is a B.A. & B.L. & a High Court Vakeel, & so far has superior claims to Sanjivi Row (who is nine years senior) though the latter has much longer service as Vakeel. Kuppusami Sarma is also of a respectable family & has some property & he did his work as a 2d Government Pleader early in 1893, & since as Estate Pleader, in a satisfactory manner. I also wd submit that his experience at the Nellore bar for 4 years is something in his favour. He has proved painstaking in the conduct of his cases, & the Police have been satisfied with him in the cases he prosecuted. He has also lived the greater part of his life in Trichy, & has practised here ~~for~~ since January 1894, & I have

confidence in him, & I naturally prefer a man in whom I have confidence & of whose work I have had an opportunity of judging. I undoubtedly think he is the best fitted for the post.

I therefore hope that he will be appointed, but should Government decide otherwise, then I daresay that Sanjivi Row will do, though not so well. Trichy does not shine in the way of Vakeels.

Yours sincerely

P.S.
I note for future guidance what you say about Govt Pleaders doing Estate work.

$\left[\frac{G}{9}\right]$
2,000—15-8-95.

439-43

~~Current~~ Do No. 557 DEPARTMENT.

From J. Andrew Esq

No.

Dated 12 } Octr 95.
Received 14
Regd 18
Enclosures —

SUBJECT.

states that permanent Pub. Prosecutor Ganapatiaiyar does not care for the work & pay of a Dt. Munsif.

D.O.

J Andrew Esq

12 } Oct 95
14

States that permanent Pub. Prosecutor Ganapathi Iyer does not care for the work & going to [illegible]

D.O. No 557

44 Collector's Office,

TRICHINOPOLY,

12 October 1895

CHIEF SECRETARY
14 OCT. 1895
GOVERNMENT OF MADRAS

Dear [illegible]

In continuation of my D.O. of last Tuesday, I write to say that I saw the permanent Public Prosecutor Ganapati Aiyar this morning after the District Board meeting. He told me that he does not care for the work of any of the District Munsiffs, & that he will not go acting again. He thinks of going to Madras after 2 or 3 years & taking steps towards getting enrolled as an advocate of the High Court. Of course I said nothing as to any correspondence that was taking place with you as to his successor.

As his acting appointment will only last for about a month longer, and the post of Public Pros - permanently or temporarily - is unlikely to fall vacant for any time to come, I would request that Government, even if it still disapproves of my nomination,

might allow Kuppusami Sarma to continue to act for the rest of the present period, & simply "Record" my letter, which tell me I can submit a nomination when a permanent vacancy occurs, when the whole thing can be considered.

Kuppusami Sarma would probably feel it as a reproach if he were turned out of a short acting appointment, as people might think that Govt. considered him unfit for it.

Yours sincerely

[G. / 24.]
500—23-7-95.

Judl DEPARTMENT.

Papers to be read in proceedings :—

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current Nos 4313. of 189 , dated , from

" " 4328. 4310 " 189 , " , "

" " 4327 4289. " 189 , " , "

C. S.

ORDER. 5th Nov 195 No 2260

Judl

Under the provisions of Sec 2 of the Code of Civil Procedure & Sec 492 of the Code of Criml Procedure, H. E. the Govr in C. is pleased to appoint M. R. Ry. S. Kuppuswami Sarma Avl. to be the Govt Pleader & Public Prosecutor, Trichinopoly until the return to duty of the permanent incumbent.

2. The petrs will be infor that their petitions have be recorded as the vacancy in the office Public Prosr. ~~dist~~ Trichy. is about to expire.

(From ord

B =
P = C
Q = Copy T. V. Seshagiri Row Avl.

When given for copying ______
When copied ______
When examined ______
When signed ______
189 .

READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No

ORDERS OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

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