

(1) Number of pages 30
(2) Date of repair 24. 2-41.
(3) Initials of the Referencer G

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1672	Press
		~~Mis.~~
Dated	18-10-	1873.

Not to be folded or roughly handled

18th October 1873.

No. 104. Read the following letter from A. C. BURNELL, Esq., Acting District Judge of South Canara, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Mangalore, 3rd October 1873, No. 25:—

I have the honour to forward a copy of the Sub-Judge's letter, dated 26th ultimo, No. 168, reporting upon the petition of certain batta peons thrown out of employ from his Court, and which was referred by you for a report. The petition is herewith returned.

2. I have also the honour to return the petition of A. F. Lobo, about whom I have already reported in my letter of the 10th ultimo, No. 21.

From K. KUNJEE MENON, Subordinate Judge of South Canara, to A. C. BURNELL, Esq., Acting District Judge of South Canara, dated Mangalore, 26th September 1873, No. 168.

In reply to your Memorandum of the 17th instant, forwarding to me a memorial (herewith returned) sent to Government by some of the batta peons who were thrown out of employ in the late reduction of the batta establishment of this Court, I have the honour to make the report therein called for.

2. In forming the new batta establishment of my Court, in June last, I took a list of the batta peons of the abolished Court as also that of my former Court; and in open Court, and in the presence of all persons concerned, I considered the claims and merits of each of such peons, taking so much evidence thereof as was found necessary in their cases from the Nazir and other officers of the abolished Court, under whose immediate superintendence they had been. Efficiency was first looked to, and next to it the length of service. A list was so prepared by myself in the presence of all at a considerable waste of public time (and I would not have wasted it, had it not been in this district where, to my utter astonishment, public service is claimed as of right, and failure to obtain it is made a general cause of complaint), and all then seemed to be satisfied with that list. The number of peons so appointed was eighty-eight of which forty-five alone were sanctioned to this Court under the new rules in August last. Then came the question of reduction, and, to bring the number within the sanctioned scale, I dispensed with the services of the last forty-three men. If I then revised the list that had been made only two months before, it would have afforded a double cause of complaint. At a time of reduction it is clear that some cannot but be thrown out of employ, and the only question was who. If men who stood above in the list were thrown out, they would have, instead of these men, gone to Government with a double complaint, and with a view to choose the less of the two evils, I did what I have done.

3. I will now state the case of each of the memorialists, and leave it to the higher authorities to decide whether they are such as to have any preferential claim over others:—

Jacob Naik.—His statement that he had been in the service for twenty-five years is not supported by the record of this Court, which shows the period of his service to be exactly half of that. Was once suspended for six months for having failed to produce a judgment-debtor, and is unable to walk fast owing to lameness.

Annappa Shetty.—Was thrice suspended for periods ranging from one week to three months for letting off a defaulter, and for other neglect of duties. Physical abilities also are not good.

P. Venkatesha.—An old man of fifty-six years of age, an habitual drunkard, and had been once dismissed.

Lawrence Vas.—Was five times suspended for periods ranging from two weeks to four months for absenting without leave on two occasions, for making false returns on two others, and for letting off a defendant on the fifth.

Joseph Fernandez.—Was twice suspended; once for six months for making a false return, and on another occasion for about two months for undue delay in executing a process.

Proceedings of the Madras Government, Judicial Department.
18th October 1873.

Thomas Pereira.—Is very low in service when compared with others.

Diogo Siqueira.—Once suspended for six months for neglect of duty, and is a leper.

Nilaya.—Was once suspended for one month for undue delay in executing a process, and is generally indolent.

Baltu Souza.—Has been since appointed to act as massaljee, which post he now holds.

Jacob Pinto.—Was once suspended for making a false return.

B. Venkatesha.—Very junior in service, and a slow walker.

Domingo Pinto.—Was once dismissed for letting off a judgment-debtor.

4. All these men have in their memorial overstated the period of their service.

No. 105. ORDER THEREON, 18th October 1873, No. 1672.

The batta peons, who memorialised Government, will be informed by endorsement that their case seems to have been fully considered and fairly decided.

2. The Sub-Judge should, however, be informed that, subject to considerations of honesty and efficiency, men who have devoted their past lives to the public service have a moral claim or right to preferential employment, and that the Government expect their officers in every department to treat with full consideration claims based on long service to the State.

(True Extract.)

Chief Secretary.

To the District Judge of South Canara.
Para. 2 to all Heads of Offices.

List showing the distribution of the Proceedings of Government,
dated 18th October 1873 No. 1672-Paraz.

20/3/74

Revenue Department, for information and for communication to Sub-Officers	...	...	101 ✓
Public Works Department	do.	...	101 ✓
Military Department...	do.	...	51 ✓

Judicial.

Honorable the Judges of the High Court, for information and for communication to	...	...	...	...	...
Subordinate Officers	...	...	...	...	...
Inspector-General of Madras Police	do.	...	...	...	...
Inspector-General of Jails	do.	...	...	...	...
Magistrates of the Town Police Court	...	...	...	...	...
Do. of the Madras Police Court...	...	...	...	...	...
Judges of the Madras Court of Small Causes...	...	...	...	...	...
Advocate-General...	...	...	...	...	...
Government Solicitor	...	...	...	...	...
Administrator-General	...	...	...	...	...
Coroner of Madras...	...	...	...	...	...
Inspector-General of Registration...	...	...	...	...	...

Commissioners of Police - - - - -

24/11/73

Public.

Inspector-General, Indian Medical Department, for information and for communication to	...	...	...	...	...
Subordinate Officers	...	...	...	...	...
Sanitary Commissioner	...	...	...	...	...
Health Officer	...	...	...	...	...
Committee for the Examination of Assistants	...	...	...	...	...
Private Secretary to His Excellency the Governor	...	...	...	...	...
Government Astronomer	...	...	...	...	...
Superintendent, Government Central Museum...	...	...	...	...	...
Chemical Examiner...	...	...	...	...	...
Superintendent of Stationery	...	...	...	...	...
Supervisor of the Government Press	...	...	...	...	...
Protector of Emigrants	...	...	...	...	...
Tamil Translator to Government...	...	...	...	...	...
Teloogoo do. to do.	...	...	...	...	...
Malayalim do. to do.	...	...	...	...	...
Canarese do. to do.	...	...	...	...	...
Hindustani do. to do.	...	...	...	...	...
Postmaster-General...	...	...	...	...	...
Superintendent Electric Telegraphs	...	...	...	...	...

Examiners of Medical Accounts - - - - -

24/11/73

Political.

Resident in Travancore and Cochin	...	...	...	...	...
Government Agent at Chepauk...	...	...	...	...	...
Government Agent at Tanjore...	...	...	...	...	...
Political Agent at Poodocottah...	...	...	...	...	...
Collector in charge of the Special Agent's Department at Cuddalore	...	...	...	...	...
Officer in charge of the Stipend Pay Office at Vellore...	...	...	...	...	...

24/11/73

Ecclesiastical.

The Right Reverend the Bishop of Madras...	...	...	...	...	...
Venerable Archdeacon of Madras	...	...	...	...	...
Senior Chaplain of the Church of Scotland...	...	...	...	...	...

5.10.1873

Govt. of 1873

JUDICIAL.

THE DISTRICT JUDGE OF
SOUTH CANARA.

Dated October, 1873.

Recd.

G.O. 1341, October 1873, No. 1072.

GOVERNMENT.
Nos. 104-105.

South Canara.—Certain batta peons ordered to be informed, with reference to their petition complaining of having been thrown out of employ, that their case seems to have been fully considered and fairly decided.



For immediate forward

Superior is commission of having and effecting more who have lost their by reduction or abolition of assistants. Criminal is have a road down and right is professional employ-ment, and gives in every respect. must expected to deal with public administration claims burden long service to the State.

2187/1911/10

Marine.	{	Master Attendant, Madras, for information and for communication to Subordinate Officers ..	3M
Financial.	{	Accountant-General...	...
		Commissioner of Paper Currency	...
Educational.	{	Director of Public Instruction...	...
		Commissioner for the Uncovenanted Civil Service Examinations ...	...

2187/1911/10
 To,
 The Chief Secretary
 To Government
 Madras.

Humble petition of late
 Balta Pans under French
 Minor Esqrs, most respect-
 fully and humbly sheweth,

That the petitioners are Balta
 Pans of long service and experience,
and preceptor to the full satisfac-
tion of their superiors who have
 nothing to remark as regards their
abilities and qualifications; that
 3/ three of them were appointed at
the time of the subordinate Court
now more than 12 years since, and
 that the petitioners are senior in
number and service to those of the
 Permanent Balta Establishment
now formed.

That the list of Balta Estab-
lishment from 31st March 1871 to 31st
March 1871 sent to the Government,
 as well as the list of Balta
 to the

to the P. S. Munsif Court as per Regulation
of the Court at the time of establishment.
It studies the names of the petitioners.
That the petitioners on the ground of
their age service and experience, put
forward their claims at the formation
of the Permanent Batta Establishment.
But not to their great disappointment.
That their prayers were not needed. That,
however, petitioners tried another chance,
by representing their privances and a
copy of similar nature was met with.
A copy thereof is herein enclosed.
That a search was sought for,
in the pettal judges but the peti-
tions were made, not to enter the
civil court for some reason un-
known. That the enlargement
upholds the list made by the Sub-
ordinate Judge himself and not
the records of the late P. S. Munsif
Court.

That the petitioners in consequence
of their time to lay before the Government.
This people prayer for a considerable
consideration

Pions of the Permanent P. S. Munsif
Court, was only 12/ twelve and even
that number is chosen. The petitioners
are to be included also, in order to
make up the number to 45 forty-five
persons, because the lowest number
among us is 133/ thirty-three.

II That the late Establishment
formed, included those joined, suspended
and dismissed by the P. S. Munsif
Shasudra Row Esq as well as those
excluded from the Munsif's Court
of Mangalore.

III That some of those on duty, are
of late appointment, inexperience and
less service.

5— That therefore, the petitioners
most humbly solicit the favor of the
Government, to peruse the list furnished
to the Government up to 31st March 1872,
as well as other old Register of that
Court and deign to bestow upon them
their posts of Batta Pions, on merits
of their length of service, experience
and seniority in number to those
now on duty according to the late
Establishment.

6. - Since recently, a regular system
of throwing out of employ, old servants
unhabituated to other work, but intirely
dependind upon Government service for
their livelihood, and entertainin' new
hands in their room, has made its
rise. This is the fate of the not only
Balla Lins of long service, but also
the old writers and officers of the
late P. S. Amin's Court. The undersigned
shall be ever grateful and re-
main ever praying for the length of
British Government which is as written
and liberal to the Government of

Edition
 Supra A-2
 Supra J. Lawrence
 Jan 21st
 1859-2
 1859-2

This is not a time of revision of the Batta Establishment of the several Courts which sat here but a time of reduction of the Batta Establishment of this Court. Upon the principle that reduction should always begin from the bottom of the list, I have made the reduction accordingly. The question whether these men should have been placed in a higher position in the list of my Court is quite a different one. That is a question not now for consideration. In forming the Batta Establishment of my Court, I made a list and if any body had any objection to it, it should have been made then and not now. Now I have only to act upon the list which had been made some time ago and in acting

So I am right, I think, in reducing
the number from its bottom...
manuscript 2. Signed / St. Thomas.
72.3. Subj. Judge...

Section of the late
Bottle House of the late
J. P. Amundson

See. 73. 2.
in 17. 1135

See 85. 2157 of 173.

Enclosure II.
See letter from the
Q. J. Judge of the late
Canada dated 1833.
October 1873, 18225.

Name. Antonio Francisco Lobo Judge when entertained, 18 225

Date	Appointments	Salary	Paid for services		Remarks regarding service and formal of appointment
			per month	per day	
2	3	4	5	6	
18 th Sept 1833	3	8	2	8	1 "Has always performed his duties diligently & satisfactorily Signed / W. C. Thorne
13 th June 1846	7	8	7	18	2 "Has always performed his duties satisfactorily Signed / W. C. Thorne
1 st February 1847	3	8	1	10	3 "December 1847 Signed / W. C. Thorne
11 th March 1847	10	8	10	21	4 "I can certify to his diligence & attention to his Signed / W. C. Thorne
1 st February 1848	7	8	5	29	5 "Has done his duty in an honest & diligent Signed / W. C. Thorne
2 nd July 1851	10	8	2	2	6 "Has done his duty in an honest & diligent Signed / W. C. Thorne
1 st September 1851	10	8	8	24	7 "Has done his duty in an honest & diligent Signed / W. C. Thorne
1 st November 1851	10	8	4	3	8 "Has done his duty in an honest & diligent Signed / W. C. Thorne
25 th July 1853	10	8	6	15	9 "Has done his duty in an honest & diligent Signed / W. C. Thorne
25 th November 1853	10	8	2	10	10 "Has done his duty in an honest & diligent Signed / W. C. Thorne
1 st Dec 1854	10	8	2	10	11 "Has done his duty in an honest & diligent Signed / W. C. Thorne
16 th June 1855	10	8	2	10	12 "Has done his duty in an honest & diligent Signed / W. C. Thorne
27 th August 1855	10	8	2	10	13 "Has done his duty in an honest & diligent Signed / W. C. Thorne
25 th March 1857	10	8	2	10	14 "Has done his duty in an honest & diligent Signed / W. C. Thorne
27 th do do	10	8	2	10	15 "Has done his duty in an honest & diligent Signed / W. C. Thorne

2162
encl. a
8/9/73.

To The Honble W. Ruddleston. 9V
Chief Secretary to Government
Madras.

The humble petition of A. F. L.
Criminal Record-keeper of
late Addl. Sub Court, dated
Mangalore, 30th August 1873.

Honored Sir,

With due deference and submission
I beg leave to represent that I am a servant
of 29 years' standing, and that, as a good
portion of my services are below 10th Rupees,
mensum and before I attained the 22nd year
of my age, I have completed only 20 years
service eligible for pension. That I have dis-
charged the duties of the several posts I held
to the satisfaction of all the Judges under
whom I served, will be evident from the
enclosed authenticated copy of the Register
of my services.

2 The Government have sanctioned
a Civil Recordkeeper for the Sub Court newly
formed on a salary of Rupees 30, and
as

Enclosure III.

In a letter from the
M. J. J. of the
Mangalore dated 30
August 1873, No. 26.

Patric J. J. J.

Sub J. J. J.
in No. 265

Sub J. J. J. 2065

1 I was the Record Keeper of the abolished Court on the same salary, the Subordinate Judge should have nominated me for the situation; but on the recommendation of the District Judge he has appointed Mr. Jewabnivas of the District Court on Rs. 28.

3 The Government have also sanctioned an Assistant Recordkeeper on Rupees 17 1/2. Though the Sub Judge proposed me for the appointment, as being an old servant and experienced in the record-business, the District Judge has not sanctioned the proposal, giving no reasons for his so doing. This situation has now been proposed for an East Indian youth who does not know the Vernacular of the District and who has never been in Government employ.

4 I humbly trust that the Government will not approve of the newly sanctioned establishment being formed of servants of other Courts as also of new candidates, while there were old servants thrown out of employ.

Further I beg leave to represent that the maintenance

maintenance of my large family for the last 29 years upon the salary I drew; and ever since I was thrown out of employ I found it to maintain them; and my long faithful services Government have none of any advantage to me, as I am not eligible for pension.

6 I therefore most humbly pray that on a kind consideration of the above circumstances the Government will be pleased to pass orders to the Sub Judge to provide me in the new Sub Court so that I may serve till the period of pension; and on retiring, become entitled to the boon which the gracious Government has promised for long and faithful services. For which act of grace, I shall, as in duty bound, ever pray.

I beg to remain,
Honored Sir,
Your Honor's most obedt Servant
J. F. Fobo

superintendence they had been. Efficiency was first looked to, and next to it the length of service. A list was so prepared by myself in the presence of all at a considerable waste of public time (and I would not have wasted it had it not been in this District where, to my utter astonishment, public service is claimed as of right, and failure to obtain it, is made a general cause of complaint) and all then seemed to be satisfied with that list.

The number of persons so appointed was 88 of which 45 alone were sanctioned to this Court under the new rules in August last. Then came the question of reduction, and, to bring the number within the sanctioned scale, I dispensed with the services of the last 43 men.

If I then revised the list that had been made only 2 months before, it would have afforded a double cause of complaint. At a time of reduction it is clear that some cannot but be thrown out of employ and the only question was who. If men who stood above in the list were thrown out, they would have instead of these men, gone to Government with a double ^{complaint}

complaint and with a view to choose the less ¹²⁴ of the two evils I did what I have done.

3. I will now state the case of each of the Memorialists and leave it to the higher authorities to decide whether they are such as to have any preferential claim over others.

Jacob Naik. His statement that he had been in the service for 25 years is not supported by the record of this Court which shows the period of his service to be exactly half of that. Was once suspended for 6 months for having failed to produce a Judgment-debtor and is unable to walk fast owing to lameness.

Annappa Shetty. Was thrice suspended for periods ranging from one week to 3 months for letting off a defaulter and for other neglect of duties. Physical abilities also are not good.

P. Venkatesha. An old man of 56 years of age, an habitual drunkard, and

Lawrence Cas.

and had been once dismissed.

Was five times suspended for periods ranging from 2 weeks to 4 months for absenting without leave on two occasions, for making false returns on two other, and for letting off a Defendant on the fifth.

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Was twice suspended, once for 6 months for making a false return, and on another occasion for about 2 months for undue delay in executing a process.

Thomas Pereira.

Is very low in service when compared with others.

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Once suspended for 6 months for neglect of duty and is a leper.

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Was once suspended for one month for undue delay in executing a process, and is generally indolent.

Balth' Souza.

Has been since appointed to act as Mafsalgie, which post he now holds.

Jacob Pinto.

Was once suspended for making

a false return. 13✓

B. Venkatesha.

Very junior in service and a slow walker.

Domingo Pinto.

Was once dismissed for letting off a Judgment-debtor.

4 All these men have in their Memorial overstated the period of their service.

I have H^{rs}

(Signed) Kunjan Menon
Subordinate Judge.

(True Copy)

A. Murum

Ag. District Judge

Comp^d Jh

I think that the
 animus of the Subjdg's
 letter indicates that
 he requires to be told
 that the public Service
 of the State is a moral
 right in respect to those
 who have devoted their
 lives thereto - Subject to
 Consideration of honesty
 and Efficiency - and
 that the Government
 expect that their officers
 in Every department
 will treat with Consideration
 claims based on long
 Service to the State.
 She

Received of
 the Subjdg's
 letter from the
 Capital of the
 Government dated
 October 1873, New
 York
 1873
 Copy of Subjdg's
 letter dated 26.3.1873
 1873.

Subjdg's
 in 1873

The Cases have been
rightly adjudged, but
by a man, who unwilling
and uncordially ^{has} exercises
his Office ~~of~~ of a
Head of a Department
in the interest of those
placed under his
management and
Supervision.

9/10 1262

Ap 25

15V
Mangalore 3rd October
1873.

From

A. B. Burnell Esq.
M. District Judge of
South Canara

To

The Honorable W. Rudleston
Chief Secretary to Govt.
Ostacmand.

Sir,

I have the honor to
forward a copy of the Sub Judge's
letter dated 26th Ult^o n^o 168, re-
porting upon the Petition of certain
Batta Peons thrown out of employ
from his court, and which was
referred by you for a report. The
Petition is herewith returned.

2. I have also the honor to
return the Petition of A. F. Lobo
about whom I have already reported
in my letter of the 10th Ult^o n^o 21.

I have the honor to be,
Sir,
Your most obed^t serv^t

A. B. Burnell
M. District Judge

Ex² & C

Sept (1873) Good Sept.

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The British Museum & Natural History

There is a list of all the specimens

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