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Judicial Department

G.O. NO. 265

Dated 11-2-1879

A.H

265/1

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

11th February 1879, No. 265.

Courts—Establishments.

Read the following paper :—

No. 62. *From T. WEIR, Esq., Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Acting Chief Secretary to Government, dated Madras, 11th January 1879, No. 37.*

I am directed to acknowledge the receipt of the Proceedings of Government, dated 19th November 1878, No. 2343, and 24th December 1878, No. 2603, and to address the Government on the following matters arising in connection with the measures about to be introduced.

2. The total number of servants belonging to the Courts whose services will be dispensed with on the 1st April 1879 (exclusive of the process service establishments) is 287 as shown below :—

	Clerks.	Servants.	Govt. Pleader.
North Arcot	4	4	1
South Arcot	18	15	1
Bellary	6	6	1
South Canara	14	9	1
Chingleput	5	2	1
Coimbatore	..	2	1
Cuddapah	3	3	..
Ganjam	18	11	..
Godavari	4	4	1
Kistna	2	2	1
Kurnool	6	2	1
Madura	21	15	1
North Malabar	11	4	1
South Malabar	22	3	1
Nellore	3	2	1
Salem	1	2	1
Tanjore, North	3	6	1
Do. South	8	10	1
Tinnevely	1	4	1
Trichinopoly	5	2	1
Vizagapatam	..	2	..

Seventeen of this number are, however, Government Pleaders, who will be but slightly affected by the change. The retaining fee of Rupees 21 a-month

Hitherto paid to them has presumably been a very small portion of their earnings, and such of them as are skilled in their profession will, no doubt, continue to be employed by Collectors and Magistrates as hitherto. There remain 270 persons on the establishments of the Courts who are entirely thrown out of employ. Tabular statements showing in detail the establishment now sanctioned for each Court have been circulated to the District Judges, and with regard to the cases of those officials whose services are to be dispensed with, the High Court have issued the following circular instructions to all District Judges :—

“The cases of those employés whose services are to be dispensed with should, I am to state, be dealt with by you in communication with the Accountant-General's Department under the appropriate provisions of the Civil Pension Code, and care should be taken to mitigate, as far

as possible, the hardship attendant upon the introduction of the extensive changes now made. In this view, the claims to pension or gratuity of those servants who will cease to belong to the establishments should be finally settled, if possible, before the 1st April 1879.

"The reduction of numbers renders imperative a strict regard to efficiency on the part of the servants whose services are retained, but where any conflict or question may arise as to the claims of individual employees (on the score of service short of the pensionable period, superior efficiency, and such like grounds) to be retained on the revised establishment, the question shall be decided by the District Judge without reference to the High Court."

It will be seen that the instructions of the High Court leave the District Judge almost uncontrolled power to decide in the case of conflicting claims of competing members of the establishments. Such a course appears necessary on the following grounds:—

- (1.) The District Judge, being on the spot and in personal communication with the Subordinate Judges and Small Cause Court Judges, is in a much better position to judge of the merits of the personnel of the Courts than any central authority can possibly be.
- (2.) The delay involved in referring doubtful cases to this Court would certainly protract the decision of such cases beyond the time fixed for the introduction of the new scheme.
- (3.) The authority devolved upon the District Judges is in accordance with the spirit, if not the letter, of the law (Act III of 1873, Sections 23 and 27).

Numerous cases of hardship to individuals must, no doubt, arise, but the High Court have every confidence that the District Judges will exercise their authority so as to mitigate such hardships as far as possible.

The High Court would also suggest that the departments other than the Judicial Department should be encouraged to employ the discharged servants of the Courts in vacancies which may arise in their establishments.

Abolition of Small Cause and Subordinate Courts.

It remains to suggest certain measures in connection with the abolition and transfer of the several Small Cause and Subordinate Courts.

In their Order dated 21st December 1878, Government have notified the approaching abolition of the four Small Cause Courts of Combaconum, Madura, Cuddalore, and Cochin, and the establishment and transfer of certain Subordinate Courts to take their place. The date at which the new Courts will commence to sit will, it is stated, be notified in due course. No mention is made in the Government Order of the abolition of the Subordinate Court of

Subordinate Court of Chicacole.

Chicacole. The abolition of this Subordinate Court was, however, an integral part of the High Court's scheme (*vide* High Court's letter, dated 10th December 1877, paragraphs 19 and 20), and the Court presume that this measure along with the other features of their scheme was approved of, and sanctioned by, Government. The provision of funds for the new Subordinate Court to be established at Combaconum (which is notified in the G.O. of 24th December 1878) is dependent on the abolition of the Chicacole Court. Assuming then that the

Date of abolition.

abolition of the Chicacole Court is asserted to by Government, the High Court would recommend that the abolition of this Court as well as of the four Small Cause Courts and of the Subordinate Courts of Tuticorin and Salem be notified to take effect from the 1st April 1879.

It seems more proper to notify that the Courts are abolished and that new

Mode of notifying abolition.

Subordinate Courts are constituted at Combaconum, Madura, and Cuddalore than that the same Courts are transferred to the stations named, as the latter course may give rise to an impression that the entire establishments of the Courts said to be transferred have a right to go along with the Courts to which they have belonged.

As regards the Chicacole Court, I am to explain that the establishment of this Chicacole Subordinate Court's establishment, Court was transferred from Masulipatam to Chicacole in August 1877, and that the records, &c. travelling expenses of the entire establishment were paid by Government (*vide* G.O., dated 19th September 1878, No. 1910). The entire establishment will, of course, be disbanded simultaneously with the abolition of the Court on the 1st April 1879, and I am to request the sanction of Government to the disbursement of travelling allowance to the servants of the Court from Chicacole to Masulipatam, and, if the rules permit it, that such disbursement may be made simultaneously with the payment of the salaries for March. This measure will mitigate the hardship of turning adrift so many persons at a distance of over 200 miles from their home.

The records of the Chicacole Court may be distributed according to the districts from which the suits have arisen, that is to say, the records of suits arising in the Vizagapatam District should be sent to the District Court of Vizagapatam, and the records of the suit arising in the Ganjam District to the District Court of Ganjam. The seal of the Court may be sent to the District Judge of Ganjam for keeping.

As regards the Subordinate Courts of Salem and Tuticorin, I am to recommend Salem and Tuticorin Subordinate Courts. that the process service establishments of these two Courts may be entirely disbanded at Salem and Tuticorin respectively. The process service establishments of the Small Cause Courts about to be abolished at Cuddalore and Madura have the best claim to be employed in the newly-constituted Subordinate Courts, and expenditure on travelling allowance will by this measure be saved to the State.

As regards the regular establishments (*i.e.*, the establishment other than process service) of these two Subordinate Courts (South Arcot and Madura) the District Judges, in communication with the Small Cause Court Judge (of Cuddalore) and Subordinate Judge, will decide on the principles already stated as to which servants are to be retained and which dispensed with. The letter of the Subordinate Judge of Tuticorin, dated 9th December 1878, communicated to the High Court with the G.O. dated 17th December 1878, requires no special notice. In the present state of the question the High Court do not feel called upon to re-open a discussion of the adequacy of establishments provided. The suggestion of the High Court regarding the transfer of the Tinnevely Subordinate Court to Tuticorin (letter, dated 7th March 1878, No. 492, and G.O., dated 22nd March 1878, No. 613), may be considered as withdrawn or in abeyance. For the present the Tinnevely Subordinate Court will best be located at Tinnevely.

The records and seal of the Tuticorin Subordinate Court may be sent to the Establishment, records, &c. District Court of Tinnevely for custody.

The records and seal of the Salem Subordinate Court may similarly be sent to the District Court of Salem. The records, &c., of the Cuddalore, Combaconum, and Cochin Small Cause Courts may remain in the custody of the new Subordinate Courts to be constituted at those stations.

No special measures are required in regard to the establishment of the new Small Cause Court, Cochin, and establishment. Subordinate Court of Cochin. The existing Small Cause Court establishment will become the establishment of the new Subordinate Court at that station.

In regard to the Court of the District Munsif of Vyteri in the Wynad, I am to suggest that the District Judge of District Munsif's Court, Vyteri. South Malabar might be directed to employ in the new District Munsif's Court such of the disbanded servants of the Subordinate or District Courts as are willing to proceed to the Wynad.

In regard to the Judges who will preside over the new Subordinate Courts Transfers of Sub-Judges. I am to make the following suggestions:—

Applications have been received from T. V. Ponnuswamy Pillai Avergul, Subordinate Judge of Tuticorin, requesting that he may not be appointed to Madura,

and from V. Gopal Rao Garia, Subordinate Judge of Cocanada, requesting that he may be transferred to some other Subordinate Court. The High Court see no objection to the wishes of these Subordinate Judges being complied with if Government think proper. On the whole the High Court would recommend the following arrangements:—

K. Kunjan Menon, now Acting Small Cause Court Judge, Cuddalore, to be Subordinate Judge, South Arcot. T. V. Ponnuswamy Pillai or Ganapati Iyer to be Subordinate Judge of Calicut, South Malabar. If Ganapati Iyer is not appointed to Calicut, he might be appointed to the Madura Court. If Ponnuswamy Pillai is not appointed to the Calicut Subordinate Court, he might be appointed to the Bellary Subordinate Court. V. Gopal Rao might (in case T. V. Ponnuswamy Pillai is appointed elsewhere) be transferred to Bellary, and Adiappa Chetty to Cocanada. C. Ramachendrier, Subordinate Judge of Chicacole, will unfortunately cease to be a Subordinate Judge on the abolition of the Court over which he has presided. He will revert, in the ordinary course, to the appointment of a District Munsif of the first grade on a salary of Rupees 300 (displacing the junior Munsif on that grade). Government will, however, it is hoped, consider C. Ramachendrier to have a preferential claim to the first acting or permanent vacancy among the Subordinate Judges. K. Krishnaswamy Rao, who is at present acting as Subordinate Judge of Madura, is considerably junior to C. Ramachendrier, and the High Court trust that Government will consider favorably the claims of C. Ramachendrier to this acting vacancy or to some other post in the arrangement. C. Ramachendrier would perhaps be better placed at Calicut than elsewhere.

These observations dispose, it is believed, of the matters left open by the Orders of Government dated 12th November and 21st December 1878.

The High Court trust that their suggestions will meet with the approval of Government and that early orders may be passed on their proposals and communicated to the District Judges concerned.

No. 63. ORDER THEREON, 11th February 1879, No. 265.

The High Court refer for the decision of Government in the letter above recorded—

- (a) The disposal of the 270 persons who will be thrown out of employ on the re-organization of the various Court establishments.
- (b) Heads of Departments other than Judicial to give employment to servants whose services are dispensed with.
- (c) The abolition of the Subordinate Court at Chicacole as well as of the four Small Cause Courts at Combaconum, Madura, Cuddalore, and Cochin, and of the Subordinate Courts of Tuticorin and Salem, to be notified to take effect from the 1st April 1879.
- (d) The opening of the new Courts at Combaconum, Madura, and Cuddalore, to be also notified.
- (e) The disbursement of travelling expenses to the servants of the Chicacole Court from that station to Masulipatam.
- (f) The records of the Chicacole Court to be distributed according to the districts from which the suits have arisen, the seal of the Court being sent to the District Judge, Ganjam.
- (g) The process service establishments of the Salem and Tuticorin Sub-Courts to be disbanded.
- (h) The District Judges of South Arcot and Madura to decide, in communication with the Small Cause Court Judge at Cuddalore and the Sub-Judge at Madura, which of the servants of the South Arcot and Madura Subordinate Courts should be retained or dispensed with.
- (i) The suggestion to transfer the Tinnevely Subordinate Court to Tuticorin to be considered as withdrawn or in abeyance.
- (k) The records and seals of the Tuticorin and Salem Subordinate Courts to be sent to the respective District Courts for custody. The records, &c.,

of the Cuddalore, Combaconum, and Cochin Small Cause Courts to remain in the new Subordinate Courts to be established.

(l) The existing Small Cause Court establishment at Cochin to be transferred to the proposed Subordinate Court.

(m) The District Judge of South Malabar to be directed to employ in the new District Munsif's Court at Vypern such of the servants of the Subordinate Courts who may be willing to proceed thither.

2. His Grace the Governor in Council approves and sanctions the several proposals of the High Court subject to the following remarks.

3. Out of the 270 persons who are likely to be thrown out of employ, all those who are entitled to superannuation and retiring pensions or gratuities should be eliminated, and a list submitted to Government, as soon as possible, showing what the total of compensation pensions proper will come to.

4. The usual lists of servants whose services are to be dispensed with will be published in the Fort St. George and District Gazettes, and these servants will have the first claim to any Judicial Clerkship, &c., in their own districts.

5. The District Judges of South Arcot and Madura will take care to retire all those who are eligible for pension of the ordinary kind.

6. The proposals under the head of "Transfers of Sub-Judges" will be communicated to the Private Secretary for submission to His Grace the Governor for approval.

7. The following notification will be published in the *Fort St. George Gazette* in supersession of the Notification published in the Gazette dated 24th December 1878, page 746:—

NOTIFICATION.

In the exercise of the powers vested in him by Section 3 of Act XI of 1865 and Section 5 of Act III of 1873, the Governor in Council is pleased to abolish the undermentioned Small Cause Courts and Subordinate Courts from and after the 1st April 1879:—

The Small Cause Court of Combaconum, South Tanjore.

" " of Madura, Madura District.

" " of Cuddalore, South Arcot.

" " of Cochin, South Malabar.

The Subordinate Court of Chicacole, Ganjam.

" " of Tuticorin, Tinnevely.

" " of Salem, Salem District.

2. The Governor in Council is further pleased to notify under the provisions of Sections 4 and 5 of Act III of 1873 that the following new Courts shall be established at the undermentioned places from and after the 1st April 1879:—

A Subordinate Court at Combaconum, South Tanjore.

" " at Cochin, South Malabar.

" " at Madura, Madura District.

" " at Cuddalore, South Arcot.

A District Munsif's Court at Vypern, Wynad, South Malabar.

(By order of His Grace the Governor in Council.)

C. G. MASTER,
Acting Chief Secretary.

To the Honorable the Judges of the High Court.
" Private Secretary to His Grace the Governor.
" District Judge of
" Accountant-General.

Exd. J. W. Fischer.

COURT OF 1879
 JUDICIAL
 THE HON. CHIEF JUSTICE OF THE
 HIGH COURT
 SECRETARY
 NO. 6203

No. 37
 26/11/87
 From
 T. Weir Esquire
 Acting Registrar of the High Court
 of Judicature at Madras.
 To
 C. G. Master Esquire
 Acting Chief Secretary to Government.

Sir,
 I am directed to acknowledge
 the receipt of the Proceedings of Govern-
 ment, dated 19th November 1878, No. 2343,
 and 28th December 1878, No. 2603 and
 to address the Government on the fol-
 lowing matters arising in connection
 with the measures about to be introduced.

Servants dispensed with. Other Servants for 1879. <table border="0"> <tr><td>North Arcot</td><td>4</td><td>6</td><td>—</td></tr> <tr><td>South Arcot</td><td>18</td><td>15</td><td>1</td></tr> <tr><td>Bellary</td><td>6</td><td>6</td><td>1</td></tr> <tr><td>South Canara</td><td>14</td><td>7</td><td>1</td></tr> <tr><td>Chingleput</td><td>5</td><td>2</td><td>1</td></tr> <tr><td>Coimbatore</td><td>4</td><td>2</td><td>1</td></tr> <tr><td>Cuddalore</td><td>3</td><td>2</td><td>—</td></tr> <tr><td>Erangudi</td><td>18</td><td>11</td><td>—</td></tr> <tr><td>Hydrabad</td><td>4</td><td>4</td><td>1</td></tr> <tr><td>Madurai</td><td>2</td><td>2</td><td>1</td></tr> <tr><td>Madurai</td><td>6</td><td>2</td><td>1</td></tr> <tr><td>Madurai</td><td>21</td><td>15</td><td>1</td></tr> <tr><td>North Malabar</td><td>11</td><td>4</td><td>1</td></tr> <tr><td>South Malabar</td><td>22</td><td>6</td><td>1</td></tr> <tr><td>Nellore</td><td>6</td><td>2</td><td>1</td></tr> <tr><td>Salem</td><td>1</td><td>2</td><td>1</td></tr> <tr><td>Tanjore, North</td><td>3</td><td>6</td><td>1</td></tr> <tr><td>Tanjore, South</td><td>8</td><td>10</td><td>1</td></tr> <tr><td>Tirunelveli</td><td>1</td><td>4</td><td>1</td></tr> <tr><td>Trichinopoly</td><td>5</td><td>2</td><td>1</td></tr> <tr><td>Vizagapatam</td><td>4</td><td>2</td><td>—</td></tr> </table>	North Arcot	4	6	—	South Arcot	18	15	1	Bellary	6	6	1	South Canara	14	7	1	Chingleput	5	2	1	Coimbatore	4	2	1	Cuddalore	3	2	—	Erangudi	18	11	—	Hydrabad	4	4	1	Madurai	2	2	1	Madurai	6	2	1	Madurai	21	15	1	North Malabar	11	4	1	South Malabar	22	6	1	Nellore	6	2	1	Salem	1	2	1	Tanjore, North	3	6	1	Tanjore, South	8	10	1	Tirunelveli	1	4	1	Trichinopoly	5	2	1	Vizagapatam	4	2	—	The total number of servants belonging to the Courts whose services will be dis- pensed with on the 1st April 1879 (exclusive of the prison service establishments) is 287, as shown in the margin. Now to be dealt with - 17 of the number are, however, Government Pleaders who
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VP 265/6

The cases of those employees
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It will be seen
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(1) The District Judge being on
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30 265
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The High Court would also suggest that the Department other than the judicial Department should be encouraged to employ the discharged servants of the Courts in measures which may arise in their establishments.

It remains to suggest certain measures in connection with the abolition and transfer of the ^{Abolition of Small Cause and Subordinate Courts.} several Small Cause and Subordinate Courts.

In their order, dated 24th December 1878, Government have notified the proposed abolition of the four Small Cause Courts of Combaranur, Madurai, Raddalore and Cochin, and the establishment and transfer

of certain Subordinate Courts to take their place. The date at which the new Courts will commence to sit will, it is stated, be notified in due course.

Subordinate mention is made in the Government order of the abolition of the Subordinate Court of Cochin. The abolition of this Subordinate Court was however an integral part of the High Court's scheme (Vide High Court's letter, dated 10th December 1877, paras 19 and 20) and the Court presume that this measure along with the other features of their scheme was approved of and sanctioned by Government. The provision of funds for the new Subordinate Court to be established at Combaranur,

(which is notified in the Government Order of 24th December 1878) is dependent on the abolition of the Chicacole Courts. Assuming then that the abolition of the Chicacole Courts is effected by Government, the High Courts would recommend that the abolition of this Court as well as of the four small Cause Courts and of the Subordinate Courts of Judicaries and Salars be notified to be in effect from the 1st April 1879.

It seems more proper to notify that the Courts are abolished and that new Subordinate Courts are constituted at Combar^{Modur}, Combar^{Modur}, Madura and Buddalors, than that the same Courts are transferred to the Stations named, as the latter course may give rise to an impression that the entire establishment of

of the Courts said to be transferred have a right to go along with the Courts to which they have belonged.

Chicacole Sub-ordinate Courts
Establishment
Records &c.

As regards the Chicacole Court, I am to explain that the establishment of this Court was transferred from Masulipatam to Chicacole in August 1877 and that the travelling expenses of the entire establishment were paid by Government (Vide G. O. dated 19th September 1878, No. 1910). The entire establishment will of course be disbanded simultaneously with the abolition of the Court on the 1st April 1879, and I am to request the sanction of Government to the disbursement of travelling allowance to the servants of the Court from Chicacole to Masulipatam and if the rules permit it that such disbursement may be made simultaneously with

the payment of the salaries for
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As

Salem and Tutic-
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68
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As regards the regular establishments
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District Munsiff's
 Court, Vythiri

In regard to the Court of the
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Transfers of Sub
 Judges

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Courts I am to make the following suggestions.

Applications have been received
from J. V. Ponnuswamy Pillai, an
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appointed to Madras and from
V. Gopal Rao, Subordinate
Judge of Coacanada, requesting that
he may be transferred to some other
Subordinate Court. The High Court
has no objection to the wishes of these
Subordinate Judges being complied
with if Government think proper.

On the whole the High Court would
recommend the following arrangements.

K. Kunjamenon, now Acting
Small Cause Court Judge, Buddalore,
to be Subordinate Judge, South Arcot.

J. V. Ponnuswamy Pillai or Ganapati
Iyer to be Subordinate Judge of Calicut,
South Malabar. If Ganapati Iyer

is not appointed to Calicut ²⁶⁵ he might
be appointed to the Madras Court.
If Ponnuswamy Pillai is not appointed
to the Calicut Subordinate Court
he might be appointed to the Bellary
Subordinate Court. V. Gopal Rao
might (in case J. V. Ponnuswamy
Pillai is appointed elsewhere) be
transferred to Bellary and Adappa
Chetty to Coacanada. C. Ramachendrian
Subordinate Judge of Chicaole,
will unfortunately cease to be a Sub-
ordinate Judge on the abolition of
the Court over which he has presided.
He will revert, in the ordinary course,
to the appointment of a District
Munsiff of the 1st Grade on a salary
of Rupees 300 (displacing the junior
Munsiff on that Grade). Government
will, however, it is hoped, consider
C. Ramachendrian to have a preferential

claim to the first acting or permanent
vacancy among the Subordinate Judges.

K. Krishnaswamy Rao, who is at
present acting as Subordinate Judge
of Madurai is considerably junior to
C. Ramachandrier and the High Court
trust that Government will consider
favorably the claims of C. Rama:

chandrier to this acting vacancy or to
Some other post in the arrangement: C. Ramachandrier would perhaps be better
placed if promoted from this office.

These observations dispose, it is
believed, of the matters left open by
the Orders of Government, dated
19th November and 24th December 1878.

The High Court trust that
their suggestions will meet with
the approval of Government
and that early orders may
be passed on their proposals
and communicated to the

District

District Judges concerned. 26/1/79

High Court of
Judicature, Madras,
14th January 1879.

I have the honor to be,

Sir,

Your most Obedient Servant,

Acting Registrar
Appellate Side

Ex. 10/1/79

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265/13

the Ag. Registrar, High Court, D
14 January 1879, N^o 37.

READ the following letter *from*

Order thereon 11 Feb 1799 No 265

The High Court
refer for the decision of
Govt. in the letter above
recorded.

(a) The disposal of the 270 persons who will be thrown out of employ on the re-organization of the various court establishments.

(b) Heads of Departments
other than Judicial to
give employment to
servants

S.A.
19th Dec 1879
20th Dec 1879
17th Dec 1879
22nd Dec 1879
23rd Dec 1879
19th Sept 1885
11. 1910

1879 St Albans
Cemetery

The Hy. Register
of the High Court
of India at Madras

Mr. J. H. Johnston
to Government

1861 }
 Dec. 14 } January 1879
 1861 }
 1861 }

with reference to the proceedings of Parliament dated 19th of December 1878, & to 2343 and 28th December 1878, & to 2603 & requesting that a copy may be passed on the subject.

servants whose services are dispensed with.

(c) The abolition of the subordinate court at Chiracole as well as of the four small Sance Courts at Bommasam, Madura, Buddalore and Cochin, and of the subordinate Courts of Tuticorin and Salem, to be notified to take effect from the 1st April 1899.

(d) The opening of the new Courts at Bommasam, Madura, and Buddalore, to be also notified.

(e) The disbursement of travelling expenses to the servants of the Chiracole Court from that

Station

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265/19
station to Masulipatam.

(f) The records of the Chiracole Court to be distributed according to the Districts from which the suits have arisen, the Seal of the Court being sent to the District Judge, Yanam.

(g) The process service establishments of the Salem and Tuticorin Sub Courts to be disbanded.

(h) The District Judges of South Arcot and Madura to make, in communication with the Small Cause Court Judge at Buddalore and the Sub Judge at Madura, which of the servants of the South Arcot and Madura Sub

Divisions

Subordinate Courts should
be retained or dispensed
with.

(i) The suggestion to
transfer the Tinnivelly
Subordinate Courts to
Tuticorin to be considered
as withdrawn or in abey-
ance.

(k) The records and
seals of the Tuticorin
and Talavai Subordinate
Courts to be sent to the
respective District Courts
for custody. The records
etc., of the Puddalore, Pon-
naseuni and Pochai Small
Cause Courts to remain in
the new Subordinate Courts
to be established.

(l) The existing Small
Cause

116
Cause Court establish-
ment at Pochai to be
transferred to the proposed
Subordinate Court.

(m) The District Judge
of South Malabar to be
directed to employ in the
new District Munsif's
Court at Vythiri such
of the servants of the Sub-
ordinate Courts who may
be willing to proceed
thither.

2. His Grace the Gp.
Governor in Council approves
and sanctions the several
proposals of the High
Court, subject to the following
remarks.

3. Out of the 270
persons who are likely
to

to be thrown out of employ,
all those who are entitled
to superannuation and
retiring pensions or gra-
tuities should be identi-
fied, and a list sub-
mitted to Govt, as soon
as possible, showing what
the totals of compensation
pensions proper will
come to.

4. The usual lists of
servants whose services
are to be dispensed with
will be published in the
Fort Saint George and
District Gazette, and
these servants will
have the first claim to
any Judicial clerkship,
see, in their own District.

The

5. The District Judges
of South Arcot and Madras
will take care to retire
all those who are eligible
for pensions of the ordinary
kind.

6. The proposals under
the head of "Transfer of
Sub-judges", will be
communicated to the
Private Secretary for
submission to His
Grace the Governor for
approval.

7. The following
notification will be pub-
lished in the Fort Saint
George Gazette in con-
sequence of the Notification
published in the Gazette
dated 24th December 1898,

page 726

Notification

In the exercise
of the powers vested in
him by section 3 of
Act II of 1835, and
section 5 of Act III
of 1873, the Governor
in Council is pleased
to abolish the undermen-
tioned small, house courts
and Subordinate Courts
from and after the 1st
April 1879.

The small house courts
of Bombacorum, South Tanjore.

Do of Madurai, Madurai Dist.

Do of Buddalore, South Arcot.

Do of Cochin, South Malabar.

Subordinate Court of Chicaole, Tanjore.

Do of Tuticorum, Travancore.

Do of Salem, Salem District.

2. The Governor in Coun-
cil is further pleased to
notify under the provisions
of sections 4 and 5 of
Act III of 1873, that the
following new Courts shall
be established at the under-
mentioned places from and
after the 1st April 1879.

A Subordinate Court at
Bombacorum, S. Tanjore.

A Do at Cochin, S. Malabar.

A Do at Madurai, Madurai Dist.

A Do at Buddalore, S. Arcot.

A District Munsif's Court
at Kytteri, Wynnad,
South Malabar.

St Judge of
Tanjore 6
S. Tanjore 6
Madurai 6
S. Arcot 6
Travancore 6
Salem 6
Kytteri 6
S. Malabar 6

Desp 1572 (From Orders)

gll

To The Hon. the Judge of the
High Court, with Cd.

Private Secy. to H. C. 3

Dist. Judge of — 48

Accountant General 6

Rs. 10/2/79

Desp 1572

From G. J.

From Acting Registrar High Court 27/11/Jan'y.
1879. No 37.

Transfers of Sub-Judges.

His Grace the Governor
will probably approve.
S^d D. F. C.

In regard to the judges
who will preside over
the new Subordinate Courts
I am to make the following
suggestions.

Applications have been
received from T. V.
Ponnuswamy Pillai Aver-
-gul, Subordinate Judge
of Tuticorin, requesting
that he may not be
appointed to Madras
and from V. Gopal
Rao Garu, Subordinate
Judge of Coimbatore, re-
-questing that he may
be transferred to some
Other

Obdt. of 11873 Madras.

Print

To 11/1/79

Star

Date 11/1/79
Recd. 11/1/79 No. 265

Nos. 62-65.

For the Secy to the Govt.
of Madras in connection
with the measures
proposed for the
re-organization of the
Judicial System
in the Presidency.

In the Secy to the Govt.
of Madras

the Subordinate Court.
The High Court see no
objection to the wishes
of these subordinate
Judges being complied
with if Govt. think pro-
per. On the whole the
High Court would
recommend the following
arrangements.

R. Kunjan Menon, now
acting Small Cause Court
Judge, Cuddalore, to be
Subordinate Judge, South
Arcot -

J. V. Ponnuswamy Pillay
or Ganapati Iyer to be
Subordinate Judge of
Calicut, South Malabar.

If Ganapati Iyer is
not appointed to
Calicut he might be
appointed

How about Madras if
Ganapati Iyer goes to
Calicut? Gopal Rao.
S. J. W. H.

265/19
to the Madras Court.
If Ponnuswamy Pillay
is not appointed to the
Calicut Subordinate Court
he might be appointed
to the Bellary Subor-
dinate Court. V.
Gopal Rao might (in
case J. V. Ponnuswamy
Pillay is appointed
elsewhere) be transferred
to Bellary, and Adappa
Chetty to Coimbatore.
C. Ramachandran,
Subordinate Judge of
Chicacole, will unfor-
tunately cease to be
a Subordinate Judge
on the abolition of the
Court over which he
has presided. He
will

will revert in the
ordinary course to the
appointment of a Dis-
trict Munsiff of the
first grade on a salary
of Rs. 300 (displacing
the junior Munsiff
on that grade). Govt.
will however it is
hoped consider C. Rama-
chudriar to have a
preferential claim
to the first acting
or permanent vacancy
among the Subordi-
nate Judges.

K. Krishnaswamy Row
who is at present
acting as Subordinate
Judge of Madurai
is considerably junior

But the Court seem
to think him the
best man for Calicut
507 W. H.

26/10
to C. Ramachudriar,
and the High Court
trust that Govt. will
consider favorably
the claims of C. Rama-
chudriar to this
acting vacancy or
to some other post
in the arrangement.
C. Ramachudriar
would perhaps be
better placed at
Calicut than elsewhere.

No. 86.

From The Dy. Registrar of the High Court.
of Judicature at Madras
dated 14 January 1879.

FOR ORDERS.

In this letter the
High Court, refer for the
decision of Government the
following points:-

1st The disposal of
persons who will be thrown
out of employ on the re-
organization of the various
Courts Establishments. The
instructions issued by the
Court are unexceptionable

2nd The disposal of
persons who will be thrown
out of employ on the re-
organization of the various
Courts Establishments. The
instructions issued by the
Court are unexceptionable

3rd The disposal of
persons who will be thrown
out of employ on the re-
organization of the various
Courts Establishments. The
instructions issued by the
Court are unexceptionable

265/28
11/1/79

but no mention is made
as to how, or from whom
the gratuity or pension,
if the case may be, shall
any be done to the men
at the end of employ is
to be met.

Under the rule of the
Government of India

"No revision of establish-
ment should be carried out
which would have the effect
giving rise to claims to
compensation pension or gratuity
the cost of which cannot
be met out of savings
created by the revision."

If the saving does not
cover the cost of the pension
or gratuity; it may be
better to postpone the reduction

Pr. 16/11/72
11/12/72

Pr. 16/11/72
11/12/72

Pr. 16/11/72
11/12/72

Pr. 16/11/72
11/12/72

Pr. 16/11/72
11/12/72

Pr. 16/11/72
11/12/72

Pr. 16/11/72
11/12/72

of establishment or abolition
of appointment."

The available balance
according to G.O. 2, 19 Nov.

This is a very im-
portant point. The
available balance
will be more than
swallowed up
the necessary pen-
sions & gratuities.

1878, No. 2343, is not
more than Rs 1770, but
the High Court in another
letter, which has been forward-
ed to the Accountant Genl.

Already the Judges
of S. Malabar and
Kannur have
written for addi-
tions to the Estab-
lishment for
work for their
Courts under the
new scheme is
going to get the
tax amount out
of these savings.

for verification, show some
further savings, which
added to the above
amount may in some
measures, provide for pay-
ments required to be made
for pensions and gratuities.
This point was overlooked
before, but should not
be now under the existing

Well, they can't get it.
be first charge on the savings
is the Compensation
pensions.

financial pressure.

2nd Heads of Departments
other than judicial to

be required to give employ-
ment to servants about to
be dismissed with

the usual costs will
be paid in the
future - he may see that
he just claim to any further
claim in his own right

3rd The abolition of
the subordinate courts at
Chicacole (which formed
an integral part of the
re-organization scheme)
the five small Cause Courts
and of the subordinate
Courts of Talicorum and
Salem to be notified to
take effect from 1st
April 1879.

Yes -
the usual costs will
be paid in the
future - he may see that
he just claim to any further
claim in his own right

4th The opening from
1st April 1879, of new Courts
at Bombacorum, Madama,
and Luddalore to be
also notified for persons
stated

Yes -
the usual costs will
be paid in the
future - he may see that
he just claim to any further
claim in his own right

5th Sanction to be
accorded for the disbursement

Yes -
the usual costs will
be paid in the
future - he may see that
he just claim to any further
claim in his own right

of travelling expenses to the
servants of the Chicacole
Court from that station
to Masinipatam; and
if the rules permit it
(which they do not) to
disburse the expenses with
the pay for march

This is for the
left - I have
written - but approve -

6th The records of
the Chicacole Court to be
distributed according to
the Districts from which
the suits have arisen. the
deals being sent to the
District Judge of Ganjam

Yes - Cuckly bay are
not payable

7th The process service
establishments of the Salem
and Talicorum Courts to
be entirely disbanded

8th The District Judge
of South Arcot to be
in communication with the
Small

Small Cause Court Judge of
Buddalore to decide which
of the servants of the Subor-
dinate Courts of South Arcot
and Madras should be
retained or
displaced with.

Yes; taking care
to retain all those
who are eligible for
promotion of be ordinary

9th The suggestion of
the High Court regarding
the transfer of the Town-
ship Subordinate Court
to Tuticorin to be con-
sidered as withdrawn,
or in abeyance.

10th The records and
seal of the Tuticorin and
Salween Subordinate Courts
to be sent to the respective
District Courts for custody.
The records &c of the
Buddalore, Bombacombe
and Kochin Small Cause
Courts

255
46
Courts to remain in the
new Subordinate Courts
to be established.

11th The existing
Small Cause Court
Establishment at Kochin
to be transferred to the
proposed Subordinate Court

12th The District
Judge of South Malabar
to be directed to employ
in the new District
Magistrate's Court at Vythiri
such of the servants of
Subordinate Courts who
may be willing to proceed
thither.

13th Finally the High
Court recommend

K. Kanyan Menon to be
Sub Judge, South Arcot.
J. V. Jannaswamy Pillai
(or Ganapati Ayyer) to be
Sub Judge of Malabar
Ganapati

His Grace the Governor
will probably approve:

Garapati Inger, if not
appointed to be sent to
be appointed to Madras.
Souramami Pillai if not
appointed to be sent to
be appointed to Bellary.
T. Gopal Rao to be
appointed to Bellary
if Souramami is otherwise
provided for.
Adiappa Chetty to be a
made.

14. th C. Ramaswami's
case submitted for con-
sideration and recommen-
dation made to his appoint-
ment as Acting Sub-
Judge of Madras in
the room of R. Krishna-
swamy Rao who is his
junior.

See last
marginal note
PN

14. 11. 1909
14. 11. 1909
14. 11. 1909

YCL

March 26 5 07 11 - St. Louis 179

Pr. 22 n-2-79-10-265

CS/2
5/2