

(1) Number of pages 10
(2) Date of repair 11-6-43
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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 2406

Press
Mis.

Dated 18. 9. 1884.

Not to be folded or roughly handled

18TH SEPTEMBER 1884, No. 2406, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

From G. HAMNETT, Esq., Inspector-General of Registration, Madras, to the Chief Secretary to Government, dated Ootacamund, 3rd September 1884, T. No. 3586.

I have the honor to submit, for the orders of the Government, an objection taken by the Audit department to pass the pay iz., Annas 9 and Pies 7) of a temporary peon employed in the sub-registry office a Bobbili, in the district of Vizagapatam, during the absence of the permanent peon from the station to give evidence in the District Munsif's Court at Rajam, without the "special sanction" of the Government.

2. The Government have, in their orders in the Judicial department, No. 823, dated 9th April 1875, and No. 385, dated 29th February 1876, prohibited the practice of putting public servants under stoppages for attending courts in obedience to legal process.

3. On the 6th May 1883, I inquired of the Accountant-General "whether, in the event of a registrar or sub-registrar being required to attend a court in obedience to legal process, he is entitled to both pay and commission for the period of his absence, although another officer is appointed to do his work and is paid therefor." I was informed, in reply, "that a registrar or sub-registrar required to attend at court in obedience to legal process is entitled, under the orders quoted in your letter, to both pay and commission, even though another officer is appointed to act for him."

4. On the analogy of this ruling the substitute peon was employed at Bobbili during the absence of the only peon attached to the sub-registry office. At Tekkali, in Ganjam, another substitute peon was employed while the permanent man was absent at court. The bill for the pay due was presented to the treasury officer who declined to pass it.

5. It appears to me that the Accountant-General's ruling must, under the orders cited, apply to "all public servants," and I request therefore that the sanction of the Government may be obtained for the payment of the substitute peons in the cases mentioned, and also for the payment of substitute peons who may hereafter be employed temporarily to act for the permanent men who may be absent at a court in obedience to legal process.

ORDER—dated 18th September 1884, No. 2406, Judicial.

The Accountant-General is authorized to pass the pay of the temporary peons in the present case and in future similar cases.

(True Extract.)

To the Inspector-General of Registration, with enclosures returned.
Accountant-General.

Chief Secretary.

Exd. J. Henricus.

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Gover 1986 Res
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24.3.316 ✓
Gobt. of (1884) Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 18th September 1884, No. 2406.

SEPTEMBER.

Registration.

Authorizing the Accountant-General to pass in all cases the pay of the temporary peons employed to act for permanent peons absent at court under a legal process.

REGISTRATION DEPARTMENT.

CIRCULAR.

No. S, 24th May 1883.

Public Servants. WITH reference to the Proceedings of the Government, Judicial Department, No. 823, dated 9th April 1875, and No. 385, dated 29th February 1876 (Circular No. 3 of 1876), prohibiting the practice of putting public servants under stoppages for attending Courts in obedience to legal process, the Inspector-General resolves to circulate for the information and guidance of all Officers, the annexed extracts from letters to and from the Accountant-General to the Government of Madras.

To the Accountant-General, T. No. 963, 6th May 1883.

"I have the honor to request the favor of your informing me whether in the event of a Registrar or Sub-Registrar being required to attend a Court in obedience to legal process he is entitled to both pay and commission for the period of his absence, although another Officer is appointed to do his work and is paid therefor."

From the Accountant-General, No. ^{I.A.C.Z.}₂₇, 21st May 1883.

"In your Proceedings, G. No. 345, dated 16th December 1882, it was ruled that when a Registrar proceeds on inspection duty and another Officer acts for him, both may draw commission without reference to the maximum limit. It appears to me, therefore, that if commission is allowable in this case it is just as much so in the other, as attendance at Court under the Government Order which regulates such attendance is as much duty as inspection of Sub-Registry Offices. I am of opinion therefore that a Registrar or Sub-Registrar required to attend at Court in obedience to legal process is entitled, under the orders quoted in your letter, to both pay and commission even though another Officer is appointed to act for him."

GEO. HAMNETT,
Inspector-General of Registration.

To all Registration Officers.

Registration Department

J. No 3586

To,

Geo. Hammett Esq.
Inspector General of Revenue
Madras

And,

The Hon: E. Forster Webster
Chief Secretary to the
Government
Coimbatore

Dated, Coimbatore, 3rd September 1887
Sir,

I have the honor to submit
for the orders of the Government an
objection taken by the Audit Depart-
ment to pass the pay (viz. Rs. 9. and
pice 7.) of a temporary peon employed
in the Sub-registry office at Rahbili
in the district of Vizagapatnam, during
the absence of the permanent peon from
the station to give evidence in the
District Munsiff's Court at Rajam,
without the "Special Sanction" of the Govern-
ment.

1. The Government have in their orders in the judicial department N^o 923 dated 9th April 1875 and N^o 285 dated 29th February 1876, prohibited the practice of putting public servants under stoppages for attending Courts in obedience to legal process.

3. On the 6th May 1883, I enquired of the Accountant General, "whether in the event of a Registrar or Sub-registrar being required to attend a court in obedience to legal process he is entitled to both pay and Commission for the period of his absence, although another officer is appointed to do his work and is paid therefor". I was informed in reply "that a Registrar or Sub-registrar required to attend a court in obedience to legal process is entitled, under the orders quoted in your letter, to both pay and Commission even though another officer is appointed to act for him".

vide printed
Circular N^o 8
of 24th May
1883.

4. On the analogy of this ruling the substitute peon was employed at Bobbili during the absence of the only peon attached to the Sub-Registry office. At Ekkali in Ganganam another substitute peon was employed while the permanent man was absent at Court. The bill for the pay due was presented to the Treasury officer who declined to pass it.

5. It appears to me that the Accountant General's ruling must, under the orders cited, apply to "all public servants", and I request therefore that the sanction of the Government may be obtained for the payment of the substitute peons in the cases mentioned, and also for the payment of substitute peons, who may hereafter be employed temporarily to act for the permanent men who may be absent at a Court in obedience to legal process.

I have the honor to be
Yours very obed^t servant
W. Hammett
Inspector General of Prisons

CURRENT 31.

Judicial (1884) Department.
Registration

From
The Inspector General
of Registration
Madras

To
The Chief Secretary
to the Government
Madras

Dated 3rd 3
Received 3 September 1884.

7.7.3586

Enclosure (one)

No.

Requesting that the
sanction of the Government
may be obtained for the
payment of the substitute
persons in the within mentioned
case and also for the payment
of such persons as may hereafter
be employed temporarily to
be for the permanent men
may be absent at court
proceedings.

81
Order 18 Sep/84 No 2405

At 11/12/84
The Accountant
General is authorised
to pass the pay of the
temporary persons in the
present case and in
future similar cases.

11/12/84

To
The Inspector General of Registration
with Enclosure
Accountant General
2/10

11/12/84

10/9/84

[Despatch Abstract.]

Registration.

Authorizing
the Accountant General,
in all cases
has the pay of the temporary
persons employed to act for
permanent persons absent at Court
under a legal process, & in
~~future, similar cases~~