

9/5/00 ✓
7-4-11 ✓
10-7-11 ✓
24-3-19

[L. & M.
5,000-8-400.]

Local & Munl. (189) Department.

MISCELLANEOUS.

G.O., No. 988/118

DATED 14-7-99

[Despatch Abstract.]

Delegation of powers to the Secretary — Stating that the Vellore Municipal Council's interpretation of Sect. 39(A)(3)(d) of the Act is incorrect & requesting the Council to reconsider its resolution regarding the delegation of additional powers to the Secretary under Section 42(3) of the Act in the light of the Sub Collector's remarks.

BACK PAPERS.

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

FURTHER PAPERS.

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

[L. M.]
25
500-19-12-98.

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. S 1621 + 1625 m/99

(3)

SUBJECT.

Delegation of further powers to
the Vellore municipal Secretary

ORDER.

No 988 mms 8/14/7/99

x on cno 1518 in the linked file.
See draft marked A.

para. 5.

In para. 5 of G.O. No. 986 M,
dated 14th July 1899, the Chairman
has been directed to delegate to the
Secretary his full powers under
Section 42⁽¹⁾⁽³⁾ of the Act, as regards the
Servants of the Municipal Council
employed in the municipal office and
in the Collection of ^{the} Municipal revenues.

2. The Council's interpretation of
Section 39.4(3)(d) given in Clause
of its resolution^{No. 1} dated 5th May 1899,
is incorrect.

3. With reference to Clause (3) of
the resolution above referred to, the
attention of the municipal Council
is drawn to the Sub-collector's remarks
in para. 4 of his Endorsement, in
which the Government Concurs. The
Council is requested to reconsider
the

note

The linked file is gone in
circulation. This may be
retained till further orders.

the matter and report the result
to Government.

1/2
7/7/99

686
8.7.99

Local & Munl. (1899) Department.

CURRENT No. 16212

From

The Collector of S. Arcot

Order

By order No. 524
Eng 888

Dated 13th June 1899

Received 17 JUN. 1899

Registered 19

Enclosures 1

Spare copies

SUBJECT.

Enquiring whether G.O. No. 744 of
this 8th May 99 may be taken
to mean that Government has
approved of the delegation of power
over municipal servants,
employed in the municipal office for the
collection of municipal revenues.

To

The Chairman, N. C. Vellore

Thru the Coll. of N. Arcot
Sept. 15/7/99

2/6
12/7

BACK PAPERS.

G.O.	No.	Department.	Date.
	Cuo 16254/89		
	to 744 M		25-5-99
	- 1440 M		16-5-99
	Cuo 1207 M	Lodged	
	39		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

NORTH ARCOT, COLLECTOR'S OFFICE,

Camp Vellore, 13th June 1899

Refrence No. 524 of 1899
8/8

FROM

R. H. Campbell Esq.

Ag COLLECTOR AND DISTRICT MAGISTRATE,
North Arcot,
16/2/99

TO

TH

Secretary to Government
Local and Municipal Department
Madras.

SIR,

I have the honor to enquire whether
G. O. no 744 M. is dated 25th May 1899
may be taken to mean that Government
has approved of the delegation of powers
over servants employed in the Municipal
office and in the Collection of Municipal
Revenues. I make this reference as the
Council is likely to interpret para 1
of the G. O. as meaning that the approval
of Government has been withheld.

I have the honor to be,

Sir,

Your most obedient servant,

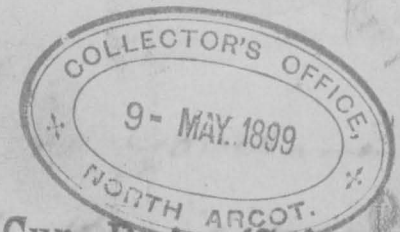
DESPATCHED

15 JUN. 1899

CRK
14/6/98 To Ag Collector.

Local & Munl. (1899.) Department.

CURRENT No. 1625



Genl. Cur. Regr. (Subordinate Officers)

No. 1808 of 1899.

The Chairman delegate,
Municipal Council,
Vellore.

No. 1051 of 99

Dated 6th May 1899.

Received 17th June 99

Registered 19th

Enclosures 1

Spare copies

SUBJECT.

Forwarding copy of proceedings
of the Municipal Council, Vellore,
date 6th May 1899, questioning whether
the Chairman has any power to propose
to Government the enlargement of the
Municipal Secretary's powers prior to
putting the matter before the Council
and that the Council now thinks it
inadvisable to change the Secretary's
powers but the omission in the proceedings
of 23-4-98 with regard to Section 42(3) in case
power to draw up rules may be sanctioned.

Forwarded.

As Collected.

Resubmitted.

CRG Through the Divisional Officer
10/5/99 with a copy of this Office No 993789.

Pliny J. M.
for Chairman Orissa.
19-5-99.

Order



BACK PAPERS

G.O.	No.	Department.	Date.
	Eu 16212/998		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

MEETING No. 7

Extract from Proceedings at a ^{GENERAL}_{SPECIAL} Meeting of
the Municipal Council for the Town of Vellore,
dated 5th May 1899.

PRESENT.

Res: No.

1. Reverend D. W. Kidd. B.A. Chairman Delegate.
2. Mr. R. R. Chelva Perumal Chettiar Muzal.
3. " " C. Siva Rao Muzal.
4. " " T. Punniahobi Mudaliar Muzal.
5. " " Manikka Chettiar Muzal.
6. " " Subbaya Chettiar Muzal.
7. " " Kewarappa Mudaliar Muzal.
8. " " Dadammuni Mudaliar Muzal.
9. " " Kuthamasani Naidu Zam.
10. " " Sheikh Ahmed Sahib.

Resolution No. 1.

Read letter No 993 dated 29th April 1899,
from the Chairman to the Secretary to Government,
Local and Municipal Departments delegating
certain other additional powers to the Secretary
with protest from certain Councillors.

Proposed by Mr. R. R. Siva Rao Muzal and
seconded by Mr. R. R. Punniahobi Mudaliar Muzal
and carried.

(1) The Council at its meeting of April 23-1898 in agreeing to confer certain powers on the Secretary, who had not then been elected, took for granted that the proviso at the end of Section 39 A. (3) (d) "as the Municipal Council may determine", governs the whole Section. The Government in its order no 1440 dated August 16-1898 "Sanctioned" the proposals of the Council and so apparently accepted its interpretation of this Section. If this be so, the Chairman had not the power to propose to Government the enlargement of the Secretary's powers before putting the matter before the Council.

(2) The Council does not consider that it would be advisable to alter at present the Secretary's powers as already conferred, because he is only on probation for one year and because he has been in office for only 4 months.

(3) But as there is an omission in the Proceedings of April 23-1898 with regard to Section 42 (3), the Council is willing that the Chairman should empower the Secretary to act on this in case of servants drawing £10 and less subject to the approval of the Chairman.

Amendment proposed by Mr. H. J. Dadamuni M.D.

Agreed.

This is a very
good inference

Part Sec 39 A
(d), which the
Ch. is competent
to delegate to the Secy
without reference
to the Council, he has
as regards municipal
employees in the
office of the collector
of municipal revenue

Amendable and seconded by Mr. H. J. Dadamuni M.D.
Amendable that the last clause "subject to" be omitted
last.

(Signed) D. W. S. Smithfield.

Chairman Delegate.

"True Extract"

Plenary for
Chairman Delegate.

or

Urgent

Vellore Municipal Office,

Dated 6th May 1899.

From

M. R. Ry. A. C. Seshagiri Row Arergal,

CHAIRMAN, MUNICIPAL COUNCIL,

VELLORE.

THE SECRETARY TO GOVERNMENT,

LOCAL AND MUNICIPAL DEPARTMENTS,

Fort St. George.

(Through the ^{Sub} Collector).

Sir,

*For 744h
25-8-99*

In continuation of this office letter no. 993 dated 29th April last and telegram of the 1st instant, I have the honor to submit herewith a copy of the Proceedings of the Municipal Council, Vellore, dated 5th instant, questioning whether the Chairman has any power to propose to Government the enlargement of the Municipal Secretary's powers prior to putting the matter before the Council, and that the Council now thinks it inadvisable to change the Secretary's powers, but as there is an omission in the Proceedings of this Council dated 23rd April 1898 with regard to Section 42(3), the Council is willing to empower the Secretary to act on this in case of servants drawing Rs 10 and

less

Reference on Dec 24 9 d. 11. 179
Submitted through the Collector

2. The Chairman's letter No 993
29-4-9
did not pass through this office

3. As I have already pointed out
the Municipal Council's interpretation
of Section 89 A(3) (d) is clearly
wrong. They interpret it as though
the words "such of" were inserted
before the words "his powers under
Section 42". The Chairman was
therefore not acting ultra vires
proposing to recommend the
delegation of further powers to the Secretary
under Section 42. The delegate
of the Chairman's powers under

Omit

Not all his powers
under S 42, but
only those
which are
delegated
to him
under
S 42

S 42 is obligatory, and his previous
failure to delegate these powers
absolutely illegal.

A circular postmark from the Collector's Office, North Arcot, dated May 1899. The text "COLLECTOR'S OFFICE" is curved along the top inner edge, and "NORTH ARCOT." is curved along the bottom inner edge. The date "MAY 1899" is stamped in the center. There are some handwritten marks and a small star-like symbol on the left side of the circle.

Submitted for
the unders
ture of
I think that
some report
I appear should
be referred to
the Chairman
but the act
does not
provide for this
the Council has
delegated this
interpret
§ 39 a-3.(d)
as pointed out
in part in para
2 of R.O. No
744 in memo
of 25.5.81

N. C. S. Follett in office
 Case p. 100 for the 1st pat. of 24. 5. 18 } 27. 5. 18
 as S. V. Follett or as Mr.

When examined

When signed

READ AGAIN G.O., No.

189

, DATE:

CURRENT NO.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

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

N.B.—

A ~~was~~ Copy in full.

B ~~is~~ Not to be copied

P 123 Copy abstract only.

Q = Copy heading only