

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following Memorandum from Lieut.-Colonel ROSS THOMPSON, R.E.,
Acting Under Secretary to Government, Public Works Department, to the
Chief Secretary to Government, dated 5th May 1882, No. 993 C:—

With reference to the Proceedings of Government, Public Department, marginally
No. 781, dated 7th June 1881. noted, the Secretary to Government, Public
„ 1262, dated 17th September 1881. Works Department, has the honor to
request that he may be favored at early
convenience with information on the following points.

2. Paragraph 3 of the Government Order first quoted rules that each case of a
Government servant having recourse to the law for the relief of insolvent debtors must
on occurrence be reported to Government in the Public Department. Does this mean
that a case should be reported immediately on receipt of intimation that a man has
filed his petition and schedule, or only after the High Court has pronounced judgment?
The point seems doubtful, for the Government cannot apparently be in a position to
pass orders on a case until the High Court has finally disposed of it.

3. Further, the second Government Order quoted declares that no reference
need be made to Government in cases where the High Court have not granted a free
discharge to insolvents. If, however, every case must be reported immediately the
petition has been filed, the second order would appear to conflict with the first.

4. If an insolvent in his petition declares his willingness to pay a portion of
his salary towards his debts, should he be suspended under paragraph 1 of G.O.,
No. 781 of 7th June 1881?

5. It has been ascertained that in some offices the practice is not to suspend in
such cases, but this too is a doubtful point, since the head of an office cannot tell what
the ultimate decision of the Court will be. Cases may occur where although the
insolvent declares his willingness to pay a small portion of his salary towards his
debts, yet the Court may grant a free discharge in consideration of the circumstances
attending the man's indebtedness.

6. It is also remarked that paragraph 1 of the G.O., of the 7th June 1881,
rules that insolvents shall *without exception* be suspended, while G.O., No. 1262,
dated 17th September 1881, merely relates to the necessity for reporting cases for the
orders of Government, and makes no allusion to suspension during the period a case
is pending before the High Court.

ORDER—dated 20th May 1882, No. 270, Public.

The report prescribed in paragraph 3 of G.O., No. 781, dated 7th June 1881,
should be submitted at the time the insolvent files his petition under the Act.

2. The provisions of that order should be considered final, and there can there-
fore be no exception to the rule that Government servants having recourse to the law
shall be, *ipso facto*, suspended.

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3. G.O., No. 1262, dated 17th September 1881, which had reference to an order which the Proceedings of the 7th June following virtually cancelled, will be withdrawn.

(True Extract.)

W. J. P. O'Connell
Acting Chief Secretary.

To the Departments of Government. *W. J. P. O'Connell*
„ all Heads of Departments.
„ the Accountant-General.

P. H. No 2562

No 1130 W d / 7th June / 82
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Govt. of (1882) Madras.

PUBLIC.

Recommended to Officers
of the Public Works Dept.
for information & Guidance
with reference to the un-
dermentioned Proceedings.

No 1578 W d / 26 June 1881.
" 2456 W d / 6 Octr 1881.

C₁

3.6.82

Recd 2 June 82
2000

Order dated 20th May 1882, No. 270.

24.7.82 to 457W
24.6.81 - 1578W
6.10 - 2456W

Suby Engrs v
Ch Engr for D.
Comd Engr for Bse
Engr N. W. Acct
Engr of W. Acct
Chief Architect to Govt
Supt. M. H. W. Acct
Genl Supt. P. W. W. & S.

No 1130 W d / 7th June / 82

Indians - Directing that the report prescribed
in paragraph 3 of G.O. No. 781 of 1881, should
be submitted at the time the insolvent files his
petition to the

Recd 24/6/82.
Jong/6

With order
Sd/- R. R. R.

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