

11 எண்ணிக்கை 10
4. பி. என். சார்வரி - 1991
20. சந்திரசேகரம்

P. W. 9

1380
17-5-1893

சென்

Judicial Department.

1320
1

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

Endorsement of the Public Works Department, dated 10th April 1893, No. 1644, referring letter from the Superintending Engineer, II Circle, dated 5th April 1893, No. 31. No.

Order. 28th April 1893, No. 877.

The District Judge, ^{statement} ~~stated~~ that the law does not require the service of summons through a Departmental superior in Civil Cases is correct.

The regulations on the subject of issue of summonses to Public officers are contained in Rules 11 and 12 on pages 141 and 142 of the Rules of Practice in Civil Courts (1891). The latter rule has been extended to cover all public officers by High Court Circular No. 792 dated 20th March 1893 and no inconvenience is likely to be experienced in future.

/ True Extract /

To

The Public Works Dept (with current field)

Ld

W. S. S. S.
Under Secretary, P. W. D.

From W. Jopp Esquire, Executive Engineer,
Western Eastern Division to the Superintending
Engineer, 2nd Circle, dated Benavada, 28th
March 1893, No 7123. 13th N

I have the honor to bring to your
notice that the Lock Superintendent, -
Viranki Lock was served with a summons
by the District Munsiff Benavada.

2. The Lock Superintendent being
under the impression that such notice
should be served through his departmental
superiors refused to accept it.

3. The Munsiff, therefore, proceeded
to hear the case and decided it
against the Lock Superintendent.

4. I wrote to the District Judge on
the subject and obtained a reply from
him (Copy enclosed) in which he remarks
that there is a rule that in Criminal cases
that the summons on Government servants
should be served through their departmental
superiors but that there is no such rule
in summons for Civil Cases.

5. In these circumstances I should
be obliged by your letting me know
what the Lock Superintendent should do
as he complains that a decree has been
passed attaching his property.

6. He no doubt acted bonafide
in refusing the summons. I also was

under the impression that all summons should be served on public servants through their departmental superiors and knew of no distinction in this matter between Criminal & Civil.

7. If the object of serving summons through departmental superiors is to prevent the inconvenience to the public service that would result from the sudden removal of servants without arrangement being made for carrying on their duties, there would seem as good reason to serve them through departmental superiors whether in Criminal or Civil cases.

(Enclosure).

No. 356.

Proceedings of the District Court, Kistna.
dated 4th March 1893.

Read letter No. 6553 d/28.2.93
from the Executive Engineer, Eastern Delta
Division.

In Criminal cases there is a rule that summons be served through a departmental superior, but there is no such rule in Civil suits. The Dock Superintendent was served and did not appear. The suit was accordingly heard in his absence.

2. It is no part of the duty of the
to
of

Officials in this District. It is suggested that a pleader be consulted.

Per Extract 1 ³²⁰/₃

Per H. J. MacKenzie
District Judge.

No. 31 Ks dated 5th April 1893.

Forwarded to the Chief Engineer, Public Works Department for, if necessary, placing this matter before Government.

2. Whether the case is a Civil or Criminal one makes, of course, no difference as regards it not being desirable to summon subordinates to attend Courts without notice to their immediate superiors. In the case of important irrigation works such as those composing the Krishna Irrigation system to compel a man to leave his post without giving due notice to his superior might lead to very serious results in the way of accidents as it is only by carefully attending to water regulation that accidents can be prevented. Moreover it is thought the District Judge is wrong in regard to it being necessary in only Criminal cases to send summons through official superiors. At any rate the undersigned is positive that frequently Civil Courts do send summons through

Official superiors for sometimes
summons are sent through his own office.
3. If in the present case the Court
made a mistake it seems only reason-
-able that Dock Superintendent should
receive compensation for the loss he
has incurred.

Attest
Offg. Supg. Engineer,
" Circle.

W. J. H. 90

4

1320
H

2250/53

1320
5

From

The Sup^rg^r of the
and of the

No. 1644 of 10th April 1893

Referred to the
Judicial Department.

To

The Chief Justice
P.W. Dept
Madras

Very truly
yours
Major Genl.
Under Secy. to Govt
P.W.D.

Recd: 7. 4. 93

Dated 5th April 1893

No. 31 Ks

Service of Summons to
P.W. employees direct by
Courts - Brings to notice
the occurrence of a case of -
request to obtain some
amendments to rules with
the sanction of Govt.

Gobt. of 1893 Madras.

221320 Waj 17 May 1893

To

Secy to Govt

Communicated to

the Supty. Engr. II Circle
with reference to his
letter No. 31 K S d/5 April

1893

Encls: 1

Recd: 8. 5. 93

Proceedings, dated 28-4-1893
No. 877

74
12.5.93

Subject.

5073
12.5.93

Passing orders on letter
from the Supty Engr II
Circle bringing to notice
the occurrence of a case
of Service of Summons
to P.W. employees direct by
Courts & requesting to have
the order passed for the
Service of such Summons
on the head of the Dept
in future instead of the
individual concerned

DESPATCHED
17 MAY. 93

S. E. II Circle
S. E. II Circle

1893-5
1893-5