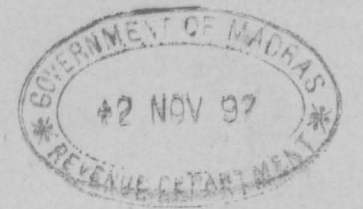


Pension
Public (1897) Department.

CURRENT No. 889



List

Read CN^o 849 4882

Order, 3^d Novr. 1897 No. 845.

Recorded.

sd
2.11.97.

sd
3.11.97

From

The Public Dep^t

No. 1357

Dated 11 — 10 — 97

Received 2nd Novr 1897

Registered 2nd Novr 97

Enclosures —

Spare copies —

SUBJECT.

*Communicating to the Dep^t of the
Secretarial letter from the Gov^t of Madras
stating that if the Gov^t of
Madras to remove officers from
their appointments where such
powers exist is absolute. the
instructions contained in the let^r
of the Gov^t of 14th July last
will not have any application
in this proceeding.*

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[G
63
200-12-7-97.

To be substituted for the one bearing the same no. & date

Public Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

From the Government of India,
Home Department, N^o 1462, of 14 July 1897.
I am directed to say that the
Government of India have recently had
under their consideration the construction
which should be placed on section 23 of
the Public Servants (Inquiries) Act, 1850
(XXVII of 1850, as amended by Act I of 1897),
with reference to the extent of the power
thereby conferred on Local Governments to
order inquiries into the conduct of officers
serving under them.

2. With a view to preventing diver-
gence of practice, I am to point out that, in
the opinion of the Governor General in Council
such an inquiry can be ordered by a Local
Government only when it has by law absolute
power to remove the officer concerned from
his appointment. In cases, therefore, in which
such power is subject to the control of the
Governor

Governor General in Council (as for instance in the case of Commissioners, Deputy Commissioners and Assistant Commissioners in the Central Provinces under Section 7 of Act XVIII of 1881) or is otherwise limited, the circumstances should be reported to the Government of India for orders before any action in the direction of appointing a commission is taken.

(Order: N° 1110 of 23rd August 1897.)

The Government of India will be addressed.

(True Extract)

(Signed) J. F. Price,
Chief Secretary.

Letter to the Government of India, Home Department (Public), N° 1111 of 23rd August 1897:-

I am directed to acknowledge the receipt of your letter N° 1462, dated 11th July 1897, regarding the construction to be placed on section 23 of Act XXXVII of 1850 as amended by Act 1 of 1877.

In reply I am to observe that the power of this Government to remove an officer from his "appointment," where it exists

exists, appears to His Excellency the Governor in Council to be absolute and not subject to the control of the Government of India, under the circumstances. Therefore it would seem that as the cases referred to in your letter alluded to above cannot arise in this province, the instructions regarding reports to the Government of India are not applicable to this Government. I am to enquire whether this view is correct.

From the Government of India, Home Department, N° 1994, of 30th September 1897:-

I am directed to acknowledge the receipt of your letter N° 1111 Public, dated the 23rd August 1897 enquiring whether the instructions contained in the letter from this Department N° 1462, dated the 11th July 1897, regarding the necessity, in certain cases, for reporting to the Government of India the circumstances of a proposed inquiry, under section 23 of Act XXXVII of 1850, as amended by Act I of 1877, into the conduct of officers serving under the Local Governments, are applicable to the Government of Madras.

2. In reply I am to say that, if, as appears to be the case, the power of the Government of Madras to remove officers from

from their appointments where that power is
 enforced by the law for the time being in
 force) is absolute the instructions referred
 to will not have any application in the
 Madras Presidency.

Order - No 135 11 October 1897.

Communicated to the Depart
 ments of the Secretariat.

Mr. Couchman.

for Chief Secretary.

[G.]
 4,000-18-95.

NOTE FOR THE UNDER SECRETARY

This is an incomplete copy.
 We shall be sending you
 a complete copy shortly.

Chelms

29/10/97

Note for the Head Clerk, Pub. Dept.

Please say when we may
 expect the complete copy!

But.
 has not the
 revised gene rel.

1st
 2. 11 32
 I have seen the
 the Rev. Secy to
 mess 2/10

[Eccl.]
 1.
 200-18-9-96.

Pension
 Ecclesiastical (1897) Department.

CURRENT No. 849

From The Public Dept



No. 1357

Dated 11-10-97

Received 15/10/97

Registered 16/10/97

Enclosures -

Spare copies -

SUBJECT.

Comg. to the Dept of the Secretariat
 letter from the Govt of India stating
 that if the power of the Govt of Madras
 to remove officers from their appts where
 such powers exist is absolute, the in-
 structions contained in the letter of
 that Government of 14 July last will
 not have any application in this Pre-
 sidency.

pw to
 Rev. Secy
 from Pub.
 (Pension Dept.)

Co.
 29/10/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[53]
2,000-24-8-87.



Public Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

From the Government of India, Home
Departments (Public), N^o 1994, of 30th September 1877.

I am directed to acknowledge the
receipt of your letter N^o 1111, Public, of the 23rd
August 1877, enquiring whether the instructions
contained in the letter from this department
N^o 1462, dated the 14th July 1877, regarding the
necessity in certain cases, for reporting to
the Government of India the circumstances
of a proposed inquiry under section 23 of Act
XXXVII of 1850, as amended by Act I of 1877, into
the conduct of officers serving under the
Local Governments, are applicable to the
Government of Madras.

2. In reply I am to say that if, as
appears to be the case, the power of the
Government of Madras to remove officers
from their appointments (where that power
is conferred by the law for the time being
in force) is absolute, the instructions referred
to

to will not have any application in the Madras
Presidency.

(Order: - N^o 1357, d/ 11 October 1877.

Communicated to the Departments
of the Secretariat.

/ True Extract /

J. H. M.

for Chief Secretary.

1877 Oct 11

To the Depto. of the Secretariat.

14/10/77

14/10/77