

1. Number of Pages 11
2. Date of receipt 21-5-35
3. Initials of Receiver *4*
M.R.O. 1-82 400-22-11-80

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No.	133	Press Mis.
Dated	23-5-18	5.7

Not to be folded or roughly handled

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No. 302.

Extract from the Minutes of Consultation under date the 12th March 1857.

Read the following letter from E. STORY, Esq., Civil and Sessions Judge of Tinnevely; to T. PYCROFT, Esq. Chief Secretary to Government, dated 14th February 1857, No. 218.

SIR,

1. I have the honor to request that you will be so good as to lay the following statement and copies of correspondence before the Right Honorable the Governor in Council.

2. Shortly after taking charge of this Court, I found that the Nazir was mentally and physically unfit for his duties, which require a person possessing both these faculties in all their vigor.

† No. I. 3. I therefore addressed† the Zillah Surgeon on the subject, his answer is No. II, I then wrote to him No. III to which No. IV is his reply.

‡ No. V. 4. After this I asked the late Acting Civil Judge for his opinion; No. VI‡ is his answer in which he fully confirms my opinion of the Nazir.

5. The opinion of the Zillah Surgeon is to me inexplicable, unless it has been hastily formed or from not having had experience of the Nazir's inefficiency.

6. The Nazir is in the 68th year of his age and has faithfully and satisfactorily served Government for a period of 35 years and 4 months.

7. The duties of this Court are very heavy and business is seriously retarded by the Nazir's dilatoriness and forgetfulness.

8. I therefore trust that Government without reference to the opinion of the Zillah Surgeon will permit me to send in an application for a pension for the Nazir.

(Signed) E. STORY,
Civil and Sessions Judge.

No. I.

From E. STORY, Esq., Civil and Sessions Judge; to F. L. CLEMENTSON, Esq., Zillah Surgeon Tinnevely, dated 21st January 1857, No. 79.

SIR,

I have the honor to request you will be good enough to examine the bearer Mohamed Booran Saib, Nazir of this Court, and inform me whether he is fitted for the efficient discharge of his duties, and if not to furnish me with a Certificate to that effect as required by the Pension rules. The Nazir is 68 years of age.

(Signed) E. STORY,
Civil and Sessions Judge.

No. II.

From F. L. CLEMENTSON, Esq., Zillah Surgeon Tinnevely, to E. STORY, Esq., Civil and Sessions Judge of Tinnevely, dated 22nd January 1857, No. 5.

SIR,

I have the honor to acknowledge the receipt of your letter No. 79, dated 21st January 1857, and to inform you that I have examined Mohamed Booran Saib, Nazir of the Zillah Court of Tinnevely, and that I am of opinion that he is capable of the efficient discharge of his duties.

(Signed) F. L. CLEMENTSON,
Zillah Surgeon.

No. III.

From E. STORY, Esq., Civil and Sessions Judge of Tinnevely; to F. L. CLEMENTSON, Esq., Zillah Surgeon Tinnevely, dated 6th February 1857, No. 177.

SIR,

I have the honor to request you will be good enough to examine the bearer Mahomed Booran Saib, the Nazir of this Court, and give me your opinion as to whether you consider him mentally fit for the efficient discharge of his duties.

(Signed) E. STORY,
Civil and Sessions Judge.

No. IV.

From F. L. CLEMENTSON, Esq., Zillah Surgeon Tinnevely; to E. STORY, Esq., Sessions Judge of Tinnevely, dated Palamcottah, 11th February 1857, No. 17.

SIR,

I have the honor to acknowledge the receipt of your letter No. 177, dated 6th February 1857, and to inform you that from the result of several examinations Mahomed Booran Saib, Nazir of the Sessions Court of Tinnevely, does not appear to me mentally disqualified for the efficient discharge of his duties.

(Signed) F. L. CLEMENTSON,
Zillah Surgeon.

No. V.

From E. STORY, Esq., Civil Judge of Tinnevely; to V. H. LEVINGE, Esq., Sub-Collector of Tinnevely, dated 11th February 1857, No. 196.

SIR,

I have the honor to request you will be good enough to inform me whether from the experience you have had of the Nazir Mahomed Booran Saib, during the time you presided over this Court, you consider him fitted for the efficient discharge of his duties.

(Signed) E. STORY,
Civil Judge.

No. VI.

From V. H. LEVINGE, Esq., Sub-Collector; to E. STORY, Esq., Civil Judge of Tinnevely, dated 12th February 1857, No. 10.

SIR,

In reply to your letter of the 11th Instant, I have the honor to inform you that during the time I was Acting Civil and Sessions Judge, I came to the conclusion that the Nazir Mahomed Booran Saib, was inefficient and too infirm for the active duties required in his Department.

(Signed) V. H. LEVINGE,
Sub Collector.

(True Copies.)

(Signed) E. STORY,
Civil and Sessions Judge.

Mr. Story, Judge of Tinnevely, reports that, soon after assuming charge of the Court, he found that the Court Nazir, an old servant of 35 years standing and sixty-eight years of age, was mentally and physically incompetent to the discharge of the very onerous and important duties of his post. He therefore sent him for examination to Mr. Clementson, the Zillah Surgeon, for the usual Certificate, which, however, the latter declined to supply.

2. The Civil and Sessions Judge then applied to Mr Levinge, who, subsequently to the departure from Tinnevely of the late Mr. Woodgate, has for some months presided in the Court, for his opinion of the Nazir's efficiency. By his reply it will be seen that he is of the same opinion as Mr. Story.

3. Mr. Story now asks permission to send in an application for a Pension to the Nazir without reference to the absence of the Zillah Surgeon's Certificate. The duties of the Court, he states, are extremely heavy and business is seriously retarded by the Nazir's dilatoriness and forgetfulness.

4. The course proposed is agreeable to the rule laid down by the Government of India under date 17th September 1855. "His Honor the President in Council observes that the Pension Rules do not require a Medical Certificate in the case of a Public Servant incapacitated for further employment from old age; and he is of opinion that the question of incapacity should be left in such cases to be decided by the Head of the Office, subject to appeal, if necessary, to the next higher executive authority, rather than that it should be referred to the judgment of medical men on professional grounds." These proceedings, however, having come under the notice of the Honorable Court, it was ruled by them (para: 34, Despatch No. 11 of 1856) that the safer practice is "to insist on medical testimony being given, whenever an Uncovenanted Servant applies for permission to retire in consequence of infirmity of body or mind, and we desire" they add—"that this practice be continued."

5. Unless therefore the Nazir, can procure a Medical Certificate he cannot be admitted to Pension. Under all these circumstances, however, the Government resolve to forward these papers to the Medical Board and to request them to instruct the Superintending Surgeon Southern Division on his next visit to Tinnevely to examine the Nazir in communication with the Zillah Surgeon and the Surgeon in charge of the Regiment at Palamcottah and to report upon his case and on his physical and mental fitness for the public service.

(True Extract and Copies.)

Signd. J. Dyer

Chief Secretary.

To the Medical Board. *dispt 18.5*
" Civil and Sessions Judge of Tinnevely. *dispt 18.5*
" Civil Pension Department - ✓

Exd. F. Cartledge.

218 Nov 7
1819

S. C. 23. May 1857 No. 133

Minutes of
Judicial Department
No. 302
12th March
1857

Separate
1857
1857

JUDICIAL DEPARTMENT.

No. 474.

Extract from the Minutes of Consultation under date the 27th April 1857.

Read the following letter from Surgeon A. LORIMER, Secretary Medical Board; to T. PYCROFT, Esq., Chief Secretary to Government, dated 15th April 1857, No. 81.

SIR,

In transmitting for the information of the Right Honorable the Governor in Council, the accompanying proceeding of a Medical Committee upon Mahomed Booran Saib, Nazir of the Session Court of Tinnevely, called for in Extract Minutes of Consultation, Judicial Department, No. 302 of date 12th Ultimo, I have the honor by desire of the Medical Board to observe, that as the Committee has adopted the views of the Civil and Session Judges, and grounded its opinion upon their statements, no other proof or evidence of any kind being attainable, it may seem questionable how far its opinion can be considered an independent one; but as the Board can see no possible grounds for doubting the correctness of their statements, they cannot perceive how the Committee could have arrived at any other conclusion, than that they have recorded and supported, as these statements are by the very advanced age of the Nazir, they have in hesitation as to the propriety of giving it their support, and recommending its adoption by Government.

(Signed) A. LORIMER,
Secretary Medical Board.

ORIGINAL.

Proceedings of a Medical Committee assembled at Tinnevely on this date, by order of the Officer Commanding Palamcottah, with reference to the Extract from the Minutes of Consultation by Government, No. 302, dated the 12th March 1857, to enquire into the state of health of Mahomed Booran Saib, Nazir of the Zillah Court of Tinnevely.

Tinnevely, 2nd April 1857.

President.

G. BEETSON, Superintending Surgeon, S. D.

F. L. CLEMENTSON, Assistant Surgeon, Zillah Surgeon, Tinnevely. } Members. { H. M. ROSS, M. D., Assistant Surgeon, 51st Regiment N. I.

The Committee having assembled at 12 M., the President and the Members present, pursuant to orders dated the 1st Instant; proceed to examine and to enquire into the state of health of Mahomed Booran Saib, Nazir of the Zillah Court at Tinnevely, and after a careful examination and particular enquiry into his case are of opinion that the individual is physically fit for the performance of further duty, but on enquiry of E. Story, Esq., the Civil and Session Judge of Tinnevely are of opinion that for the reasons stated by this gentleman he is mentally incapacitated for the further performance of his duties.

(Signed) G. BEETSON, Supg. Surgeon, S. D. } President.
(") F. L. CLEMENTSON, Zillah Surgeon. }
(") H. M. ROSS, M. D., Asst. Surgeon, 51st Regt. N. I. } Members.

Ordered to be communicated to the Civil and Session Judge of Tinnevely with reference to Extract Minutes Consultation 12th March 1857, No. 302. The Government consider that Mahomed Booran Saib, the Nazir of the Court, may be pensioned as being pronounced mentally disqualified for the discharge of his duties; and direct that application be made, in the prescribed form, for the grant of a pension to him.

(True Extract and Copies.)

Chief Secretary

To the Civil and Session Judge of Tinnevely, with letter. *Diapt. 1st May*
" Pension Department.

Exd. F. Cartledge.

Exd. Geo. Barker

Civil & Session Judge

Separate
Dublin 1857 R. P. P. P.

4. 161

Robert P. P. P.

Minutes of
Committee of
Dublin 1857 R. P. P. P.
Dublin 1857 R. P. P. P.
Dublin 1857 R. P. P. P.
Dublin 1857 R. P. P. P.

18. 23rd May 1857 R. P. P. P.

18 May
1857

18 May 1857

1857 Judicial Department

Enclosure 1.

See a letter from the
Civil & Prison Judge of time.
reilly dated 8th May 1857.
No. 580.

From,

Co. Story Esq^r.

To J. P. Croft Esq^r.

Register of an application
for a disbursement from
the established fund of the
Fildah Court of Summary.

DO 1857
En No 187

Register of an application for a Superannuation Pension from the Establishment of the Lillah Court of Simmerville prepared under the Rules passed by Government under date 15th May 1857.

Name of the person by whom the pension is applied for with the name of his father -	Number on the Establishment -	Mentification of ap. -	Size			Age of Ap. at the time of Application -	Religion caste or tribe	Where residing			Present employment	Total period of service			No long unemployed - and under what circumstances -	Date of Application to Government	Average salary or gratuity or official allowance - during the period of service -	Salary or gratuity or official allowance at the time of Application -	Abstract of the service of Applicant -	Remarks by the Head of Office	Proposed amount of Pension proposed and date from which to commence -	Gratuity at which the party is entitled to draw his Pension -	Orders of Govern. -
			Feet	Inches	Years			Months	Days	Province		Parish	Village	Years									
Mahomed Booran Saib Son of Ra. Saib Mahomed Saib.	3	a long scar on the left side of the abdomen -	5	5	68	"	"	Shiakh Annasapher	Simmerville	Atlimbatalum	Simmerville	35	8	25	4. 11. 1857 Unemployed from Decr 1815 to 31st Decr 1857 by 1857 sequence of the abolition of his office by Govt.	8th May 1857	45.00	45.00	The applicant for Pension served as Saib in the Assistant Judge's Court of the Lillah Court of Madras from 1st January 1810 to 18th Decr 1815. Saib in the Muzi. Court at Simmerville from the 1st August 1827 to 17th Sept 1843. Saib in the present Lillah Court of Simmerville from 18th Sept 1843 to 7th May 1857. Total 35-8-25	At the Treasury of the Collector of Madras			

Memorandum

I have examined Mahomed Booran Saib Saib of this Court & hereby Certify to the correctness of the age alleged by him viz. 68 years.

I Venkata Rao.
Sheristadar

Simmerville
Lillah Court
8th May 1857

Geo. Barker
24th May

The Applicant has a good Character & has conducted himself with satisfaction to his employers, the Civil & Police Judge recommends that he be allowed the Pension to which his length of service entitles him viz. Rs. 22-0-0 per Annum.

J. H. V.
Civil & Police Judge

13 May

No 586

Trinnevelly Zillah Court
8th May 1857.

From E. Story Esqre
Civil & Sessions Judge of
Trinnevelly

To J. Pycroft Esqre
Chief Secretary to Government
In the Jud^l Dept^t
Fort St George

Sir,
Under the revised Pension
Rules published under date the 15th
May 1857 and with reference to
Extract from the Minutes of Hon-
-orable Court dated 27th April 1857,
I have the honor to submit for the
favorable Consideration of Govern-
-ment a Register of Application
for Superannuation Pension to
Mahomed Booran Saib, Nazir
on the Establishment of the Civil
and Sessions Court of this Station.
The Services of the said
Nazir are supported by the Records
of this Court.

I have the honor to be

Sir

Your most Obedient Servant

E. Story

Civil & Sessions Judge

Trinnevelly
Zillah Court
8th May 1857

E. Leobartier

N^o 17
Report of the Civil Auditor

Pension Dept^{ts} The Civil Auditor has the honor to report, that the authorized official allowance of Mohomed Dooran Saib, late Nazim on the Establishment of the Civil and Session Court of Tinnevely, for the last five years of his service, is Rupees 45 per mensem; and that his service under the Government embraces a period of 35 years 5 Months and 29 days, viz^t from 1st May 1810 to 29th January 1816 and from 1st August 1827 to 30th April 1857.

The applicant was out of employ for 11 years from January 1816 to August 1827 in consequence of the abolition of his office under the orders of the Honorable Court of 20th June A.D. 57 of 1855, and the ruling of Government of 20th December^{*} last, this circumstance does not effect his claim to count towards a pension his

28	Mo.	D.
1835	6	6
up to 7 th May 1857		

301 (Separate)
Public Depart ^{ts}
Para 5

circulate

Forwarded to the Civil Auditor for the usual verification.

At St George's
14th May 1857

By Order to Gov^t

The Civil Auditor - dated 14th May 1857
C.A.

216 May 1857

1857 Separate
to the Government
of the 30th June 1857
At St George's
14th May 1857
By Order to Gov^t
The Civil Auditor
Tinnevely
The Chief Secretary to Government
at the Pension Dept^{ts}
14th May 1857
No. 580
Enclose one
No.
Submitting a Report
of Application for the
allowance of the
Tinnevely Civil Court

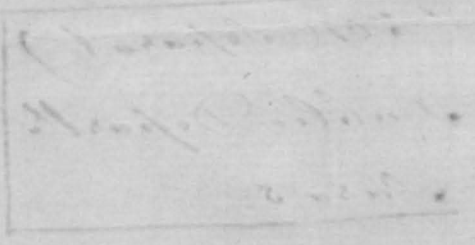
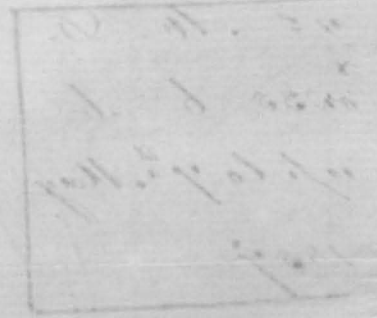
his service prior to that event.

Civil Audit Office,
Fort Saint George,
The 15th May 1857
To

L. L. L. L.
Civil Auditor

The Acting Chief Secretary
to Government
Civil Pension Department

L. L. L. L.
Montrose



Separate

Public Department

N^o 133

Extract from the Minutes of Consultation

Dated 23rd May 1857

Read the following ~~Report~~

Extract from the Minutes of Consultation in the Judicial Department.

Here enter 12th March & 27th April 1857. Nos. 302 & 474

Read also

From the Civil & Session Judge of Tinnevely—

Submitting an application for a Superannuation Pension to ^{Mahomed} Booran Saib, Nazir on his Establishment.

Here enter 8th May 1857

From the Civil Auditor Reports on the Service of Mahomed Booran Saib.

" — " — 15th — " — "

Resolved that a Super-

Age.	Period of Service.	Average Salary for the last five years of Service.	Abstract of the grounds of application
Y ^s - M ^s - D ^s	Y ^s - M ^s - D ^s	R. - S. - P.	Reported by a Medical Council as "mentally incapacitated"
68 - " - "	35 - 6 - 6	45 - " - "	

annuation Pension of Rupees 22-8
Twenty two Rupees per Mensem be
granted to Mahomed Booran Saib
and

216
1911

Public 1857 Report.

1857

of the Civil & Session Judge

Dated 15th May 1857

Reports on the Service of Mahomed Booran Saib late Nazir on the Establishment of Tinnevely

No 2040

and that a Certificate be issued
by the Collector of Madura
making the same payable from
the 8th May 1857 the date
from which he ceased to be em-
ployed.

D. F. Farniclaugh
Secy. Secretary to Govt.

copy

To The Civil and Session Judge of Tanjore
with original Certificate 3 desps 25th

The Civil Auditor
"with copy of Certificate 3 desps 25th Recd 27 Oct 1857 28-5-57

Public Department. Disps 27th
C. W.

D. F. Farniclaugh
Secy. Secy to Govt.

copy to Collector of Madura
with copy of Certificate 3 desps 25th

369-104

Quaintance, Malcom
Bosman Clark

5
Separate . 31.00 /

Public Department

No 133

Extract Minutes of
Consultation

Dated 23rd May 1857

Whe

Quaintance, a Super-
annuation Pension of 100 lbs

Twenty two and three eight
to Malcom Bosman Clark
on the Establishment of the
Civil and Marine Judge of Admiralty
No. of Certificate 2040

c 16 May
R 19