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3. Initials of Referent. J.

M.R.O. 1-52,400-22-11-30.

MADRAS RECORD OFFICE.

Government of Madras.

pension DEPARTMENT.

G.O. No. 289

~~Press~~
Mis.

Dated 22. 8 1861.

Not to be folded or roughly handled

921
17/7/35

JUDICIAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from H. D. COOK, Esq., Civil Judge of Calicut; to W. WATERFIELD, Esq., Officiating Civil Auditor, Fort Saint George, dated 22nd April 1861, No. 188.

With reference to my communication to the Sadr and its reply, copies of which I enclose, I have the honor to request that for the reasons stated therein, you will be pleased to obtain the sanction of Government to pass the respective salaries of late Munsifs Padathavittil Kondi Menon and Kannanúr Ukanden Unni Nair due to them, and to which they are in my opinion in equity clearly entitled.

From H. D. COOK, Esq., Civil Judge of Calicut; to C. F. CHAMIER, Esq., Registrar to the Court of Sudr Adalat, Fort Saint George, dated Calicut, 27th March 1861.

The Officiating Civil Auditor having refused to pass to Padathavittil Kondi Menon his salary as Munsif for the month of February last, on the ground that "an Uncovenanted Servant who resigns while absent on leave is not entitled to salary as per Order of Government of India, dated 26th August 1859, No. 7,778, I have the honor to request you will lay his case before the Judges and obtain the necessary orders of Government. Kondi Menon returned from his leave and was prepared to resume charge of his duties, but was hindered from doing so only by reason of the Medical Certificate he received from the Zilla Surgeon and not by *voluntary* resignation. I confess I was not aware of the Orders of Government alluded to by the Officiating Civil Auditor, inasmuch as it does not appear in the Official Gazette or any where in the Records of this Court. The Government of India have in their

* No. 51, *Financial Department*, page 808. Notification* dated 14th November 1856, laid it down that the advantages of privilege leave are forfeited when Officers retire from the service within three months after return to duty from the leave, *unless disabled by sickness* from serving for that period. The Zilla Surgeon in this case has pronounced him "a strumous subject and his sight defective" and also considered him *unfit* for further employment in the public service—and as the aforesaid Notification of the 14th November did not appear to have been superseded by any subsequent Order of Government, I deemed it applicable to the present case. Under these circumstances I beg, as a special case, that the salary due to Kondi Menon be paid to him.

I beg further to request that the Civil Auditor may likewise be authorized to pass the pay bill of Kunnanúr Ukanden Unni Nair, District Munsif of Betatnad, who was on privilege leave for one month from the 25th February last and pronounced by the Zilla Surgeon on the expiration thereof to be disqualified for further service through infirmity of age, and as I have recommended a pension for him, he has not been allowed to resume his duties.

Proceedings of the Sudder Court, dated 15th April 1861.

Read letter dated 27th ultimo, from the Civil Judge of Calicut, requesting the Judges to obtain the necessary orders of Government authorizing the Officiating Civil Auditor to pass to Padathavittil Kondi Menon his salary for February last, and likewise to pass the pay bill of Kunnanúr Ukanden Unni Nair, District Munsif of Betatnad.

The Judges observe that it rests with the Civil Auditor to interpret the Orders of Government respecting the salary and allowances payable to Officers in the Judicial Department, and that the circumstances mentioned in the Civil Judge's letter should therefore be represented to the Civil Auditor.

(True Extract.)

(Signed) C. F. CHAMIER,
Registrar.

(True Copies.)

(Signed) H. D. COOK,
Civil Judge.

No. 324.

MEMORANDUM.

Forwarded to the Chief Secretary to Government by the desire of the Civil Judge, Calicut. In the opinion of the Civil Auditor the pensions should be allowed to commence from the date on which the Munsiffs made over charge of their Courts to proceed on leave.

FORT SAINT GEORGE,
CIVIL AUDIT OFFICE,
15th May 1861.

(Signed) W. WATERFIELD,
Officiating Civil Auditor.

To the Chief Secretary to Government.

ORDER THEREON, 1st June 1861, No. 708.

In the letters submitted with the above Memorandum, the Civil Judge of Calicut urges the claims to salary, for the period of their absence on leave, of two District Moonsiffs, who were prevented from resuming their duties, in consequence of it having been certified by the Medical Officer, that they were incapacitated for further service. In the opinion of the Civil Auditor, their pensions should commence from the date on which the Moonsiffs made over charge of their Courts to proceed on leave.

2. The Government concur in this view, and direct that the District Moonsiffs be removed from the effective list on the dates indicated by the Civil Auditor.

(True Extract.)

Signed J. Percott
Chief Secretary.

To the Civil Judge of Calicut.

„ Civil Auditor.

„ Civil Pension Department.

Calicut, 9th August

Pension Department.

N^o 326
1861 From,

H. D. Cook Esqre
Civil Judge of Calicut

To

W. L. Whiteside Esqre
Actg Deputy Secretary to Government
Fort St. George

Sir,

With reference to your Memo^r
of the 23rd Ultimo, I have the honor to
forward the Pension Certificates granted
to Adathavittil Kondy Menon and
Kunnamore Uthandan Unni Aair De
-strict Munsifs, as requested therein.

Civil Court
Calicut,
9th August 1861

I have the honor to
Sir,

Your most Obedt Servant

H. D. Cook
Civil Judge

E. C. C.

2799023-1861

Calicut
Public 1861 (Deposits)

N^o 325

Proceedings of Government
in the Criminal Department

Calicut 1st 1861
Dec. 4th 1861

179-289

N^o 719

The Officiating Civil Pay Master has the honor to state, in reply to Memo: of the 17th Instant, that P. Kandy Menon, 3rd class Moonsiff of Ternalprom, and C. Cokanden boy, 3rd class Moonsiff of Betutnaud, availed themselves of leave on the 1st and 25th February last, respectively.

Port Saint George,
Civil Pay Masters Office,
19th August 1861

J. W. Chapman
Off^r Civil Pay Master.

To

W. T. Whiteside, Esq^r
Acting Deputy Secretary to
Government

E. A. G.

Recd. 21st 11

From
No 412

The Civil Judge of
To
Port Saint George

The Deputy Secretary
to Government

Port Saint George

Dated 9th August
Recd. 14th 1861

No 326

Enclosure 2

Transmitting the
Deputy Secretary of
the District Municipality

17th 1861

Read the following

Proceedings of Government in the }
 Indian Department } / Here entered th June 1864 /
 From the Civil Judge of Calicut. — 9th August —

Order thereon 22^d August 1861. W 289

Resolved in accordance with
the Proceedings of Government Judicial
Department, dated 1st June 1861.
N^o 708. that alterations be made in
Certificates N^{os} 2585 and 2573 making
the pensions of P. P. Kandy Menon and
Kannanur Uthandan Unni Nair
payable from the 1st and 25th February
1861 respectively - the dates on which
they made over charge of their Courts
under the leave granted to them. -

To
The Civil Judge of Calcutta, with two Certificates Dec. 22/8
The Civil Paymaster. Dec. 22/8.
29th Dec. 1861
W. H. C. C.

422

Provision 1867 (Deposits)

No 289

Proceedings of Court in 1867

Vol 22 of 1867

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