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MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

Original

G.O. No. 454 Press ~~Mis.~~

Dated 1 11 1864

Not to be folded or roughly handled

PENSION DEPARTMENT.

No. 454.

FROM

C. G. WALKER, ESQ.,
Under Secretary to the Government of Fort Saint George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FINANCIAL DEPARTMENT.

SIR,

I am directed by the Governor in Council to request that you will lay before the Governor General in Council the case detailed below, for his consideration and orders.

2. Mahomed Ghouse, late Additional District Moonsiff of Tanjore, was formerly Sudder Ameen of Tanjore; and when in August 1862 his Court was converted into an Additional District Moonsiff's Court, it was proposed that he should be pensioned, since his service was 32 years. The then Civil Judge, however, (who had been a very short time in the Court) reported that though of 32 years' service he was only 49 years of age, and recommended his appointment to the new Court; this was sanctioned with the approval of Government. It subsequently appeared, from the report of the present Civil Judge, that the Additional District Munsiff's judgment was not to be relied upon, and that he did not possess the judicial training and habits of reasoning requisite in an officer of his position. The present Judge has had actual experience of Mahomed Ghouse's method of performing his duties, and his judgment was in the opinion of the High Court to be relied upon. They accordingly directed an application for pension on his behalf as a special case, without the production of Medical certificate, remarking that he was eligible for pension on the abolition of his office of Sudder Ameen; that he was re-employed in a novel and arduous appointment, under a mistaken estimate of his qualifications for judicial business; and that they did not consider that his proved inapitude for such work, though rendering his removal desirable, ought to prejudice the claim to pension which he had acquired by long service in other capacities.

3. His service is in all 33 years, 10 months, and 29 days, of which 4 years and 7 days is excluded from computation as he had not then attained his 22nd year. Hence his service qualifying him for pension is 29 years, 10 months, and 22 days, or within little more than a month of the period requisite for a good service pension.

4. His Excellency the Governor in Council considers that under the circumstances above stated, a pension of Rupees 100, being one-half his average salary for the past five years, as reported by the Civil Paymaster, should be conferred on Mahomed Ghouse.

I have the honor to be,
Sir,
Your most obedient Servant,

FORT SAINT GEORGE,
1st *November* 1864.

Under Secretary to Government.

Exd. T. Cartledge.

Extract of a letter to the Chief Secretary to Government dated the 26th February 1864 No. 14

x x x

Para 5. I am also directed to bring to the notice of Government that in the Court's letter dated the 12th February 1863, No. 26, sanction was recommended for the retention, for another year, of only the 2 Additional District Munsiff's Courts of Combaconum and Papanasam, but, in the Proceedings of the Government of India above referred to, sanction has inadvertently been granted for the retention for a twelve month of 3 Additional District Munsiff's Courts in the Zillah of Tanjore, apparently including therein the *permanent* Additional District Munsiff's Court at Tanjore which was substituted

for the late Sudr Amin's Court
under the Sanction of Government
dated the 21st August 1862, No. 1363.

(True Extract)

(Signed) P. P. Hutchins
Acting Registrar
Appellate Side.

To

The Civil Judge of Tanjore
with reference to his letter
dated 29th Ultimo. No. 737.

6th August 1864.

(True Copy)

E. W. Bird

Civil Judge

EWC

No. 1 of the Enclosure
in a letter from the
Civil & Session Judge of
Tanjore dated 27th
September 1864.

Copy of an
Extract of a letter sent
by the Hon'ble Court
to the Chief Secretary
to Govt. dated the 26th
February 1864 No. 14.

Recd. 1864 Septr.
Le No. 702

List of Services of Mohomed Ghouse Saib Additional District Munsiff of Tanjore.

Establishment	Date	Appointment	Salary		Period of service in each appointment		
					years	months	Days
1	2	3	4		5		
			Rs.	a			
Civil and Session Court of Salem.	25th August 1830	Persian Moonshee	26	"	13	"	22
	16th September 1843	2d Goomastah	17	8	4	3	15
	3d December 1847	Head Goomastah	21	"	3	7	7
	7th August 1851	Criminal Jawabnevis	28	"	1	10	25
	1st July 1853	Head Goomastah	21	"	1	11	6
	7th June 1855	Civil Record Keeper	35	"	1	"	20
	27th — D° — 1856	Nazir	45	"	1	"	"
	27th — D° — 1857	Acting 3d Class Moonsiff of Dummapoory	100	"	"	3	"
	27th September D°	Nazir	45	"	"	5	4
	1st March 1858	Acting 2d Class Moonsiff of Namakal	150	"	"	1	15
	12th April — D°	Nazir	45	"	1	"	22
D° of Combaconum	4th May 1859 up to 31st August 1862	Mufty Sudr Ameen	200	"	3	3	28
	10th October 1862	Tanjore Addl. 3d Class Moonsiff	200	"	1	9	6
					33	9	20

14th July 1864

E. W. Bird
Civil Judge

Proceedings of the High Court of Judicature at Madras 1st June 1864

Read the following letters from the undermentioned Civil Judges, reporting with observations, the names of the District Moonsiffs in their several zillahs entitled to Superannuation Pension.

From Civil Judge of Tanjore dated 25th April No 2141 of 1864
Do Do Salem dated 27th April No 2139 of 1864
Do Do Rajahmundry dated 4th May No 2445 of 1864
Do Do Chicacole dated 7th May No 2533 of 1864
Do Do Chingleput dated 13th May No 2545 of 1864
Do Do Tellicherry dated 10th May No 2516 of 1864
Do Do Tranquebar dated 14th May No 2581 of 1864
Do Do Tinnevelly dated 14th May No 2605 of 1864

The High Court resolve to instruct the Civil Judges concerned to take such steps as may be necessary, in communication with the Senior Medical Officer of the Southern Division,

Narayanasawmy Naidoo of Tripassore Chingleput Zillah
Krishna Row of Valangiman Tanjore Zillah
P. Venkata Ramaiyar of Salem

Pens. 1864 Sept 16
In No 521

No 2 of the Enclosures in a letter from the Civil Judge of Tanjore dated 14 July 1864 No 663

1534
CIVIL PAYMASTERS OFFICE
AU 3
1864

List of Service of Moulavee Mohamed Ghouse Saib Addl Distt Mff of Tanjore to enable the District Moonsiffs whose names are given in the margin to present themselves before a Medical Committee before reopening their Courts after the adjournment. In the event of their being found disqualified for further active duty, the Civil Judges will take early steps to obtain for them the pensions to which their periods of service may entitle them, submitting, at the same time, the names of those persons whom they would recommend as their successors. The opinion of the Medical Committee should, in any case, be communicated to the High Court.

2. The only other Moonsiff whose case requires remark is the Additional Moonsiff of Tanjore Mahomed Ghouse Sahib. This Officer was formerly Sudder Ameen of Tanjore, and when, in August 1862, his Court was converted into an Additional Moonsiffs' Court, it was proposed, in consequence of his having been 33 years in the service, that he should be pensioned. The Acting Civil Judge, Mr Walhouse, subsequently reported* that, although 33 years in the service, Mahomed Ghouse Sahib, was only 49 years of age, and recommended that he should be retained in the post of Additional Moonsiff. This was accordingly sanctioned with the approval of Government.

Proceedings of Govt. 21st of August 1862.
* Letter dated 1st September 1862.
Government Order 15th September 1862, No. 1562
Proceedings of the High Court 6th October 1862

3. It now appears from the present Civil Judge's report recorded at the head of these Proceedings that "the judgment of the "Additional Moonsiff is not to be relied on, "his work is seldom well performed, and "the style of his arguments as exhibited in "some of his judgments which have come "before the Civil Court, proves that he "does not possess the judicial training and "habits of reasoning so requisite in an "officer in his position." This opinion is somewhat opposed to that recorded by Mr Walhouse, but it is founded upon an actual experience of the way in which Moulavie Mahomed Ghouse Sahib has performed the duties of a District Moonsiff whereas Mr Walhouse wrote soon after his appointment to the Combaconum Zillah, and was guided by "the favorable mention" made by his predecessors of the Moulavie's "character and qualifications" as Sudder Ameen.

4. Every thing considered, the High Court resolve to direct the Civil Judge to apply to Government stating all the facts of the case for the grant of a pension to the Additional Moonsiff as a special case, without the production

of a Medical Certificate. The Moonsiff was eligible for a pension on the abolition of his office of Sudder Ameen. He was reemployed in a novel and arduous appointment under a mistaken estimate of his qualifications for judicial busineſs, and his proved inaptitude for such work, though rendering his removal desirable, ought not, in the opinion of the High Court, to prejudice the claim to pension which he has acquired by long service in other capacities.

5. It would appear, from the Proceedings of Government dated 21st August 1862, No. 1363, that one Sudder Ameen at least, whom on account of his inaptitude for judicial work it was not considered desirable to employ as a District Moonsiff was pensioned on the abolition of his office.

(True Extract)
(Signed) P. P. Hutchins
Ag Registrar
Appellate Side

(True Copy)

E. W. Bird
Civil Judge

CIVIL PAYMASTER'S OFFICE
AU 3
1864

No 653.

Tanjore 15
14th July 1864

From E. W. Bird Esquire
Civil Judge of Tanjore

To The Honorable A. J. Arbuthnot
Chief Secretary to Government
Judicial Department
Madras

Sir,

Under direction of the Honorable the Judges of the High Court, as contained in their Proceedings of the 1st June last (copy of which I enclose for reference) I have the honor to request that, as a special case, the Government will be pleased to grant a pension, without production of a medical certificate to Moulavee Mohomed Ghouse Saib, formerly Sudr Ameen and now Additional District Munsiff of Tanjore. The grounds for this application

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No. 1 of the Enclosures in a letter from the Civil Judge of Tanjore dated 14 July 1864 No 653

1534
CIVIL PAYMASTERS OFFICE AU 3 1864

Copy of the Proceedings of the High Court dated 1st June 1864

Recd [illegible]
[illegible]

are very clearly stated in Paras 2, 3, and 4 of the Proceedings of the High Court above referred to, and I trust, under the peculiar circumstances of the case, the Government will be pleased now to permit the retirement of the Munsiff on the allowance to which his long service* would have entitled him had he been pensioned – as he should have been in my opinion – on the abolition of his office of Sudr Ameen of Tanjore, in August 1862

* Vide accompanying list.

2. Having reported him to be wanting in aptitude for judicial work, and considering it highly desirable, on public grounds, he should be no longer allowed to retain the arduous position of a District Munsiff, an opinion the Honorable the Judges of the High Court have endorsed, I am anxious nevertheless that Moulavee Mahomed Ghouse Saib, should not be prejudiced by the recent orders requiring production of a medical certificate of bodily incapacity, before a retiring pension can be obtained. Such a certificate the District Munsiff could not probably produce; as his health is good, his vigor unimpaired and his age under 52. Believing, however, the Government will see in this instance, circumstances rendering it desirable that the case should be treated as a special one, I beg to submit the usual application for pension for the officer in question in the Form prescribed.

I have the honor to be
Sir
Your most Obedient Servant.

E. W. Bird
Civil Judge

Referred to the Civil ~~Auditor~~ Paymaster for the usual verification.

Fort Saint George,
2nd Augt 1864

Depy. Secy. to Government.

To
The Civil ~~Auditor~~ Paymaster

CIVIL PAYMASTERS OFFICE AU 3 1864

Pension Department
1864 No 521
From
The Civil Judge of Tanjore
To
The Chief Secretary to Government
Judl. Dept.
Madras.
Dated 14th July 1864
Recd 27th July 1864
Recd 2nd August
No 653.
Enclosures 3
Submitting an application for pension on behalf of [illegible]
With an Order

No 971.

2529

CIVIL PAYMASTERS OFFICE OC 1

19

Tanjore
27th September 1864

From
E W Bird Esquire
Civil and Session Judge
Tanjore

To
The Civil Paymaster
Madras.

Sir.

With reference to your official Memo of the 12th Ultimo, No 102, I have the honor to inform you that, from the accompanying extract from a letter addressed to the Government by the High Court dated 26th February 1864, No 14, it would appear that the Additional District Munsiff's Court of Tanjore is a permanent and not a temporary Court.

2 The Proceedings of Government dated 15th September 1862, No 1502, of which a Copy is required by you, being an order addressed to the High

Court, a copy of the same does not appear to have been furnished to this Court.

3. Two statements of leave obtained by Mahomed Ghouse Saib during the whole period of his service in the Districts of Salem and Tanjore are herewith forwarded, the former having been obtained from the Civil Judge of that District.

I have the honor to be,
Sir,
Your most Obedient Servt.,
E. W. Bird
Civil & Session Judge

Ind. 6 1864 Septr.
From
The Civil & Session Judge
of Tanjore
To The Civil Paymaster
Madras

Dated 27 } Septr 1864.
Received }

L.W. 454

No. 271.
Enclosures 3.
No.

Stating that the Addl. D. Mff's Court of Tanjore is a permanent one & forwarding statements of leave obtained by the Moonsiff.

Res. 1864 Septr
L. No 702

Memo shewing the period of leave obtained by Mahomed Gouse Saib 3rd Class Additional District Moonsiff of Tanjore during his service in the Zillah of Tanjore.

	Years	Months	Days	
Privilege leave of absence for 2 months from 29th April to 29th June 1862.	"	2	"	

Tanjore }
September 1864 }

E. W. Bird
Civil & Session Judge

Q. No 2529

No. 2 of the Enclosure
in a letter from the
Civil & Session Judge of
Tanjore dated 25th
September 1864 -

Memo of Leave

Pub. 1864 Septr.
Q. No 702

District of Salem

Memo shewing the period of leave obtained by Mahomed Gous Saib, 3rd Class Additional Munsiff of Tanjore.

	Years	Months	Days
Leave obtained for (20) days from 13th June 1836	"	"	20
—— Do —— Do — for (21) — Do — " — 23rd June 1840	"	"	21
—— Do —— Do — for (13) —— Do —— " —— 21st June 1841	"	"	13
—— Do —— Do — for (6) —— Do — " — 2nd September 1850	"	"	6
—— Do —— Do — for (6) —— Do — " —— 13th October 1854	"	"	6
—— Do —— Do — for (5) —— Do — " —— 2nd January 1855	"	"	5
	"	2	11

Salem
Civil and Session Court
23rd September 1864.

(Signed) J. W. Cherry
Civil & Session Judge

(True Copy)
E. W. Bird
Civil & Session Judge

Tanjore
September 1864