

1. Number of pages. 1420
2. Date of repair. 20. 11. 33
3. Initials of Referencer.

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

MADRAS RECORD OFFICE.

Government of Madras.

pension DEPARTMENT.

G.O. No.

335

Press
Mis.

Dated

7-10

1868

Not to be folded or roughly handled

that consequently
he was out of service
for a period of 2 years
10 months & 28 days.

Prays that under
the circumstances
herein stated the
above mentioned pe-
riod be ordered to be
reckoned in his service
as was done in the
case of one Mutta-
kistnairungar the
Javabneris in the
late Principal
Annen court of Trichi-
nopoly.—

No 3089 of 1864.

From Mohunmud
Ziemool Abidin Gam-
ta in the Civil Court
at Trichinopoly

Dated 15th June 1864.
Filed 21st June 1864.

Two Enclaves

States that, after a
service of 25 years 5
months 11 days he was
removed from the office
of District, Jinnat &
of Puyaloor without
any charge on the 14th
May 1858 & he was
reemployed as a Jinnat
in the Civil court on
the 12th April 1864 accor-
ding to the Proceedings
of Govt. dated 12th July 1864.

Enclosure No 2

No 3089 of 1864.

The Governor in Council will be prepared to consider the question raised by petitioner on his application for pension coming before Government for orders.

For St George 20th Decr 1864

By Order

C. W. Walker
Under Secy to Govt.

Pens/68 Dept.
In reply.

(23-3)

Judicial Department
of the Madras Government.

Read again Petitions Nos 3556 and 4532 of 1859, from Mahomed Zainal Abidin, late District Munsiff of Arialore.

Read also the following letter from G. F. Pullerton, Esquire, Officiating Registrar to the Sudder Adalat, to J. Bycroft, Esquire, Chief Secretary to Government, Port Saint George, dated 5th November 1859, No 77.

1. I have the honor by direction of the Judges of the Sudder Adalat to report for the information of Government, as requested in their Order of the 13th October, the facts connected with the dismissal from his situation of Mahomed Zainal Abidin, late District Munsiff of Arialore, in the Zillah of Trichinopoly.

2. The attention of the Court was first called to the official misconduct of the District Munsiff of Arialore by a petition presented by the Zemindar of Porriore. This petition was accompanied by an authenticated copy of an order of the Civil Judge of Trichinopoly on the matters that had led to the petition, which disclosed such an amount of official misconduct and impropriety on the part of the Munsiff,

that the Court required the Civil Judge to submit an immediate report on all the circumstances connected with the case.

3. From the report then furnished it appeared, that some batla Peons entrusted with the service of a Process of the Munsiff's Court on the Zemindar of Torriore, had accused him and his servants of having assaulted them and torn up the Process. The Munsiff had then without taking any written statement on oath to that effect from the Peons, assuming to himself a power which he did not possess, issued a warrant and apprehended the accused, and detained them in custody - allowing, however, such a length of time to elapse before he proceeded with the inquiry, that the Civil Judge had every reason to believe that the witnesses were in the meanwhile tampered with. There was also great irregularity in the Munsiff's mode of conducting the inquiry, as shown in his neglect to take a written statement from the Peons, his cross-examination of the accused, his recording for the information of the Collector reflections on the conduct of the Police Peshcar and Village Munsiff,

15
who had given evidence in favor of the accused, equally uncalled for and undeserved, clearly evincing the existence of partiality on his part inconsistent with his position as a Judge.

4. The Civil Judge had not brought these circumstances, he stated, to the notice of the Court, as he trusted that the warning he then conveyed to the Munsiff would have been sufficient to make him guard against such errors in future, but since then other instances of misconduct had come to his knowledge which rendered it necessary for him to recommend his dismissal from his office.

5. It appeared that a Mahazurnamah was presented to the Civil Judge accusing certain of the Peons of the Munsiff's Court of obtaining illegally and under false pretences bribes from the suitors of the Court, which practice it was also alleged was sanctioned by the Munsiff himself. The Munsiff, on being called on by the Civil Judge to report on the accusation, instead of replying to it directly, charged some other Peons with having got up this Mahazurnamah, and recommended either that they should be dismissed

on himself transferred to another district. He further got up a Mahazurnamah bearing testimony to the excellence of his own character, and another as to the worthlessness of that of his accusers, and at the same time published an Istiyar or Proclamation threatening whoever should sign the Mahazurnamah of his accusers with his displeasure and a fine of 200 Rupees, all acts highly unbecoming in a Judicial Officer.

6. It will be observed that all these facts are a matter of record which he had a full opportunity of explaining before the Civil Judges, and would in themselves have justified the Judges of this Court in removing him from his situation. But before passing an order to this effect, he was afforded the opportunity of urging what could be said in extenuation, his Counsel being heard at great length in his defence.

7. On a consideration of all the circumstances, the Court were of opinion that his whole conduct exhibited a partiality and bias unbecoming in a Judge, and that his proceedings had been so evidently influenced by personal animosity and private feeling while he had been guilty of the grossest impropriety in the publication of the Proclamation

7 3
above alluded to, that it was impossible to allow him to continue longer on the judicial bench for which he had shown himself so unfit.

8. On his praying for a reconsideration of their order, the Judges declined to enter again into his case, as he had already been fully heard in the matter. They would only add that his written explanation then submitted was frivolous in the extreme, and most disrespectful in its tone to the Civil Judge of Trichinopoly.

G. S. The original enclosures are herewith returned.

Order thereon, 5th July 1860, No 836.

1. In the above letter the Court of Sudder Adalat detail the circumstances connected with the dismissal of the Petitioner from his post of District Munsiff of Arialore.

2. The two main charges brought against him, vizt the irregular proceedings and illegal assumption of power referred to in paragraph 3, and the publication of the Istiyar, having been held to be proved, and it being considered improper to allow

him to continue longer in so responsible a position, the Court directed his dismissal.

3. The Government will not disturb this decision. They consider however that exclusion from the service, which the above sentence implies and carries with it, is a more severe punishment than the circumstances of the case require. They accordingly request that the Court will instruct the Civil Judge to employ Petitioner in some post in his Court on a salary equal to that he drew before being raised to the Bench. Having already passed the District Munsiff's examination, he need not again undergo examination.

4. Ordered that the following Endorsement be passed upon Petitions 3,556 and 4,532 of 1859, and No 1041 of 1860.

"The Government decline to restore Petitioner to the post from which he has been dismissed. They however permit his re-employment in a lower grade."

(True Extract)

Signed J. Lycroft
Chief Secretary.

/ True Copy /

12th July 1860. Signed C. F. Chamier
Registrar
To the Court of Sudder
Udalat.

To the Petitioner

To The Civil Judge of Trichinopoly
for his information.

/ True Copy /

Copy
Opponent's from
W. M.

N. S. S. S.
Civil Judge

*Proceedings of the Madras Government, Pension Department,
7th October 1868.*

Read the following letter from the Civil Judge of Trichinopoly, to the Accountant General, Madras ; dated Trichinopoly, 22nd April 1868, No. 124.

I have the honor to forward, for submission to Government, a register of an application for superannuation pension on behalf of Mahomed Zynillabdeen Saib, a Goomastah in this Court.

2. The applicant held various situations from 1st December 1832 to 13th May 1858, when he was dismissed by the late Sudder Court from the office of District Moonsiff of Arealore in this Zillah, which he was then holding ; but, under the orders of Government, dated 5th July 1860, No. 836, the applicant was re-employed in 1861—(vide enclosure 1).

3. The period of service of the applicant is 32 years, 8 months, and 6 days ; and, under the new Rules, he is entitled to a pension of one-half of his salary without a medical certificate. As for the break in his service from the date of his dismissal to that of re-employment, I beg to state that the Government have, at the request of the applicant, declared that they will consider the said question when he applies for pension—(vide enclosure 2).

4. I beg, therefore, to recommend that a pension of Rupees 9-4-3, being a moiety of the average salary drawn by the applicant during the last 5 years, may be granted to him. In calculating the average salary of 5 years, I have included the amount of pay drawn by the applicant as Acting Civil Record-keeper, because the said situation was then permanently vacant.

REGISTER of an application for Superannuation Pension under Pension Rules published under date 3rd May 1864, from the Establishment of the Civil and Session Court of Trichinopoly.

1	Full name of pensioner...	Mahomed Zynillabdeen Saib.
2	Sect or caste...	Mahomedan.
3	Residence...	Trichinopoly.
4	Present post...	3rd Goomastah.
5	Date of commencement of service...	1st December 1832.
6	Date of retirement from service...	1st July 1868.
7	Abstract of the grounds of application.	Inability to serve longer.
YS. MS. DS.		
8	How long unemployed, and under what circumstances.	Dismissed for misconduct from 14th May 1858 to 11th April 1861... 2 10 29
9	Total of service before 22 years of age...	3 0 0
10	Total of service not in pension grades...	2 5 21
11	Total of leave other than privilege and preparatory leave...	0 0 0
	Grand Total...	8 4 20
12	Total period in pension grades counted as service...	27 2 15
13*	Age of the applicant at the time of this application...	54 0 0
Feet. Inches.		
14	Height ..	0
15	Descriptive marks...	A mole on the forehead.
RS. A. P.		
16	Average salary of past five years...	18 8 6
17	Proposed amount of pension...	9 4 3
18	Date from which to commence.	1st July 1868.
19	Place of payment...	Trichinopoly.

*I do hereby certify that, to the best of my belief, the applicant's age above stated is correct.

(Signed) KRISTNIEN CHARRY,
Sheristadar.

Enclosure No. 1
In a letter from
the Civil Judge of
Trichinopoly dated
22nd April 1868
Copy of Proceedings
of the Madras
Government

Recd/18 Oct 1868
San No 690

Proceedings of the Madras Government, Pension Department
7th October 1868.

Statement of total period of Service.										
Estab- lishment.	Post.	Pay.			Period.				Yrs. Ms. Ds.	
		RS.	A.	P.	From	To				
Late Sou- thern Provin- cial Court.	Persian Writer.	28	0	0	1st Dec. 1832.	19th Sep. 1839.	6	9	19	Verified from the records of this office, but cannot count for pension, as the applicant was dismissed the Service on the 14th May 1858, and thereby without employ for 2 years, 10 months, and 29 days only. (Signed) W. DONALD, Examiner of Claims.
Do.	Persian Moon- shee.	56	0	0	20th Sep. 1839.	15th Sep. 1843.	3	11	27	
Late Principal Sudder Ameen's Court, Trichino- poly.	Goomastah.....	21	0	0	16th Sep. 1843.	7th June 1844.	0	8	23	
Do.	Javabneviss.....	24	8	0	8th June 1844.	31st Mar. 1846.	1	9	24	
Do.	Civil Record- keeper.	30	0	0	1st April 1846.	12th May 1852.	6	1	12	
Civil Court, Trichino- poly.	District Moon- siff of Area- lore.	100	0	0	13th May 1852.	5th Feb. 1853.	0	8	24	
Do.	District Moon- siff of Toriore.	115	0	0	6th Feb. 1853.	23rd June 1853.	0	4	18	
Do.	District Moon- siff of Area- lore.	100	0	0	24th June 1853.	13th May 1858.	4	10	20	
Do.	Goomastah.....	10	0	0	12th April 1861.	2nd Oct. 1863.	2	5	21	
Do.	Acting Civil Record-keep- er.	35	0	0	3rd Oct. 1863.	13th Sep. 1864.	0	11	11	
Do.	Goomastah.....	15	0	0	14th Sep. 1864.	30th June 1868.	3	9	17	
Total...							32	8	6	
Deduct service before 22 years of age.....							3	0	0	
Deduct service not in pension grades.....							2	5	21	
Deduct leave.....							0	0	0	
Net period of service...							27	2	15	

Proceedings of the Madras Government, Pension Department,
7th October 1868.

Explanation of Column 8, with quotations of orders of reinstatement.					Explanation of any degradation.
Vide enclosure No. I.					Remarks by the Head of the Office on past character and conduct of the applicant throughout the service.
Detail of leave on half-pay and full stop- page of pay.					
From	To	YS.	MS.	DS.	
Nil.	Nil.				
Total of leave...					
					Pretty good.
					(Signed) R. DAVIDSON, Civil Judge.

TRICHINOPOLY, CIVIL AND SESSION COURT,
22nd April 1868.

(Signed) R. DAVIDSON,
Civil Judge.

No. 780.

REPORT OF THE EXAMINER OF CLAIMS.

Service qualifying for pension is proved for a total period of three years, nine months, and
eventeen days.

Applicant is eligible to a gratuity of Rupees 45, equal to three months' salary, under the new
Rules. The usual medical certificate was not called for, as the applicant has served for more
than 30 years.

The applicant's service of 25 years, 5 months, and 17 days up to 13th May 1858 is vitiated
by dismissal under the Order of Government, dated 12th July 1860, Judicial Department.
Neither it, nor his service from 12th April 1861 to 13th September 1864, in grades ineligible
to pension, was deducted by the Civil Judge at foot of the statement of service; but the correct
net period reckoning for pension is given in this report.

(Signed) W. DONALD,
Examiner of Claims.

FORT SAINT GEORGE,
ACCOUNTANT GENERAL'S OFFICE,
23rd July 1868.

To the Chief Secretary to Government, Civil Pension Department.

Order, 5th September 1868, No. 294.

The above is an application for pension on behalf of Mahomed Zynillabdeen Saib, late Goomas-
tah in the Civil Court of Trichinopoly. This person entered the Government Service on the 1st
December 1832, and retired on the 1st July 1868. But his service before he attained twenty two
years was 3 years, and in grades not entitling to pension 2 years, 5 months, and 21 days; and he was
out of employ by dismissal from 14th May 1858 to 11th April 1861. Hence he can count but 27
years, 2 months, and 15 days towards pension. The Examiner of Claims reports the applicant in-
eligible for pension on the ground of his dismissal in 1858, and has called for no medical certificate.
It appears, however, that in 1860 (July 5th, No. 836) the Government passed an order recognizing
the propriety of petitioner's removal from the Bench as District Moonsiff, but directing his re-
employment in a post similar to that held by him before he became a Moonsiff. By this reinstate-
ment in the Service, though not in office, the applicant's previous service was again allowed to
count for pension, and he is now eligible to a pension for his service of 27 years, 2 months, and 15
days, on production of a medical certificate. For this, the Civil Judge will send the applicant at
once to the Civil Surgeon and report the result, forwarding the certificate, if one be granted, direct
to the Government Office.

(True Extract).

(Signed) C. G. WALKER,
Under Secy. to Govt.

Fort St George

*Proceedings of the Madras Government, Pension Department,
7th October 1868.*

From the Acting Civil Judge of Trichinopoly, to the Chief Secretary to Government, Fort Saint George; dated Trichinopoly, 15th September 1868, No. 256.

I have the honor to forward the medical certificate called for by Government in their Proceedings dated 5th instant, No. 294, Pension Department.

I, Arthur Langford Trewman Cooke, Surgeon Major, Acting Garrison Surgeon of Trichinopoly, do hereby certify that I have carefully examined Mahomed Zynillabdeen Saib, late Goomastah in the Civil and Session Judge's Court, Trichinopoly; that his age is, by his own statement 54, and by appearance about the same; and that I find him to be unfit for further service from old age and infirmity, not in my opinion attributable to intemperance or other irregular habits.

TRICHINOPOLY,
14th September 1868.

(Signed) A. L. T. COOKE, Surgeon Major,

Acting Garrison Surgeon.

ORDER THEREON, 7th October 1868, No. 335.

The applicant in this case, Mahomed Zynillabdeen Saib, was lately Goomastah in the Civil Court of Trichinopoly. He entered the Service of Government on the 1st December 1832, and retired on the 30th June 1868. He served 3 years before he attained twenty-two years of age, and was employed in grades not qualifying for pension from 12th April 1861 to 13th September 1864, or 3 years, 5 months, and 2 days, while he was out of employ subsequently to his removal from the post of District Moonsiff from 14th May 1858 to 11th April 1861. His total service in pension grades is, therefore, 26 years, 3 months, and 4 days. The Examiner of Claims reports him ineligible to pension, as dismissed in 1858; but this view of the case is erroneous. The applicant was dismissed from his post of District Moonsiff in 1858, but when the matter came before Government they considered that the circumstances of the case, while showing the entire unfitness of the Moonsiff for the Judicial Bench, were not such as to call for his dismissal; they, therefore, directed that, as he had been removed from the Bench, he should be re-employed in a post of equivalent value to that held by him before his appointment to the Moonsiffship, thus converting the dismissal into removal to a post of minor responsibility.

2. The Civil Judge, under a misconception of the Pension Rules, sent the case up for pension without medical certificate, on the ground that the service was over 30 years, wholly overlooking the rule which converted 6 years, 5 months, and 2 days of the service, which was alleged as qualifying for pension without medical certificate, into service not qualifying for pension.

3. A certificate has now been obtained, but it is necessarily dated some time (2½ months) after retirement.

4. The average salary of the applicant's last 5 years of service in pension grades, owing to his re-employment in a post not qualifying for pension, has to be reckoned on 1 year, 2 months, and 13 days of his service as District Moonsiff, and amounts to Rupees 35-7-1, a salary which he has never drawn since 1858, but this cannot be taken as a standard; and the average of his actual receipts has been only Rupees 18-8-6.

5. Having in view the antecedents of the applicant, the Government resolve to grant a pension of Rupees (7) seven per mensem, and to request the confirmation of the grant by the Government of India, to whom the late date of the certificate renders an application necessary.

(True Extract).

Under Secy. to Govt.

To the Civil Judge of Trichinopoly.

„ Accountant General.

„ Financial Department.

Ed J. H. Burns.

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5
I, Arthur Langford Trewman Cooke Surgeon Major, Acting Garrison Surgeon of Trichinopoly, do hereby certify that I have carefully examined Mahomed Zynillabdeen Saib late Goomastah in the Civil and Session Judge's Court, Trichinopoly; that his age is, by his own statement 54, and by appearance about the same; and that I find him to be unfit for further service from old age and infirmity, not in my opinion attributable to intemperance or other irregular habits.

Trichinopoly
14th September 1868

Arthur T. Cooke
Surgeon Major
Ag: Garrison Surgeon

17. 64

Trichinopoly Civil Court. 15th Sept^r 1868

No 256

From

W. M. Leadell Esquire
Acting Civil Judge of
Trichinopoly

The Honorable R. S. Ellis Esq.
Chief Secretary to Government
Fort St George

Sir

I have the honor to forward
the Medical Certificate called for
by Government in their Proceedings
dated 5th Instant No. 294. Pension
Department.

I have the honor to be
Sir

Yours most obedient servant.

W. M. Leadell
Acting Civil Judge

The Honorable R. S. Ellis Esq.
Chief Secretary to Government
Fort St George

Trichinopoly
Civil Court
15th Sept 1868
T. J.

Recd 16th Sept.
L. H. 953.

14/9/68

PROCEEDINGS of the MADRAS GOVERNMENT.

Read ^{again} ~~the following letter~~ ^{Proceedings of Govt}

dated 5th September 1868 N^o 294.

Read also the following letter

From the ~~the~~ Civil Judge of Trichinopoly (Here enter 15th Sept 68 N^o 236)

Order thereon 7th October 1868 N^o 335.

The applicant in this case Mahomed Zeynillabdeen Sait was lately Jemastah in the Civil Court of Trichinopoly. He entered the service of Government on the 1st December 1832, and retired on the 30th June 1868. He served 35 years before he attained 22 years of age, and was employed in grades not qualifying for pension from 12th April 1861 to 23rd Sept^r 1864 or 34. 5 m. 2 d. while he was out of employ subsequently to his removal from the post of Dist. Moonsiff from 14th May 1858 to 11th

April

Wm
Ap

Recd: 5th Sept 1868 N^o 294

Pension Mahomed Sait
N^o 294. 1868

From
The Acting Civil Judge
of Trichinopoly
To
The Chief Secretary
to Government

For Mr George

Dated 16th Sept 1868

Remitted by *Wm*
N^o 295

Enclosure - 1

Forwarding Medical
Certificate called for

O. N^o 335.

2884.
126 Oct

April 1861. His total service
in pension grades is therefore
26 yrs. 3 m. 4 d. The Examiners of
Claims reports him ineligible to
pension as dismissed in 1858, but this view of the case is
here he is in error. The applicant erroneous.

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District Moonsiff in 1858, but when
the when the matter came before
Govt. they considered that the
circumstances of the case while
showing the entire unfitness of
the Moonsiff for the judicial
bench, were not such as to call
for his dismissal; they therefore
directed that, as he had been
removed from the bench, he
should be reemployed in a post
of equivalent value to that
held by him before his appoint-
ment to the Moonsiffship. This converting the dismissal
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2. The Civil Judge under a
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on

121 8
on the ground that the service
was over 30 years, wholly overlooking
the Pension rules (and distinctly
an internal of the form that
under which he recommended
him) which converted by 5 m. 2 d.
of the service which was al-
leged as qualifying for pension
without medical certificate into
service not qualifying for pension.

3. A certificate has now been
obtained but it is necessarily
dated some time (2 1/2 months)
after retirement.

4. The average salary of the
applicant's last 5 years of service
in pension grades, owing to his
re-employment in a post not
qualifying for pension, has
to be reckoned on 1 yr. 2 m. 13 d. of
his service as Dist. Moonsiff -
and amounts to Rs. 35-7-1, a salary
which he has never drawn
since 1858! but this cannot be
taken as a standard; and
the

the average of his actual receipts has been only Rs. 18-8-6.

Having in view the antecedents of the applicant, the Government resolve to grant a pension of Rupees 7 seven per mensem, and to request the confirmation of the grant by the Government of India to whom the late date of the certificate renders an application necessary.

AM.

2210-16

Civil Judge of Trichinopoly
Accountant General
Financial Department
Dec 12/11.

Ex² 249.

Person

1868 *End. Epiphany*
Fr. No 135+
1198.
No 335-

PROCEEDINGS OF GOVERNMENT.

Dated *7 October* 1868.

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