

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT

G.O. No.	852	Press Mis.
Dated	—	18

Not to be folded or roughly handled

*Proceedings of the Madras Government, Pension Department,
21st July 1870.*

Read the following papers :—

From the Principal Sudder Ameen, Tranquebar, dated 16th October 1869.
Report of the Examiner of Claims, dated 3rd February 1870, No. 108.

ORDER THEREON, 21st July 1870, No. 320.

Doolaputy Venkatachella Iyer, on whose behalf the foregoing application for pension is submitted, was first entertained on the establishment of the Assistant Judge's Court at Combaconum, and served till its abolition seven years and sixteen days. On the 1st June 1858, the Assistant Judge was re-placed by a Principal Sudder Ameen, on whose establishment the applicant continued to serve till 30th September 1860, a period of two years, four months, and one day. On the 1st October 1860, the Principal Sudder Ameen's Court was transferred to Negapatam and thence, in 1864, to Tranquebar. The applicant continued to serve in the Court till 26th August 1869, when he was invalided. His whole service amounts to eighteen years, three months, and twenty days, but periods of leave being deducted, sixteen years, ten months, and twenty-nine days only is claimed for pension.

2. The Examiner of Claims has rejected the first two periods, on the ground that the establishments were temporary, and states that he applied to this case the principle laid down by Government in the cases of persons who served on the establishments of the Commissioner of the Northern Circars and in the Native Pension Fund Department of the late Civil Audit Office, (which existed very considerably longer than the Assistant Judge's Court in question,) viz., that all who were not transferred to those establishments from permanent posts under Government, but whose service under Government began in those establishments which were subsequently abolished, could not reckon the time so spent as qualifying for retiring allowance. According to the Examiner of Claims the applicant has only seven years, seven months, and four days' qualifying service, which entitles him to a gratuity of Rupees 350.

3. This principle is correct when it can be shown that the establishments, with reference to which it is to be applied, are temporary. But it is not sufficient to adduce merely the fact of the abolition of the establishment, after it has existed for a certain term, no matter how short; it must also, in the opinion of Government, be shown that the establishment, when set on foot, was expressly declared to be a temporary one, or was entertained for an obviously temporary purpose. The presumption should be in favour of the applicant, when the intention of the establishment is obscure or doubtful.

4. The Assistant Judge's Court was established at Combaconum by a Notification, dated 17th March 1851, under the provisions of Act VII. of 1843, and the wording of the notification does not indicate any intention that the Court was to be temporary. From the correspondence which preceded the issue of the notification, it appears that the Assistant Judge's Court of Mangalore was transferred to Combaconum, and the transfer is not said to have been temporary. The entertainment of the Office Establishment was sanctioned in Extract from Minutes of Consultation, 25th March 1857, No. 186. The Government are of opinion that the Assistant Judge's Court must be viewed as a permanent establishment, and that the service rendered by the applicant in it should count for pension.

5. In 1858 it was desired to establish a Subordinate Court at Ootacamund in lieu of the Principal Sudder Ameen's Court existing there, and it was suggested that the measure might be carried out without expense by substituting a Sudder Ameen's Court for one of the Subordinate Courts in the plains. The Court of Sudder Adawlut was called on to state which of the Subordinate Courts it would recommend to be converted into a Sudder Ameen's Court, and suggested the Assistant Judge's Court at Combaconum. Accordingly a Sudder Ameen's Court was opened there, in lieu of the Assistant Judge's Court, on the 1st June 1858, and the applicant was entertained on its staff. On that date there were already two Principal Sudder Ameen's Courts at Combaconum—one permanent and one avowedly temporary—which had been established on the 8th

Proceedings of the Madras Government, Pension Department,

21st July 1870.

April 1857. The temporary Court was abolished on the 1st January 1859. In the notification establishing the Court in lieu of the Assistant Judge's Court, the words "an additional Principal Sudder Ameen's Court at Combaconum" were used. It is on these words and on the fact that, in the book of establishments for 1858-59, V. Sundara Nayudu, who presided, is called "Temporary Principal Sudder Ameen." The Government doubt whether the word "additional" had acquired the meaning which it has now in connexion with the office of Principal Sudder Ameen, (*i. e.*, an officer supernumerary to the ordinary establishment who is appointed, always temporarily, in Zillahs in which the files are heavy); but rather expressed that the Court in question was in addition to those of the same class already existing at Combaconum. In the *Gazette* appointing him V. Sundara Nayudu is designated Principal Sudder Ameen of Combaconum without any qualifying words. It is observed, however, that in the correspondence of 1860, regarding the re-arrangement of the Courts in the Tanjore District, it was stated that two Principal Sudder Ameen's Courts—one temporary and one permanent—existed at Combaconum, and it was proposed to make the temporary one permanent and transfer it to Negapatam. When this measure was being carried out, V. Sundara Nayudu's Court, to which the applicant was attached, appears to have been the one transferred, and it is presumed was the one designated as temporary. From these facts it is clear that whatever may have been the intention as to the Court, when opened in lieu of the Assistant Judge's Court, it was regarded as a temporary one during the time it existed at Combaconum. The applicant's service on the establishment of that Court must, therefore, be rejected.

6. The balance of qualifying service remaining amounts to fourteen years, six months, and twenty-eight days, or five months and two days short of the time necessary to entitle the applicant to pension. In consideration of the continuity of the applicant's service, which is without a break, and the doubt whether the Court to which he was transferred on the abolition of the Assistant Judge's Court, was then considered a temporary one, the Government resolve to recommend to the Government of India that the slight deficiency be overlooked, and the applicant admitted to a one-third pension, which will amount to Rupees 14-8-0. Meantime the gratuity of twelve months' pay or Rupees 600, to which he is clearly entitled, is sanctioned subject to adjustment should he hereafter obtain pension. It will be disbursed in instalments in the usual way.

(True Extract.)

To the Principal Sudder Ameen of Tranquebar.

Collector of Tanjore.
Accountant-General.
Examiner of Claims.
Financial Department.

6
Extract from the Fort St. George Gazette
dated 25th March 1851 No. 2294: Page 263.

Proclamation

Fort St. George March 25th 1851

It is hereby notified for general
information that the Right Honorable
the Governor in Council, in the exercise
of the powers declared in Section 52. Act
VII of 1843, has resolved to appoint an
Assistant Judge to the Zillah of
Cumbassum, and that from and after the
15th May next ensuing an Assistant Judge
Court will be established at that Station.

By order of the Right Honorable
the Governor in Council

(Signed) J. Pycroft
Secy. to Govt.

(In witness whereof)

Wm. A. Miller
Principal Secretary

GOVT. OF MYSORE

PENSION.

THE PRINCIPAL SECRETARY.

GOVT. OF MYSORE.

GOVT. OF MYSORE.

GOVT.

GOVT. OF MYSORE.

GOVT.

GOVT. OF MYSORE.

from the Fort St. George Gazette
4th May 1858 No 3227. Page 781.

Notification

Fort St. George May 1, 1858.

The Right Honorable the Governor
in Council directs it to be notified that,
from and after the first day of June
next, the Assistant Judge's Court at
Cumbacorum, and the Principal Sadr
Amir's Court at Ostacorum, will be
abolished.

From that date, the Right
Honorable the Governor in Council
resolves to establish, in accordance with
the provisions of Regulations I and II
of 1827, a Subordinate Judge's Courts
at Ostacorum, with the extent of
territorial jurisdiction now belonging
to the Principal Sadr Amir's Court.

From the same date, the Right
Honorable the Governor in Council is

Cumbacorum No 4, de
Volvo from the 1st of
January 1858, and
acted 1st January 1858
No 12

Copy of the order of the
Governor in Council
Judge's Court at Cumbacorum
Council

Rowland 1858/70

Allowed to establish, under Regulation
 VII of 1827, an additional Principal
 Sadr Amine Court at Combaracem,
 for the trial of such appeals as may
 be referred by the civil judge, under
 clause third, Section VIII, Act VII of 1843.

By order of the Right Honorable
 the Governor in Council.

(Signed) F. P. Rogers
 Chief Secretary

(True Contract)

Moudara Kiedor
 Principal Sadr Amine

Recd 8/9/89

No 174

I G. J. Rogers Surgeon Major and
 Acting Surgeon 1st District do hereby certify that
 D. Venkatachella Iyer, Assistant in the Principal
 Sadr Amine Court Bangalore has been under my
 treatment for one month for Dysentery; and that he
 is not likely to derive permanent benefit from
 further treatment, or from change of air. He is
 in my opinion, unfit for further service; and in
 the light of my judgment, such disqualification
 is not the result of intemperance, or other irregular
 habits.

Madras

26 August 1869

J. H. Rogers
 Deputy Inspector General
 Indian Medical Service

J. H. Rogers

Surgeon Major

19 Surgeon 1st District

No 3223

Continued

J. H. Rogers
 27 August 1869

J. H. Rogers

Deputy Inspector General
 For Inspector General
 And Mr. Department

Enclosure No 3
 Letter from the
 Sadr Amine Court
 dated 15 January 1869

No 12

Copy of the order of the
 Sadr Amine Court at
 Combaracem
 dated 15 January 1869

No 405

Trangarbar
25th September
1869

From

The Principal Sadr Amin
Trangarbar

To

The Civil Judge of
Tanjore

Sir,

D. Venkataschellian, the
Head Writer of this Court who ap-
pears to have been employed also in
the late Assistant Court of Combar-
= conum having made his applica-
= tion for Superannuation Pension,
I have the honor to request that you
will be so good as to cause a state-
= ment of leave other than previ-
= lege and preparatory leave obtain-
= ed and enjoyed by him during the
time he served in the said As-
= sistant Court, to be prepared and
sent to me at your early conveni-
= ence. Upon the abolition of the
Assistant Court, almost all the

10396/1869
Recd 26th day
10396/1869

Recd 10396/1869

English Records thereof which could
give the required information appear
to have been sent to the Civil Court
of Combaconum.

I have the honor to be
Sir,
Your most Obedient Servant
(Signed) V. Vondara Naidoo
Principal Sadar Amin
(True Copy)

V. Vondara Naidoo
Principal Sadar Amin

Copy of letter
received at the Court
of Combaconum
dated 10th January 1861
V. Vondara Naidoo

Received by the
letter from the Civil
Court of Combaconum
dated 10th January 1861
No 22

Proceedings of the Principal Sadar Amin Court
of Tranquebar under date the 1st October 1861.

The undersigned Officers who were
appointed to act in this Court when it
was established, are confirmed in the
appointments, in which they severally
officiate, as they have given the Court
satisfaction in the discharge of their
duties.

Head Writer ——— Anugayem Pillay
1st D^r ——— D. Puthachelliah
2^d D^r ——— S. Ramen
4th D^r ——— Gopalacharian
Civil Record Keeper ——— Theenavaygar
Criminal D^r D^r ——— Sabapathy Pillay
D^r Javabunavis ——— Sany Iyer
Head Gomastah ——— Isobramaneya Iyer
Moochy ——— Seshachella Nair
Dalogats ——— Boonany and Sanyuaden

(True translation)

V. Vondara Naidoo
Principal Sadar Amin

N^o 755

Tanjore
8th October 1869.

From

W. S. Whitelide Esquire
Ag. Civil Judge of
Tanjore

To

The Principal Sadar Amin
Tanjore

Sir

In reply to your letter,
N^o 405, of the 21st Ultimo, I have the
honour to inform you that the records
of the late Assistant Judge's Court
of Combarum have been destroyed
in such a manner that I am therefore unable
to furnish you as requested with
a statement of cases obtained and
enjoyed by D Venkatachelliah,
the Head Writer of your Court.

It appears, however, from
the Volume of the Diaries of the
late Principal Sadar Amin's Court
of Combarum for a portion
of

Enclosure No 1 to
a letter from the
Principal Amin of
Tanjore dated
15th January 1870 No 2

Forwarded to the
Principal Amin

W. S. Whitelide

of the year 1858 & for 1859, and which is the only remaining record of that Court, that Venkatachelliah had been granted 15 days leave on the 29th April 1859 under Section VII of the Uncommenced Civil Service Schedule Rules then in force, but there is nothing to shew whether or not he availed himself of this leave.

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

(Signed) H. S. Whiteside
Ctys. Civil Judge.

(True Copy)

W. S. Kidoor
Principal Sadr Amin

Copy of a letter from the Secy of the Govt of Madras to the Secy of the Govt of Travancore dated 15th January 1860
 Copy of a letter from the Secy of the Govt of Travancore to the Secy of the Govt of Madras dated 15th January 1860
 Copy of a letter from the Secy of the Govt of Travancore to the Secy of the Govt of Madras dated 15th January 1860

REGISTER of an application for Superannuation Pension under Pension Rules published under date 3rd May 1864, from the Establishment of the Principal Sadr Amin of Travancore

1	Full name of Pensioner...	Doolapaty Venkatachella Iyer		
2	Sect or caste...	Siva Sekh. Brahmin		
3	Residence...	Combaconum		
4	Present post...	Head writer		
5	Date of commencement of service...	15 th May 1851.		
6	Date of retirement from service...	27 th August 1869		
7*	Abstract of the grounds of application.	1. Good service... 2. Inability to serve longer... 3. Reduction of Establishment...		
8*	How long unemployed, and under what circumstances.	1. Resigned the service from... to... Years. Months. Days. 2. Reduction of Establishment from... to... 3. Suspended from... to... 4. Dismissed for misconduct from... to...		
9	Total of service before 22 years of age...	" " "		
10	Total of service not in Pension grades...	" " "		
11	Total of leave other than privilege and preparatory leave...	1 4 21		
	Grand Total...	1 4 21		
12	Total period in Pension grades counted as service...	16 10 29		
13†	Age of the applicant at the time of this application...	42 9 "		
14	Height...	Feet. Inches. 5 6		
15	Descriptive marks.	Long face with a small black mole on the left corner of the right eye, and has 2 large scars over the knees of both legs. Several marks of small pox scattered over the body. Tattooed mark on the forehead.		
16	Average salary of past 5 years...	Rs. A. P. 43 11 7		
17	Proposed amount of Pension...	14 8 "		
18	Date from which to commence...	27 th August 1869		
19	Place of payment...	Combaconum		

* N. B.—The reason of the applicant's retirement and of his being unemployed for the periods given being left, the other grounds of retirement and reasons of break in employment should be entered with red ink.

† It is hereby certified that no gratuity was drawn by the applicant on reduction of Establishment in the year. It is certified that gratuity having been granted was refunded to the amount of Rs. A. P. Order sanctioning payment of gratuity was Amount of gratuity granted was Rs. A. P. Refund of gratuity was credited to the account for the month of

verified from the records of this office.

The applicant's total period of service from 15th May 1881 to 26th August 1889, is years 18-3.12 and not years 18-3.20 as contained by the Principal Book at foot of the Statement of Service.

J. Donald
Commissioner of Police

years 7. 7-4 on the Permanent Establishment / exclusive of his Service of years 9. 4-27
on the temporary Establishment, and of years 1. 5-28 absence on leave. Should

21
N. D. 11
Tranguebar
16 October 1869

From

The Principal Sadr Amier
Tranguebar
To
The Accountant General
at Madras.

Sir,

I have the honor to
submit herewith the Register
of Application for Superannuation
Pension, together with the Medical
Certificate of D. Ventatochella

DA & AG. OFF.
Recd 18
Ans 10 1869

H. Iyer, the Head writer of this Court.
Tranguebar
P. Sadr Amier's Court
16 October 1869
I have the honor to be
Sir,
Your most Obedient Servant

Kandata Kaidoo
Principal Sadr Amier

PENSION 1860 DEPARTMENT

From the
Principal Sadr Amier
Fort Saint George,

To the Chief Secretary to Government,

Civil Pension Department.

Dated 3rd October 1869
Received 4th October 1869

Enclosures.

PENSION 1860 DEPARTMENT

From the
Principal Sadr Amier
Tranguebar

To the Accountant General or Assistant
of Madras Accounts

Dated 16th October 1869
Received

Verifies the service

of D. Ventatochella Iyer
late Head Writer
borne on the establishment of the
Principal Sadr Amier's Court
Tranguebar.

Register of an appli-

cation for Superannuation Pension in behalf
of D. Ventatochella Iyer
late Head Writer
borne on the establishment of the
Principal Sadr Amier's Court
Tranguebar.

ORDER OF GOVERNMENT.

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22. Testimonials of character or Certificates given to applicant by the Head of an Office, or, (in the absence of such Certificates) an affidavit signed before a Magistrate, in support of which cannot be proved from the Official records.
23. Explanation of the cause of delay in presentation of application until when the applicant appears from the statements of service to have ceased to do duty on the
24. Explanation why the applicant was retained in Government service from to when the Medical Certificate was dated vide Government Notification, published at pages 603 and 473, 1st and 2nd Volumes, respectively of the Official Gazette for 1867.
25. Explanation why the applicant was recommended in the Register, for a gratuity of Rupees equal to months salary, when he is eligible to the gratuity of Rupees equal to months salary under the

Vide Inspector General's Circular No. 1517, dated 29th April 1867, Indian Medical Department.

26. Medical Certificate in prescribed form showing the applicant's inability to serve longer.
 - a. Vide Government Notification, published at page 749 and 632, Volume I of Gazette for 1858 and 1863, respectively.
 - b. Agreeably to the Order of Government, dated 11th June 1855, No. 224, as the applicant's service exclusive of the periods

amounts to
c. Vide Government Notification, published at page 705, 1st Volume, and page 450, 2nd Volume of the Official Gazette for 1863 and 1866, respectively.

27. Explanation why Medical Certificate is dated after the applicant ceased to do duty, instead of on, or before, his retirement from Government service.

28. Transmission of the true copy of the order of *Post constituting the Establishment Judge, and Principal Sadr Amin of Combagum in which the applicant was employed from 15 May 1851 to 30 Sept 1860*

29. Translation of the orders of applicant under which the as the cause of should be shown in this Office report to Government.

30. Explanation as to whether the applicant applied for during his life, if so, when he applied, and when he died.
31. Explanation as to whether the applicant's heirs applied for the arrears of due to the applicant up to the date of decease, together with date of application for

32. Insertion in the 1st, and 2nd sides of the Register, of the correct periods of years, as pencilled, instead of years.

33. Insertion in the Register of application as to whether the applicant for Compassionate allowance has been employed since the date of the abolition of Office in and whether holds any employment at present.

34. English translation of affidavit to be given, on the back of the same (herewith returned,) so as to enable this Department to report its tenor to Government.
35. Signature of the applicant, to be affixed at foot of affidavit in

36. Transmission of the Printed Memo. from this Department dated as requested therein, as the cannot be disposed of without it.

37. Insertion in Clause 3 of item No. 7 in the 1st side of the Register, of the date, and No. of the Order of Government, under which the applicant was thrown out of employ by reduction of Establishment.

38. For deletion of the applicant's service of years before 22 years of age in item No. 9 of the 1st side, and at foot of the 2nd side of the Register, as the entire service rendered by up to

are required to be shown in the case of Compassionate allowance.

39. Information whether the applicant was confirmed on the 1st Oct/61 as 1st writer with reversionary effect from 1st October 1860 the date on which he was appointed as 1st writer on the Permanent Est. of the Principal Sadr Amin's Court of Sreya-patnam - if so, a copy of the Order under that appointment forwarded with this

[Handwritten text in Telugu script, likely a petition or official communication.]

(True Copy)

Handara Nator
Principal Sadr Amin

Circular No. 39/70

No 22 Mangalore
15 January 1870.

From The Principal Sadr Amildar
Mangalore
To The Examiner of Claims
& Accountant General's Office
Fort St. George

Sir,
I have the honor to acknowledge
the receipt of your Memorandum of the
6th instant, referring for want of certain
information, Divisional Register of D. Venkataschelliah
the Head Amildar of my District.
Reference to Nos of your Memo regarding
claims enjoyed by the Applicant, I beg to
enclose herewith copies of my letter on that
subject to the Civil Judge of Bangalore and
his reply thereto, & certificate as to the age
of the Applicant as required by Nos. Copies
of the order of Government constituting
the Establishment of District Judge
and Principal Sadr Amildar of Bangalore
as required by Nos. 18, and a copy of the
Diary order confirming D. Venkataschelliah
as joint writer, together with an English
translation of the same are also herewith
sent.

Enclosure No 6 & 7
Letter from Mr. Venkataschelliah
Amildar of Bangalore
dated 15th January 1870
No 22

Copy of Mr. Venkataschelliah's
order confirming D.
Venkataschelliah
as joint writer.
Jan 20 1870

Goodly made of paper
from the 1897/18

Enclosure No. 3 the or
letter from the 1897/18
during the year
at 10:15 January 1897
No. 12.

Com. d₂ R₁ 18.70
1.5.11 @ 4.31.8m - 18.70
3.3.20 @ 18.50 - 1982 - 4.1

6) 2622-6.7
10) 43.7-1-1
18.70-11-3-

N^o 15 of 25/2/70.

The Ld. to J. Pennin Esq^r is directed with
reference to the Grant of Commission report N^o
108 dated 3rd Feb 1870, to state on what grounds
he considers the service of Venkateshalingam
the Assistant to Mr. Sadr Amier's Court at
Combarum to be of a temporary nature.

2. It is agreed that neither the notification
nor the order regarding the
establishment of the Assistant
Judge's court, justify any
indication of an intention
that the establishment should be temporary, and
the fact that it was continued beyond abolished
after seven years cannot make it a temporary establishment.

3. The With regard to this service in the P. & F. Court
it is agreed that in Dec^r 1856 (E. M. C. 2 Jan 57
N^o 1 Jan 57) the Gov^t of India sanctioned the establishment
of two Principal Sadr Amier's establishments, one
permanent & one temporary for two years, which
was done on the 8th April 1857. The E. M. C. 14th Dec^r 1856,
sanction was given for the abolition of the temporary Principal
Sadr Amier's Court from 1st Jan. 1859, and it was then that the
(with Civil Judge's Court then record.) which of the two was the temporary
however. It happens however that the establishment the
which the application was attached was not the temporary
one as it continued till 1860. Ocl

Accountant General's Office,

FORT SAINT GEORGE,

12th May 1868

REPORT of The EXAMINER of CLAIMS.

The undersigned has the honor to state in reply to Memorandum dated 28th February 1870 to the Pension Department—

1. That he applied in Penetashottam Iyer's case respecting his service on the Establishment of the Assistant Judge of Combaroom, the principles laid down by Government in the cases of persons who served on the Establishment of the Commissioner, Northern Provinces and in the Patent Pension Fund Department of the late Audit Office (which existed for very considerably longer than the Assistant Judge's Court in question) viz that all who were not transferred to these Establishments from permanent posts under Government but whose service under Government began in these Establishments which were subsequently abolished could not reckon the time so spent as qualifying for retiring allowance.
2. That Penetashottam Iyer is shown in the Audit Register for 1858-9 to have been from 1st June 1858 writer on the Establishment of P. Soondara Aidedoo. In the Book of Establishments for that year (page 135) Soondara Aidedoo is entered as Temporary Principal Suddamma of Combaroom and Penetashottam Iyer as Acting Writer on the Establishment.

M. Donald
Examiner of Claims.

To

The High Under Secy to Govt
Civil Pension Department

3. With regard to his service in the principal Suddamma Court, it is shown that between 1858 & 1860 there were under him three principal Suddamma Courts ~~at~~ established at Combaroom. In G.O. No. 17 Jan 1859 No. 1 Judicial, the establishment of two Suddamma Courts one permanent & one temporary for two years, was ordered & the measure was carried out on 8th April 1859. In the temporary court was abolished on 1st January 1859 (G.O. No. 14 Decr 1858) it was then doubtful whether the two courts was the temporary one (vide Civil Judge's letter recorded in the No. 1 as cited). In G.O. No. 30th April 1858 No. 565, the establishment of a principal Suddamma Court (which was intended to be permanent) from 1st June following in lieu of the Assistant Judge's Court was ordered. From the date it would seem that it was to the latter Establishment that the applicant belonged. This Court was transferred to Negapatnam in 1860. The Examiner of Claims will be paid enough to report to High P. Suddamma Establishment the applicant belonged.

Received 1870 Department

From
C. P. 1407

The Treasurer of
Canton

Dated 12th July 1870
Recd 13th May 1870

Replies to Memo No. 14 of
25th July 187 regarding Venka
Venkata's service in
the Principal Sadam
Court at Combaranur.

C. P. 320
21st July 1870

Pension Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following ~~letter~~ papers -

From the Principal Sadr
Venka Venkata - - - } (Dated October 16: 69, 19
Report of the Revenue of Claims } Do. February 3rd: 70, No. 108)

Order thereon. ~~Estimates~~ 21st July 1870

S. P.

Sanctioning Venkata
Venkata's application for
pension is submitted, was
first entertained on the Es-
tablishment of the Asst. Judge
Court at Combaranur, &
served till its abolition 7.0.01
- 16 d. On the 1st June 1858,
the Asst. Judge was replaced
by a Principal Sadam
on

in those establishments. The ap-
plicant continued to serve till
30th September 1860 a period of
2 y. 4 m. 1 d. On the 1st October
1860, the Principal Sudder Durrani
Court was transferred to Ne-
gapatam and thence, in 1864, to
Tranquebar. The applicant con-
tinued to serve in the Court till
26th August 1869, when he was
invalided. His whole service
amounts to 18 y. 3 m. 20 d; but pe-
riods of leave being deducted,
16 y. 10 m. 29 d. only is claimed
for pension.

2. The Examiner of Claims
has rejected the ^{first} two ~~first~~ periods
on the ground that the establish-
ments were temporary, & states
that he applied to this case the prin-
ciple laid down by Govt. in the
cases of persons who served in

the establishments of the
Com^{rs} of the Northern Circar
and in the Native Pension
Fund Department of the late
Civil Audit Office (which ex-
isted very considerably longer
than the Asst. Judge's Court
in question) viz. that all who
were not transferred to those
establishments from per-
manent posts under Govt, but
whose service under Govt
was in these establish-
ments which were subsequently
discontinued, could reckon the time
so spent, as qualifying for
pension allowance. Accord-
ing to the Examiner of Claims the
applicant has only 7 y. 7 m. 4 d.
qualifying service which entitles
him to a gratuity of Rs. 300.
3. This principle is
when.

when it can be shown that the establishments, with reference to which it is to be applied, are temporary. But it is not sufficient to adduce merely the fact of the abolition of the establishment, after it has existed for a certain term, no matter how short; it must also, in the opinion of Govt. be shown, that the establishment, then set on foot, was expressly declared to be a temporary one, or was entertained for an obviously temporary purpose. The presumption should be in favour of the applicant, where the intention of the establishment is obscure or doubtful.

4. The asst. Judge's Court was established at Camba-
Cambi by a notification dated 2nd March 1857, under the provisions

of Act VII of 1843, and the wording of the notification does not indicate any intention that the Court was to be temporary. From the correspondence which preceded the issue of the notification, it appears that the asst. Judge's Court of Mangalore was transferred to Camba-Cambi, and the transfer is not said to have been temporary. The entertainment of the office establishment was sanctioned in G. O. 25th March 1857, No. 186. - The Govt. are of opinion that the asst. Judge's Court must be viewed as a permanent establishment, and that the service rendered by the applicant in it, should count for pension -

5. In 1858, it was desired to establish a subordinate Court at Botacimund in lieu of the Principal.

Principal Sadr Amiri's Court
existing there, and it was sug-
-gested that the measure might be
carried out without expense by
substituting a Sadr Amiri's Court
for one of the Subordinate Courts
in the plains - The Court of Sadr
Adalat was called on to state
which of the Subordinate Courts,
^{it} ~~they~~ would recommend to be con-
verted into a Sadr Amiri's Court,
and ~~they~~ suggested the Asst. Judges
Court at Combaumun. Ac-
-cordingly a Sadr Amiri's Court
was opened there in lieu of the
Asst. Judges Court, on the 1st-
June 1858, and the applicant
was entertained on its Staff.
On that date there were ^{three} two Principal
Sadr Amiri's Courts at Comba-
mun, one permanent and one
annually temporary, which had been

established on the 8. April 1857.
The temporary Court was abo-
lished on the 1st January 1859.
In the notification establishing
the Court in lieu of the Asst. -
Judges Court, the words "An-
additional Principal Sadr Amiri's
Court at Combaumun" were used.
It is in these words and on the
fact that in the book of Estab-
lishments for 1858-9 V. Sundara
Kajulu who presided, is called
"Temporary Principal Sadr Amiri's".
The Govt. doubt whether the
word "additional" had acquired
the meaning which it has now
in Commission. The office of Prin-
cipal Sadr Amiri (i.e. an office
superintending to the ordinary
establishment who is appointed,
always temporarily, ⁱⁿ illahs in
which the files are heavy), but
rather

Further expressed that the Court
in question was in addition to those
of the same class already existing at
Combaroom. It is observed, however,
that in the correspondence of 1868 regarding
the re-arrangement of the Courts -
in the Tanjore District, it was stated
that two Principal Sadr Munsif
Courts one temporary and one
permanent, existed at Combaroom
and it was proposed to
make the temporary one permanent
and transfer it to Negapattanam. When this measure was
being carried out, V. Sundara
Nayudu's Court, to which the
application was attached, appears
to have been the one transferred
and it is presumed was the one
designated as temporary. From
these facts it is clear that what-
ever may have been the intention

In the Gazette appointing
him, V. Sundara Nayudu
is designated Principal
Sadr Amin of Combaroom
without any
qualifying words.

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as to the Court, when opened
in lieu of the Asst. Judge's Court,
it was regarded as a temporary
one during the time it existed
at Combaroom. The application
service on the establishment
of that Court must therefore
be rejected.
6. The balance of qualifying
service remaining amounts to -
14 y. 6. 28 d. or 5 m. 82 d. short of
the time necessary to entitle the
applicant to pension. In con-
sideration of the continuity of the
applicant's service, which is with-
out a break, and the doubt
whether the Court to which he
was transferred on the abolition
of the Asst. Judge's Court, was
then considered a temporary one,
the Govt. resolve to recommend to
the Govt. of India that the slight
deficiency.

deficiency be over looked, and
 the applicant admitted to a one-
 third pension, which will, a-
 mount to Rs. ^{14.8.0} ~~43.4.3~~. Mention
 the gratuity of 12 months pay or
 Rs. 600, to which he is clearly enti-
 tled, is sanctioned subject to
 adjustment should he hereafter
 obtain pension. It will be dis-
 bursed in instalments in the
 usual way.

14/1

To the Prin^d Ldr Amiens of Tranquada
 " Collector of Tanjore
 " Accountant General
 " Examiner of Claims
 " Fin^d Deptt

Count of 1870 Quarters.

To

Dr. 1000
1000
1000

Dated July 21st }
 Recd. 1870, No. 311.

Nos.

Showing the grant of
 a quarter of 1000 to D.
 in certain bills drawn on
 receiving that grant of
 a quarter of 1000 to assist
 him to do me kind service
 of 1000 to 1000 from me and