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p. 20

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MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No.	182	Press Mis.
Dated	23-3-	18 7/

Not to be folded or roughly handled

2/7/86
[initials]

N^o 255
1870.

107

Madras Civil Court
31st August 1870

From,

J. D. Goldingham Esquire
Civil Judge of Madras
The Accountant General
Madras

To,

Sir,

With reference to your
memo (bearing no date) August 1870, ...
I have the honor to retransmit the
same and its enclosure together ...
with the information therein called
for.

I have the honor to be
Sir

Your most Obedient Servant

Accountant General's Office
Recd 2 9 1870
Ans'd —

L. D.

J. D. Goldingham
Civil Judge.

SE

38

I John. F. Fitzpatrick. M.D.

Offg: Gillah Surgeon of Madura do hereby
 certify that I have carefully Examined
 M. Narasimmales Nair late District
 Moondiff of Sheragunah of the Judicial
 Establishment Madura District, that his
 age is by his own Statement (53) fifty three
 years and by appearance (58) fifty eight.
 and that I find him to be unfit for further
 Service from premature decay & infirmity
 not in my opinion attributable to
 intemperance or other irregular habits.

Madura

12th November 1870

J. F. Fitzpatrick M.D.
 Offg: Gillah Surgeon

Received
 14:11 70
 J.D.G.

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Recd 1693770.

Noted on with
 the Bureau on 15
 its enclosure together
 with the information
 received on 16th for

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No 255

Received 1870

Madras

Madras

Madras

Madras

Madras

Madras

1870

No 353
1870

No 102

Madras Civil Court
15th November 1870

From,

J. D. Goldingham Esquire
Civil Judge. of
Madras.

To,

The Accountant General
to the Government of
Madras.

Repor No 1078 of 28 Sep/70

Sir,

The Government in its Proceed-
ings of the 20th October 1870 having required
me to call upon Mr. Karasimuloo,
Naik late District Moonsiff of the
Mazungah to present himself for medi-
cal examination and produce a medi-
cal Certificate of incapacity for service
in order to entitle him to a Pension,
I have the honor to forward herewith
the medical Certificate produced
by the said individual for submission
to Government.

Accountant General's Office
Rec 17 11 1870
Ansd

I have the honor to be
Sir

Your Most Obedient Servant

J. D. Goldingham

Civil Judge

D. K.

Q. A.

me

Recd 11/12/70

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FINANCIAL DEPARTMENT.

No. 48.

FROM

THE HON. R. S. ELLIS, C.B.,
Chief Secretary to the Government of Fort Saint George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FINANCIAL DEPARTMENT.

SIR,

I am directed to request that you will lay the following case before His Excellency the Governor-General of India in Council for his consideration and orders.

2. M. Narasimhalu Naidu, late District Moonsiff of Sivagunga, served in that capacity for two years, seven months, and twenty-six days, and previously, in qualifying grades, for twenty-one years, ten months, and two days, or in all, for pension, twenty-four years, six months, and twenty-eight days. On the 12th of August 1868, he was suspended by Mr. G. R. Sharpe, Civil Judge, and his dismissal recommended to the High Court. The Judges were of opinion that the errors brought home to him were such as to show his unfitness to be entrusted with judicial powers, but, in consideration of his long service, abstained from the extreme punishment of dismissal, and ordered him to retire on such pension as Government might think proper to allow him. Subsequently, the Moonsiff petitioned the High Court that he might be allowed to complete twenty-five years' service to entitle him to a pension of one-third of his pay for the last five years. The High Court, apparently under some misconception as to the pension rules, granted his request, and ordered that he should be considered to have held office from the date of his suspension till the date of the appointment of his successor, viz., 24th November 1868. He was allowed pay for the period in question; but, even with this addition, his total service in grades qualifying for pension only reached twenty-four years and seven months.

3. As, however, the revised Pension Rules admit of the grant of a pension equal to one-third of the average salary during the previous five years of an applicant whose service has amounted to fifteen years, M. Narasimhalu Naidu would be eligible for a pension of Rupees 51, or one-third of Rupees 153 per mensem, were it not for the following circumstance. No Medical Certificate (which is necessary as the applicant's service is less than thirty years) was furnished till called for by a Government Order issued on receipt of the application, in forwarding which considerable delay occurred. The certificate ultimately furnished is dated 12th November 1870, nearly two years after the applicant's retirement, which took place on 23rd November 1868.

4. Supposing that, in spite of this informality, M. Narasimhalu Naidu is eligible for a pension, his conduct as a public servant has not been such as to entitle him to the full pension of one-third of his average salary for the five years preceding his retirement. The action taken by the High Court, adverted to above, was induced by such grave defects in M. Narasimhalu Naidu's procedure that the Civil Judge was led to entertain doubts of his probity. He was also charged with disobedience to the repeated orders of his superior.

Handwritten notes and signatures:
Pension 1870
Civil Department
No. 1267
The Civil Judge of
Sivagunga
To the Accountant General
of the Government of
Madras
No 353
Enclature 1
J. O. 23rd March 1871
To the Secretary to the Government of India
Financial Department
14/13

5. The High Court, however, having evidenced a desire that M. Narasimhan Naidu should not be deprived of pension, I am directed to request that, in consideration of all the circumstances of the case, the Government of India will be pleased to sanction the grant of a reduced pension of Rupees 25 per mensem to the individual referred to. His full pension would have been, under the Rules, Rupees 51 per mensem.

I have the honour to be,

Sir,

Your most obedient servant,

FORT SAINT GEORGE,
31st January 1871.

Chief Secretary.

W. J. H. Burns.

1871.

FINANCIAL DEPARTMENT.

From

The Chief Secretary to Government,
Fort Saint George,

To

The Secretary to the Govt. of India,
Financial Department.

Dated 31st Jan. 1871.

Recd.

No. 48.

Enclosure.

Soliciting sanction to the grant of a reduced pension of Rupees 25 per mensem to M. Narasimhalu Naidu, late District Moonsiff of Sivagunga, Madura District.



11/1

Pension Department

Memo for Orders

His retirement has nothing to do with the State of his health - I think therefore that in the case must be dealt with like the Canara case - I would only recommend Rs 25. as a ^{to his} ~~to his~~ ^{allowance}

L. D. S.

M. Narasimhalu Naidu late District Moonsiff of Sivagunga, served in that capacity for 24 years 26d & previously in qualifying grades for years 21 years 2d; or in all, for pension, years 24.6 years 28d. On the 12th of August 1868 he was suspended by Mr. G. R. Sharpe, Civil Judge, & his dismissal recommended to the High Court. The Judges (Proc^d 29th January 1869) were of opinion that the

the errors brought home
to him, were such
as to show his unfitness
to be entrusted with judi-
cial powers, but in con-
sideration of his long service
abstained from the extreme
punishment of dismissal,
& ordered him to retire on
such pension as Government
might think proper to
allow him. Subsequently,
the Munisif petitioned
the High Court that he
might be allowed to com-
plete 25 years service to
entitle him to a pension
of one third of his pay
for the last five years.
The High Court apparently

under

13f

from the High Court
order of 25 years service

but with
this addition, his
total service in
qualifying
for pension
reached 24 years
& 17 months

under some misconception
as to the pension rules,
granted his request, &
ordered that he should be
considered to have held
office from the date of his
suspension till the date
of the appointment of
his successor viz 24 Nov. 1868.
He was allowed ^{pay} for this
^{in question} period, & pension is claim-
ed from the latter date.

There are two
points to be considered in
connection with the case.

(i) No medical certificate
(which is necessary as the
applicant's service is less
than 30 years) was fur-
nished, till called for
by

by Govt Order dated
20th October, issued on
receipt of the application.

It is dated 12th November
1870, nearly two years
after his retirement. It
alleges that he is by
appearance 68 years old,
& is incapacitated by age
& infirmity. Should
this certificate be accepted,
merely to bring the case
within the letter of the rules
when it is obvious that
the man's retirement had
nothing whatever to do
with physical incapacity,
but was brought about
by his misconduct?

(ii) Should the full
pension be granted, or
should

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should it be reduced for
his misconduct? The
main charges against
him were that he had
deliberately disobeyed
the repeated orders of the
Civil Judge to appear
before him for enquiry
into charges against him,
that he had placed a
^{Suitor}~~order~~ in his Court in con-
flict with the
pension; & that he
adjourned a suit 36 times
before the settlement of
issues; and on the 37th
posting dismissed the
suit for default, though
the plaintiff's Vakil was
absent or have granted
by the Munsif himself

though the 2^d plaintiff
was actually present
in court. From Mr.
Sharpe's letter to the High
Court it appears that
the Munsif had a very
bad reputation; that
the Deed Assistant &
Principal Sudr. Amin
had written unfavorable
reports of him; that several
persons deposed that he
was in the habit of taking
bribes; & that he reviewed
in one quarter 26 of his
judgements out of 94
passed on the merits,
a fact which Mr. Sharpe
considers strong grounds
for

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if the medical certificate
is admitted and he is
allowed any.

for suspicious. The man
must have been very bad
to have acquired such a
character during 2½ years
of office. The full pension
which might be granted
under the rules is Rs 57.

It is submitted that Rs 40
forty is the utmost that
he should get. His service
is only 5 months 2 days
short of the period for
½ pension

3 He has put in a
claim for pension under
the rules allowing Native
Judges half pension after
22 years service; but this
rule is held to mean 22
years service as native judges
and

and is accordingly
inapplicable to the
applicant's case.

Pension to Mr. Kara
-mudu Naidu late D.
Munsif of Sivagunga

I should first consider that
the medical certificate
cannot be accepted, but
that the applicant should
get some pension, the
only course open is to
refer the case as a
special one to the Govt.
of India; as was done
in the somewhat similar
case of Lammappan
District Munsif of Bskel
in S. Canara. (Vide
Proc. 5th Nov. & 18th Dec.
1867 mut. p. 1).

M. H. S.

C: 11 Jan
R 16 m

Recd. 6. 23 March 1871
A/182-

N/1038.

To
The Chief Secretary
to the Government of
Fort St. George

Financial Dept. Sir,

In reply to your letter N/18 dated 31st
January 1871, I am directed to state, that in
compliance with the recommendation
of His Excellency the Governor in Council,
the Governor General in Council is pleased
to sanction the grant to Mr. Kara-simulu
Naidu, late District Munsif of Sivagunga
of a reduced pension of Rupees 25 a month.

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

For William
The 21st February 1871

Under Secy to the Govt of India

Copy to Accountant General Madras

Pension 1871 Department

N^o 164

From

The Under Secretary
to the Govt of
India

Dated 21st Feb 1871
Recd 27th Feb 1871

Knows the sanction
of the Govt of India of
the grant of a reduced
pension of Rs 25 to Kara
Sunder Naichu late
Di. H. Samsing, Jharia
Pragat.

With an order, 1871.

Order the record 23 March 1871 No 182.
Communicated to the Accountant General
the Civil Judge of Madras with reference
the addition of salary of Rs 750. The known
of Rs 25 will be paid from the
24th Nov 1868.
Accountant General
Madras
Principal Secy of Madras
Collector of Madras