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MADRAS RECORD OFFICE.

Government of Madras.

Pension **DEPARTMENT.**

G.O. No. 173 Press / ~~Mis.~~

Dated 25-3-1874.

Not to be folded or roughly handled

PENSION DEPARTMENT.

No. 173.

FROM

C. G. MASTER, Esq.,
Acting Secretary to the Government of Fort St. George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FINANCIAL DEPARTMENT.

SIR,

On the 18th April 1873 the Madras High Court directed one Moulavi Abul Ayash Gulam Mahomed Yahiya Nakvi, District Munsif of Masulipatam, "to send in his resignation and retire on whatever pension he might be entitled to" as he had "clearly been guilty of gross irregularity in calling up and disposing of cases before the day fixed for hearing" and was "quite unable from physical incapacity to control his office establishment." The Munsif asked to be allowed to remain in the service until the Government Order on his application for pension should be received, but the High Court said it was "impossible to allow the public service to suffer from the District Munsif's evasions" and they accordingly directed "peremptorily" that he should "be removed from his office."

2. The Munsif had served, at the date of his removal, twenty years, three months, and thirteen days; but, having been removed for unfitness, he cannot be granted a pension under any of the established rules, and I am now directed to submit his case for the favourable consideration of the Government of India on the following grounds.

3. Moulavi Abul Ayash Gulam Mahomed Yahiya Nakvi is the son of Abul Vadud Sahib Nakvi, who was one of the Mahomedan Law Officers brought to this Presidency from Bengal in the year 1808. These men petitioned the Government to grant them family pensions, and, though their request was refused, the Government of the day said they would "be prepared to take into consideration any case of peculiar hardship."

Public, Extract Minutes of Consultation, 15th June 1839, No. 706.

4. Abul Vadud Sahib Nakvi was pensioned in the year 1852 after a service of upwards of forty-two years, and in the following year his son, who had been especially recommended for office by the Court of Sadr Adawlat both on account of his own qualifications as well as on account of his father's good services, was appointed a Mooftee Sadr Amin. In this capacity, and subsequently in that of District Munsif, he served with credit until the commencement of last year, when an examination of his Court by the District Judge led to the discovery of what that officer styled "great irregularities in the method of conducting business." A full and searching inquiry was held, and, though the facts disclosed caused his removal by orders of the High Court, still the District Judge who conducted the proceedings does not charge Moulavi Abul Ayash Gulam Mahomed Yahiya Nakvi with dishonesty or corruption, but is of opinion that he acted irregularly not "with sinister intentions" but simply from a wish to improve the appearance of his file, and was made a tool of by his office and by "intriguing and unscrupulous litigants."

5. Under these circumstances and those detailed above in connexion with Moulavi Abul Ayash Gulam Mahomed Yahiya Nakvi's father, I am directed to suggest that a special compassionate pension of Rupees 60 per mensem should be granted to him.

I have the honour to be,
Sir,
Your most obedient servant,

FORT ST. GEORGE,
25th March 1874.

Acting Secretary to Government.

Exd. A. S. Rodgers.

1874.

FINANCIAL DEPARTMENT.

From
The Acting Secretary to Govt.,
Fort St. George.
To
The Secretary to the Govt. of India.
Financial Department.

Dated 25th March 1874.

Recd.

No. 173.

Enclosure.

Recommending, as a special case, the grant of a compassionate pension of Rupees 60 per mensem to Moulavi Abul Ayash Gulam Mahomed Yahiya Nakvi Sahib, late District Munsif of Masulipatam.

Copy of the Letter from District Judge of Guntur
to the Chief Secretary to Government
Madras

To
THE CHIEF SECRETARY TO GOVERNMENT,
Fort Saint George.

I have the honour to forward for the consideration of Government an application from Abdul Iyash Gulam Mohamad Yahiya Nakvee, late District Moonsiff of Masulipatam, to be admitted to pension at the rate of half salary.

2. As the application is made under somewhat peculiar circumstances, I beg to lay them before you.

3. The Petitioner has served for only twenty years and four months, and is consequently entitled to only one-third rate of pension.

4. The circumstances under which he leaves the service are as follows.

5. Petitioner bore an excellent character up to the time of my taking charge of this Court.

6. In January 1873, owing to certain complaints I received respecting his official work, I proceeded to his Court and made an examination thereof, which disclosed great irregularities in the method of conducting business.

7. I did not myself think that these irregularities called for more serious notice than moving him to another Court. I however reported the matter to the Honourable Judges of the High Court, and they taking a more serious view of the matter appointed me as a Commissioner, under Section 20, Act III of 1873.

8. I accordingly made a full enquiry and the result may be deduced from the concluding portions of my letters, which are as follows.

9. In my letter of the 12th February 1873, I stated, "* * * on consideration of the whole of the above irregularities I am led to the opinion that with regard to the suit remarked upon, it appears to me that beyond all doubt the Moonsiff did call these suits in an irregular manner with the view to clearing them off the file at the close of the quarter, in order to improve the appearance of his quarterly returns, and that he did so without any consideration of the interests of the parties, and that there is grave suspicion that he tampered with his call book to conceal the irregularities.

"I am further of opinion that this was done with no sinister intention, that is to say, without the object of favouring or injuring any parties. I am further of opinion that he is totally incapable of controlling his office and that from the state he has allowed the records to get into he has given opportunity to the intriguing and unscrupulous litigants with which Masulipatam abounds to throw discredit on his Court." * * *

No blame on the part of Petitioner

In my letter of the 3rd April, I stated, "* * * the Honorable Judges may rest assured that there is exceeding ill-will between the defendant (Munsiff) and nearly the whole Court establishment, and that that establishment with perhaps the exception of two men whom the defendant cited as his 1st and 8th witnesses would facilitate every error, let every slip pass unnoticed, and as far as in them lay, seek to blind and not to aid the Munsiff in his work. * * *

* * * I see no reason at the close of the examination I have made as Commissioner to waver from the opinion expressed in my letter of the 12th February in my capacity of Judge, and in leaving the case in the hands of the Honourable Judges would draw their attention to the past services of the defendant and the excellent character formerly borne by him as shown by his testimonials."

10. Upon receipt of my report the Honourable Judges of the High Court passed the following order :—

"* * * Taking the most favourable view of his case the Munsiff having shown himself unfit for his office and the High Court direct that he be at once required to send in his resignation and to retire on whatever pension he may be entitled to. The High Court are disposed to take this lenient course in consideration of the long services of the Munsiff and his family."

11. I accordingly called upon the Munsiff to retire upon pension ; he however agreed to retire only upon certain conditions, to the effect that he should be retained in the service until the receipt of sanction for the pension he purposed applying for.

12. On this, the High Court passed a final order to the effect that, "As it is impossible to allow the public service to suffer from the district Moonsiff's evasions, the High Court have no alternative but to direct peremptorily that he be removed from his office."

13. I accordingly directed him to vacate his post forthwith.

14. He now applies for pension, and for a rate of pension to which he is not entitled.

15. The grounds upon which he bases his application may be shortly expressed :—

1st.—That his father was led by the promises of favor proffered to him by the British Government to leave his native country, Bengal, and take service in the Madras Presidency, abandoning certain property in the Bengal Presidency.

2nd.—That Petitioner's claims to promotion during his service here have been unfairly overlooked.

3rd.—*Ad Misericordium.* That Petitioner's family is large and that two of his sons are idiotic and unable to support themselves.

* This Pension was granted to the Mahomed Khan, but not Petitioner's father (vide para 15 of present petition herewith enclosed)

16. With reference to the 1st of these grounds, I would remark that the claims of the Petitioner's father formed the subject of considerable correspondence, which was terminated on receipt of a letter from the Secretary of State for India by an order of Government of Madras, No. 223, dated 6th August 1863, granting to Petitioner's father as a compassionate allowance a pension of Rs. 30 per mensem which was strictly to cease on his death.

17. I think, therefore, that any claim put forward by petitioner on this ground must be held untenable.

18. With regard to the 2nd ground put forward by petitioner, I am afraid that misfortune in promotion during service cannot be held to form a ground for indulgence in regard to pension.

19. What Petitioner states in regard to his family is true.

20. On the whole, I am not prepared to recommend that higher rate of pension be granted to Petitioner than he is entitled to under the rules. But I respectfully recommend that this be granted.

21. No doubt, the orders of the Honourable Judges of the High Court, directing petitioner to retire and finally dismissing him are perfectly just, and the latter order was necessitated by Petitioner's not at once complying with the first, but I cannot help considering, as I have from the first, that Petitioner was placed in a position of difficulty, owing to the bad feeling of the subordinates of his Court, and also that his dilatoriness in complying with the order of the High Court was owing not to insubordination but to indecision and a general want of "*savoir faire.*"

GUNTOOR, *16th September* 1873.

I have the honor, &c.,

(Signed) J. C. HANNYNGTON,
District Judge of Guntoor.

(A true copy.)

Copy of District Judge's letter to Chief Secretary to Government

Incl to 396 of 6/2/74

No 396 2 Encl: 6/2/74

Madras Royapett
31st January 1874

TO

HIS EXCELLENCY THE RIGHT HONORABLE
VERE HENRY LORD HOBART,
Governor-in-Council,
MADRAS.

FROM
ABOOL AYASH GHOOLAM MAHOMMED YAHYA NAKVY,
Late District Munsiff of Masulipatam.

MY LORD,

1 I ventured to address a representation to your Lordship in respect to my compulsory retirement from the service, ordered by the High Court and which with profound sorrow I am given to understand has been confirmed by your Lordship's Government; but as I fear that representation was not sufficiently clear and explanatory of my case, I now therefore humbly beg to submit this further representation, for which I respectfully solicit your Lordship's most favorable consideration.

2 The High Court consider me unfit for my appointment and physically incapacitated to control my Establishment and upon these grounds insisted upon my retirement; basing their decision upon a report made by the Acting Civil Judge, Guntoor.

3 This Gentleman was induced to visit my Court upon a telegram received by him from one Majety Soobbaroyudu, an enemy of mine, to the effect that there was a complaint against me being investigated and that the Records of my Court should be examined.

4 The complaint alluded to was preferred by the said enemy of mine, Majety Soobbaroyudu to the Assistant Collector, Mr. MacCarthy, at the instigation of certain of the Ghoomastahs of my Court who had been carrying on certain intrigues. I beg your Lordship will call for the proceedings connected with Mr. MacCarthy's enquiry; for they will satisfy your Lordship that there were no grounds for a reference being made to the Civil Judge in respect to the conduct complained of to Mr. Hannyington by Majety Soobbaroyudu. The complaint against me was that I had been guilty of forgery; that I had, in a suit in which Mr. Fruvall was plaintiff and Captain G. W. Cole defendant, passed an order on the 31st December 1872 dismissing the suit; but falsified that order by dating it 20th December 1872. Mr. McCarthy on the complaint of Majety Soobbaroyudu inquired into his charges and dismissed the suit; and it was because the suit was so dismissed that Majety Soobbaroyudu telegraphed to Mr. Hannyington.

5 Mr. Hannyington on arrival found that the case had been dismissed; but, not satisfied with the acquittal by Mr. MacCarthy, the Acting Civil Judge, deemed it necessary to submit a Report to the High Court recommending my removal to another station; that Court directed Mr. Hannyington to investigate the matter brought to notice under Section XX. Act XIII. of 1873. Mr. Hannyington instituted the enquiry ordered; but the principal parties Majety Soobbaroyudu and Vallaba Charlu his Vakeel who were the cause of the enquiry failed to be present, though served with formal summons by Mr. Hannyington. The absence of my principal accuser at such enquiry renders it defective. But Mr. Hannyington proceeded with his enquiry and submitted a second formal Report, upon which the High Court ordered that I should at once be required to send in my resignation and to retire on whatever pension I may be entitled to.

6 Mr. Hannyington having taken up the idea on his first arrival at Masulipatam that, I was in the habit of dismissing suits, calling them up when not set down for hearing and also dismissing them for default, he carried that idea with him in his examination of my Records and consequently he could not in the course of the investigation divest himself of that idea, which made everything appear as if altered to suit my purposes of lessening the number of suits on my files and thus to improve the appearance of my quarterly returns.

7 I would occupy too much of your Lordship's valuable time if I attempted to refute in detail Mr. Hannyington's Report. I shall therefore only refer to one or two points as sufficient to show the inaccuracy of his Report. I do not mean to state that Mr. Hannyington intentionally has misrepresented matters, but that having become the subject of an idea, he was obliged to follow the impulse of that idea.

8 Before I proceed further I must bring to your Lordship's notice that the chief subordinate servants of my Court have, for some time past, been most untrustworthy. I had brought their conduct to notice; but I never received sufficient redress. The district of Masulipatam is notorious for the intriguing character of the people and that my subordinates have been guilty of all the irregularities complained of by Mr. Hannyington is evident from the fact that those whose names are entered in the margin have been removed from Masulipatam and transferred to other stations. These subordinates are doubtless guilty of having occasioned the irregularities brought to notice by Mr. Hannyington and if they are guilty then I am not and the decision of the High Court is wrong; for there is nothing to show that there was any collusion between myself and my subordinates; on the contrary it is well known to all the officers of my district that the Hindoos were bitter enemies of mine, because I was a Mahomedan and they wanted one of their own caste or a Brahmin to be in charge of the Court and Mr. Hannyington distinctly states that there was admitted enmity on the part of my subordinates. In his complaint to Mr. McCarthy Majety Soobbaroyudu cited several cases in which he stated I had altered the date of my decisions thereon. From the cause list hung up in the Court any one may be able to give the number and date of the decisions but Majety Soobbaroyudu being able to specify the records in cases in which he was not at all concerned clearly proves collusion on his part with the subordinates of my Court.

P. Buspiyah, Hd. Ghoomastah.
A. Gowraraj, Ghoomastah.

9 Mr. Hannyington in his second Report to the High Court states he found that the Assistant Collector had examined two witnesses, namely Bagvathoollah Luxminarasimahlu, Vakeel in Suit No. 58 of 1871, and one S. Vallaba Charlu, the Ghoomastah of Majety Soobbaroyuddu and that those witnesses had deposed on oath to the effect that I had dismissed the Suit on the 31st, but had dated the decree 20th December, on neither of which dates the Suit had been fixed for hearing. Had Mr. Hannyington only patiently enquired into the real facts of the case, he would have discovered the truth; but he was carried away by the idea which had seized his mind when he first entered on his enquiry.

10 The facts connected with the dismissal of the case are as follows:—

In one of the suits to which Majety Soobbaroyudu referred in his complaint to Mr. McCarthy Mr. Fruvall of Masulipatam by his Attorney Majety Soobbaroyudu and Captain G. W. Cole in England were parties. This suit, to the best of my recollection had been pending in my Court for about two years. The Summons could not be served on the Defendant because his correct residence could not be stated by the Plaintiff, nor was it known to the Court. After giving the Plaintiff every chance of discovering the correct address of the Defendant allowing him nearly *two* years, I deemed it useless to keep the suit any longer on the file. The 26th February 1873 was the day on which the Defendant was required to put in his appearance and as the summons could not be issued, the 20th December 1872 was fixed as the day on which the Plaintiff should be called upon to explain the cause of delay in not furnishing the information required to enable the Summons to issue, and as the Plaintiff did not afford the necessary information the suit was struck off the file *for the want of such information*—not as it is supposed by Mr. Hannyington to improve the condition of that file. The suit was struck off *bonâ fide*, because there was no hope of its being ever proceeded with.

11 Mr. Hannyington relies on the evidence of Bagvathoollah Luxminarasimahlu, Vakeel in the suit and of S. Vallabah Charlu, the Ghoomastah of Majety Soobbroyudu. These were the creatures of the last named person so that they would swear to anything. But their depositions were taken in my absence and without being subjected to the test of cross-examination; while their evidence was opposed to the facts actually elicited.

12 The Second Ghoomastah who had charge of the "Call Book" or "Register of Hearing Days," clearly admitted that the case was orally dismissed on the 20th and written Judgment entered on the 31st December. Again the sixth Ghoomastah, who had charge of all the records of this suit, with equal distinctness stated that the case was orally dismissed on the 20th, while on the plaint itself the date of dismissal is entered in my own hand writing as the 20th December. The weight of evidence is therefore for the 20th December. How then Mr. Hannyington accepted the

evidence of two persons notoriously the creatures of my enemy as establishing the 31st December as the day of hearing I cannot undersand. The omission to enter the dismissal of the case in the Diary is a dereliction of duty for which the Head Ghoomastah must be held personally responsible in accordance with the Rules of the High Court. Para 2 of rules regarding the Diary in DIGEST OF RULES, RULINGS AND DECISIONS, &c., page 10. Mr. Hannyington insists that the case was called out of time and he appeals to the Diary. This Book being entirely in the hands of the Ghoomastah, I cannot be held responsible for any omission therein and the fact of there being proved animosity between this officer of my late Court and myself will account for such omissions. Besides the responsibility of the Head Ghoomastah for the correct preparation of the Diary is all the more enhanced as I am unable to read Telegu, I have a thorough colloquial knowledge of it and it was therefore his bounden duty to see the various Books kept in order. His failure to do so was owing to the animosity entertained against me and I submit that I should not suffer for this. Nor does it prove anything against me;—it does not prove my inefficiency as a Judge nor incapacity as the head of a department. The wisest man situated as I was, would be open to the same machinations and intrigues.

Surely the Hd. have [illegible] daily

13 I am not the only person who has had to complain against the Ghoomastahs of my Court; my Predecessor V. Sashiah Puntaloo and previous other Munsiffs of the Masulipatam District Munsiff's Court submitted reports to the Civil Judge, Guntoor, against these subordinates,—as can be ascertained by reference to the records of that Court. Mr. Hannyington states that I am incapable of controlling the servants of the Court over which I presided. Had I been properly supported as I ought to have been, I should have been quite able to manage my Court properly. I frequently complained against my subordinates especially these Ghoomastahs; but adequate notice was never taken of the complaints and the consequence was that these Ghoomastahs had much of their own way. That the character of the Ghoomastahs was incorrigible will be further evident from the fact that Mr. Wilkins, the Small Cause Court Judge at Masulipatam, frequently brought to the notice of the Civil Judge of Guntoor the irregularities and even fraudulent acts of these Ghoomastahs:—such as tampering with records, forging figures, concealing important documents, &c. It was not because I was physically incapable of controlling my Court servants; but because I was not properly supported that they were guilty of the irregularities brought to notice. The New Act III of 1873, however gives District Munsiffs larger powers and puts their ministerial servants under their immediate control and under it I shall be able to manage my Court much better than before.

14 With regard to another Suit No. 210 of 1871, which Mr. Hannyington states was called up out of time, I beg to state that in this case also Mr. Hannyington is wrong. The Zemindar of Davaracotta, Rajah Yarlaguddah Ankeeneer Bahadoor was the Plaintiff, and in order to satisfy Mr. Hannyington that he had arrived at an incorrect conclusion I addressed a letter to the Zemindar and asked him to state on what date his Pleader had informed him the case was dismissed;—when he wrote in reply a note, which is in the Original records connected with Mr. Hannyington's enquiry, and which I beg your Excellency will send for, through the High Court, for your satisfaction, that his Pleader intimated to him that the case had been dismissed on the 20th December. This testimony, by a person against whom I had struck off the case, must be accepted in preference to the lying evidence of the prosecution; and I submit that there is nothing in either of these cases, and the others are similar to them, to bring down upon me the heavy punishment of being compelled to retire from the service before I am entitled to full pension.

15 My personal history is, I respectfully submit, one which should obtain for me special consideration at the hands of Government. My Grandfather, Gulam Mohiyoddeen Nakvy, joined the Judicial Service of the British almost from its earliest existence as a Government in Bengal. When the services of experienced Mahomedan Law Officers were required in 1802 in the Madras Presidency upon the establishment of Regular Courts, my Father Moulavy Mahommed Abdul Vadood Nakvy Sahib, with other Muftees, was invited by Government and left Bengal and accepted service under the local Government, on the understanding that an eventual provision would be made for his family and which was specially secured by the rules in force at the time. Sometime afterwards when the pension rules were somewhat modified the Cauzee Ool Koozat and Muftees of the Sudr Adawlut petitioned that Court and pointed out the special cir-

cumstances under which they had volunteered to take service under the Madras Government—and the guarantee given them of family pensions to their heirs. The orders of Government then passed were to the effect that claims to pension to their families would be favorably considered if a case of peculiar hardship were made out. In accepting employment under the Madras Government my Father left behind him in Bengal, paternal and other property, consisting of a share in a Jaghire, granted by the Emperors of Delhi, &c. This he did because the Government promised to favor the qualified male issue of those who came from Bengal with important situations and their other issues with family pensions. My Father was appointed Circuit Cauzee of the Trichinopoly Provincial Court, Moofty Sudder Ameen of Guntoor and Chingleput and Senior Muftee of the late Sudder Adawlut Court of Madras. He thus served the Government for a period of 43 years. "Among those who with my Father came to Madras was Mahommed Hussain Ally, 2nd Muftee of the late Sudder Adawlut Court. On his demise considerable correspondence passed between his son Moothamid Khan and the Government and the Home Authorities and the result was that a pension of Rupees 30 was conferred on his son. Mr. Hannyington makes a grave mistake when he says in para 16 of his letter to the Chef Secretary, dated 16th September 1873, that a compassionate allowance was granted to my Father. My Father did not receive any such allowance and if Moothamid Khan who himself did not serve the British Government was granted a compassionate allowance on account of the services rendered by his Father, I respectfully submit that I have superior claims to consideration in as much my Father and I have both served the Government and after having so served the Government with a good character and without reproach for "twenty-one years" I should not I submit be compelled to retire on whatever pension I may be entitled to, but that a special retiring allowance should be granted me.

16 I have not been guilty of any crime. I have not done anything that can throw discredit on my office or position. I have always held the highest character for intelligence, zeal, and faithful discharge of the duties entrusted to me, as is borne testimony to by Mr. Hannyington in his report to the Chief Secretary to Government, dated 16th September 1873, and as will be proved by the copies of testimonials attached hereto. From these testimonials it will be observed that I was recommended for promotion to a Deputy Collector, First Class District Munsiff and Principal Sudder Amin, and the High Court were pleased to promise in their letter to the Civil and Session Judge of Guntoor, dated 1st February 1864, that my claim will be considered favorably as vacancies occur in the office of District Munsiff first grade; but the High Court, unfortunately for me, never remembered their promise, nor the services rendered by my Father and did not promote me;—not because there was any fault on my part but simply because they preferred younger men with more modern education, and yet I was educated in the Madras High School. The Government have always shielded their old and faithful servants from arbitrary action and they have recently passed orders to prevent such servants being passed over. Permit me to annex the words of that order. Proceedings of Government No. 1672 dated 18 October 1873, and I therefore respectfully submit that burdened as I am with a large family and the support of two imbecile children as admitted by Mr. Hannyington and for whom I must make some provision after my demise, it is very hard that I should be compelled to retire, before I have qualified for full pension while I still possess every faculty for the performance of my duty.

Men who have devoted their past lives to the public service have a moral claim or right to preferential employment and Government expect their officers in every department to treat with full consideration claims based on long service to the State.

17 Your Excellency on your first arrival in this country noticed the down trodden condition of the Mahomedans of this Presidency; their want of entertainment and promotion in the public service;—and your Excellency was so good as to issue orders for the improvement of the intellectual and social condition of that community. There are but few Mahomedans occupying appointments like that held by me, and even those holding them are one by one being put on the shelf. It therefore remains for your Excellency to decide whether I have done anything to justify the High Court to compel me to retire before I have passed my qualifying period of service or if required to retire whether I should not receive a larger amount of pension than my bare period of service entitles me to. As already stated my Grandfather joined the British Service from its earliest establishment in Bengal;—my Father served the State 43

years, leaving in Bengal a share in paternal and other property which by lapse of time it is now impossible to recover and I have served the State more than 20 years with irreproachable character;—so that our united service embraces a period of nearly a century. We have known no other source of livelihood, we have always been dependent upon the British Government and now we should not be abandoned. My wife the niece of Patcha Begum, the wife of His Highness the Nabob Azeem Ood Dowlah the Father of the present Prince of Arcot was not granted the pension which her sisters and brothers were allowed in E. M. C. dated 27th March 1858, No. 24, because she happened to be married to me then in the Government service.

18 Thus your Excellency will observe that I have lost on all sides. I have lost my ancestral and other property in Bengal, and I have had no family pension conferred on me. If I had not been in public employ perhaps I would have received that pension and my emoluments by my taking employment under some Native State would have been larger. My wife has been deprived of the pension which was given to her brothers and sisters. Promotion in the service was not granted to me by an oversight as on the part of the High Court and not because I was either incompetent or disqualified for the same for if I had not been qualified or competent the High Court would not have promised to provide for me. I therefore earnestly beg your Excellency will under all these circumstances be kindly pleased to confer on me, if it be decided that I should retire from the service, a special pension, restoring to my wife the pension Rs. 27 which she would otherwise have enjoyed in common with her sisters and brothers and I submit Rs. 200 per mensem will not be a too liberal amount to enable me to support myself and large family.

For which act of kindness as in duty bound I shall ever pray for your Excellency's happiness and prosperity.

Madras
31st January
1874

I have the honour to be,

Your Excellency's most obedient servant,

A. G. M. Yahya
late 2d Munsiff of
Masulipatam

A.

Extract from the Proceedings of the Sudder Udalut under date the 20th October 1852.

PRESENT.

G. S. HOOPER, ESQ., }
F. ANDERSON, ESQ., } *Judges.*

Read Miscellaneous Petition presented on September 20th, 1852, by (present Petitioner's father) Abdool Wadood Sahib late Mooftee of Zillah of Chingleput.

(Here enter S. M. P. No. 381 of 1852.)

1. The Petitioner prays the Court of Sudder Udalut to confer on his son the office of Mooftee Sudder Ameen when an opportunity occurs in consideration of his long and faithful services to the Honorable Company.

2. The Court of Sudder Udalut resolve to comply with the Petitioner's request so far as to recognize his son's claims and will on a fitting occurrence give them all the consideration that is due to them.

Ordered, that extracts from these Proceedings be furnished to the Petitioner on his application.

(True Extract.)

(Signed) CHAS. A. POCHIN,
Officiating Assistant Registrar.

B.

To
THE CIVIL JUDGE OF COMBACONUM.

SIR,

1. In transmitting the accompanying application for the situation now in your gift by the creation of an additional Moonsiffship in the Zillah of Combaconum, I am directed by the Judges of the Court of Sudder Udalut to bring to your notice the claims of the applicant as deserving your very favorable co[illegible]

2. The applicant Mohamed Yahea Sahib is the son of Molavee Abdool Wadood Sahib, late Senior Moofty of the Court of Sudder and Foujdaree Udalut who after a long and faithful service of 43 years, obtained a pension from Government and recently died in Madras having a large family almost wholly unprovided for.

3. Independent of this claim to consideration Mohamed Yahea Sahib has passed a highly creditable examination for the office of Moofty Sudder Ameen and from his general ability as well as his extensive knowledge of the Laws and Regulations is in the opinion of the Judges well qualified to discharge its important duties. Pending, however, his promotion to that office he is desirous of holding the subordinate appointment of District Moonsiff and as it is obviously desirable on every account that persons who may hereafter be called upon to discharge the more responsible functions of the higher Grades of the Judicial Service, should, whenever practicable, be previously afforded some opportunity of acquiring practical experience in its inferior branches, the Judges will be very glad if you can meet their wishes by conferring on this applicant the appointment in question.

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

(Signed) F. LUSHINGTON,
Registrar.

SUDDER UDALUT, }
2nd November 1852. }

(True Copy.)

C. F. CHAMIER,
Deputy Registrar.

C.

No. 100.

GUNTORE, 20th November 1855.

FROM

P. IRVINE, Esq.,
Civil Judge of Guntore.

To

G. H. ELLIS, Esq.,
Registrar to the Court of Sadur Adulut,
Fort Saint George.

SIR,

I have the honor to forward for the consideration of the Judges an appliction from Syed Goolam Mohamed Yahea Sahib Nakavy Sadar Ameen requesting that in the expected judicial changes his claims to promotion may be taken into consideration.

2. The Judges are I believe aware that the Moofty is of a highly respectable family during the time I have been Judge at this station I have always found him zealous and efficient in the discharge of his duty.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) P. IRVINE,
Civil Judge.

GUNTORE ZILLAH COURT,
20th November 1855.

(True Copy.)
(Signed) P. IRVINE.

D.

ABUL YAHAYA GULAM MAHOMMED YAHAYA NAKVY.

SIR,

I have much pleasure in complying with your request for a certificate of my opinion of your qualifications.

I have always found you zealous in your duty and that you had a very good knowledge of the regulation and circular orders and I shall be glad to see that you get a higher appointment than the one you now hold.

Believe me to be,
your Friend,
(Signed) P. IRVINE.

GUNTORE, 19th May 1856.

E.

GUNTORE, 19th April 1858.

FROM

T. ONSLOW, Esq.,
Civil Judge of Guntore.

To

C. F. CHAMIER, Esq.,
Acting Registrar to the Court of Sadar Udulut,
Fort St. George.

SIR,

1. I have the honor to forward a Petition from the Moofty Sadar Ameen of this Court, and to request the same may be laid before the Judges.

2. In doing this I will take the opportunity to add, that during the period I have been at this Court I have always found the Moofty zealous, active and intelligent in his duties.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) T. ONSLOW,
Civil Judge.

GUNTORE ZILLAH COURT,
19th April 1858.

(True Copy.)
T. ONSLOW,
Civil Judge.

Seal of
Zillah Court of
Guntoor.

Jud 2. 296/72.

F.

GUNTORE, 12th December 1859.

FROM

T. ONSLOW, Esq.,
Civil Judge of Guntoor.

To

C. F. CHAMIER, Esq.,
Offg. Registrar to the Court of Sadar Udalut,
Fort St. George.

SIR,

With reference to an Extract of Proceedings received from the Secretary to Government
calling upon me to furnish a list of 3 servants best qualified within my knowledge for Deputy
Collectorships, I have the honor to state that Molanee Abool Iyash Goolam Mahomed
Yahaya Nakavy Sahib the present Moofty Sadar Ameen of this Court, also C. Jagunnatham
the present Sheristadar of the Court and M. Narasing Rao the present Munsiff of Bapatla are
the persons who from 3 years experience, I feel able to name as likely from their ability
general knowledge, intelligence and experience in the service to fulfil the important duties of
Deputy Collector.

2. The Moofty Sadar Ameen holds already a high appointment and the salary of the
Junior Deputy Collector being only 50 Rupees a month more than he draws, he hopes if
selected for a Deputy Collector, it may not be of the lowest grade.

3. I enclose the list required.

I have, &c., &c.,
(Signed) T. ONSLOW,
Civil Judge.

GUNTORE ZILLAH COURT,
12th December 1859.

(True Copy.)
T. ONSLOW,
Civil Judge.

Seal of
Zillah Court,
Guntoor.

G.

From the knowledge I have had of the Moofty Sudder Ameen of this Court for nearly
4 years, I have every reason to speak both of his intelligence, and ability, and I am of
opinion that he would give satisfaction to the higher appointment to which he aspires.

(Signed) THOMAS ONSLOW,
Civil and Session Judge.

GUNTORE,
July 16th, 1860.

H.

Extract of a letter from the Civil and Sessions Judge of Guntoor, to the Registrar to the Court of Sudder Udalut, Fort St. George, dated 10th June 1861.

With reference to your Acting Deputy Registrar's letter of the 25th ultimo, I have the
honor to forward herewith the statement of services, &c., of the Moofty Sudder Ameen and
the Moonsiff of Bapatla. The Moofty Sudder Ameen from his good knowledge of both Crimi-
nal and Civil business and from his general intelligence I consider, would give every satisfac-
tion as Principal Sudder Ameen.

* * *

(True Copy.)
(Signed) T. ONSLOW,
Civil and Sessions Judge.

Seal of the
Court at Guntoor.

I.

Name and present employment.	Period of public employ.	Y.	M.	D.	In what situations and in what Districts, employed and period in each.	Y.	M.	D.	With what languages conversant.	Notice of any public record in favor, or against the Candidates.
Moolavee Abool Iyash Goolam Mohamed Yahea Nakavy Sahib, Moofty Sudder Ameen.	In the Judicial Department.	8	2	10	Moofty Sudder Ameen in the Zillah of Guntoor.	8	2	10	Arabic, Persian, Hindustanee, Tamil, Telugue, and some knowledge of English, both speaking and reading.	Passed a highly satisfactory examination in Mohamedan Civil and Criminal Laws as well as in Logic, Philosophy, Regulations and Circular Orders, has very favorable proceedings held by Sudder Adawlut and Messrs. P. Irvine and T. Onslow, Civil and Sessions Judges of Guntoor, but bears nothing against.
	In other Departments.									

Seal of the
Zillah Court,
Guntoor.

(True Copy.)

GENTOOR ZILLAH COURT,
10th June 1861.

(Signed) T. ONSLOW,
Civil and Sessions Judge.

Ans. 296 of 74

J.

No. 32.

GUNTORE, 5th July 1862.

FROM
W. ELLIOT, ESQ.,
Civil Judge of Guntoor.

To
C. F. CHAMIER, ESQ.,
Registrar to the Court of Sadar Udalut,
Fort St. George.

SIR,

1. In reply to the Proceedings of the Sadar Udalut, under date the 30th of April last, I have the honor to report that in consideration of the limited number of suits filed in his Court, the Sadur Ameen was by Minute of Consultation, dated 30th of April 1858, No. 561, permitted to exercise the powers of a District Munsiff, his time therefore is fully occupied.

2. From the several Testimonials held by the present Sadur Ameen the assiduity and ability evinced by him appear to have given great satisfaction, whilst he is a member of a most respectable family and his own character unexceptionable.

3. Should the Judges consider that a Sudder Ameen's Court is unnecessary at Guntoor, which from the paucity of Suits it seems to be, I would beg to recommend that unless otherwise suitably provided for, the present Sudder Ameen who has been upwards of 9 years in the service, may be appointed a District Munsiff, but without any reduction is his present salary.

I have, &c.,
(Signed) W. ELLIOT,
Civil Judge.

GUNTORE ZILLAH COURT,
5th July 1862.

(True Copy.)

(Signed) W. ELLIOT,
Civil Judge.

K.

GUNTORE, 8th September 1863.

FROM
W. ELLIOT, ESQ.,
Civil Judge of Guntoor.

To
C. F. CHAMIER, ESQ.,
Registrar of the High Court of Judicature at Madras.

SIR,

In reply to your Acting Deputy's letter of the 12th March, and Memo. of the 20th July last I have the honor to report for the information of the Chief Justice and Judges of the High Court, that Abdool Iyash Goolam Mohamed Yahen Nakavy Sahib, and * * * 3rd Class District Munsiff of Guntoor, &c., * * respectively are in my estimation fit and proper persons to fill the office of 1st Class Munsiff from their good knowledge of English, their superior Judicial qualifications and unexceptionable character.

I have, &c.,
(Signed) W. ELLIOT,
Civil Judge.

(True Copy.)

(Signed) W. ELLIOT,
Civil Judge.

Seal of
Zillah Court,
Guntoor.

L.

FROM

THE DEPUTY REGISTRAR OF THE HIGH COURT OF JUDICATURE AT MADRAS.

To

W. ELLIOT, Esq.,

Civil and Sessions Judge, Guntoor.

SIR,

With reference to your letter, dated 30th instant, I am directed to state that the claims of Abdool Iyash Goolam Mohamed Yahya District Munsiff of Guntoor, will be considered by the Judges as vacancies occur in the office of District Munsiff of the 1st Grade.

I have, &c., &c.,

HIGH COURT OF JUDICATURE,
MADRAS, 1st February 1864.

(Signed) T. WILKINS,
Deputy Registrar, Appellate Side.

(True Copy.)

M.

I have had many Judgments of Molavee Abdool Iyash Goolam Mohamed Yahea Nakevy Sahib, District Munsiff of Guntoor, before me in appeal, and I have the greatest pleasure to certify that most of those judgments exhibited, a very good judicial experience, intelligence, and ability of the said officer, and that his proceedings in many cases showed his great anxiety to arrive at the truth of the matter in dispute.

P. S. AMEEN'S COURT, GUNTORE,
January 8th, 1870.

P. SREENEEVASA ROW,
Principal Sudder Ameen of Guntoor.

Transferred to
the Chief Secy.
to Government
for disposal.

(By order)
A. Chiddy
Presi. Secy.

Guindy
2nd Feb. 1874

Petition with Copies
of Testimonials

Ind. No. 396 of 74.

19

Government of Madras.

Pension **DEPARTMENT.**

Petition No. 396 of 1874

From Abool Ayash Ghoolam Mahomed Yahya Nakvy

Occupation. late Dt. Moonsiff of

Village.

Talook. Masulipatam

District. now at Madras.

Dated 31st January } 1874.
Received 6th February } 1874.

Enclosures 2.

Abstract.

Represents that the High Court, relying on the prejudicial report (O. No. 173 of 74) of the Acting Civil Judge of Guntoor, have directed ~~that~~ petr's compulsory retirement on the ground that he is unfit for any appointment and physically incapacitated to control his establishment; that the Acting Civil Judge on his first arrival formed a prejudicial opinion against petr.; and was led by the same ~~unfavourable~~ prepossession in all his proceedings regarding petitioner.

Prays that

if it be decided that he should retire, a special pension may be granted to him on account of the losses he sustains on all sides; and that his wife may be granted the same allowance of Rs 27 which her brothers & sisters enjoy and of which she has been deprived only owing to petr's being employed under Govt.

Jud. G.O. d/ 18/10/73 No. 1672
L.M.C. d/ 30/3/58 No. 221

Please see Pension Current No. 106 of 1874

Copy of the letter from the District Judge of Guntoor to Chief Secretary to Government

To

THE CHIEF SECRETARY TO GOVERNMENT,
Fort Saint George.

I have the honour to forward for the consideration of Government an application from Abdul Iyash Gulam Mohamad Yahiya Nakvee, late District Moonsiff of Masulipatam, to be admitted to pension at the rate of half salary.

2. As the application is made under somewhat peculiar circumstances, I beg to lay them before you.

3. The Petitioner has served for only twenty years and four months, and is consequently entitled to only one-third rate of pension.

4. The circumstances under which he leaves the service are as follows.

5. Petitioner bore an excellent character up to the time of my taking charge of this Court.

6. In January 1873, owing to certain complaints I received respecting his official work, I proceeded to his Court and made an examination thereof, which disclosed great irregularities in the method of conducting business.

7. I did not myself think that these irregularities called for more serious notice than moving him to another Court. I however reported the matter to the Honourable Judges of the High Court, and they taking a more serious view of the matter appointed me as a Commissioner, under Section 20, Act III of 1873.

8. I accordingly made a full enquiry and the result may be deduced from the concluding portions of my letters, which are as follows.

9. In my letter of the 12th February 1873, I stated, "* * * on consideration of the whole of the above irregularities I am led to the opinion that with regard to the suit remarked upon, it appears to me that beyond all doubt the Moonsiff did call these suits in an irregular manner with the view to clearing them off the file at the close of the quarter, in order to improve the appearance of his quarterly returns, and that he did so without any consideration of the interests of the parties, and that there is grave suspicion that he tampered with his call book to conceal the irregularities.

"I am further of opinion that this was done with no sinister intention, that is to say, without the object of favouring or injuring any parties. I am further of opinion that he is totally incapable of controlling his office and that from the state he has allowed the records to get into he has given opportunity to the intriguing and unscrupulous litigants with which Masulipatam abounds to throw discredit on his Court." * * *

In my letter of the 3rd April, I stated, "* * * the Honorable Judges may rest assured that there is exceeding ill-will between the defendant (Munsiff) and nearly the whole Court establishment, and that that establishment with perhaps the exception of two men whom the defendant cited as his 1st and 8th witnesses would facilitate every error, let every slip pass unnoticed, and as far as in them lay, seek to blind and not to aid the Munsiff in his work. * * *

Then no blame on the part of petitioner

* * * I see no reason at the close of the examination I have made as Commissioner to waver from the opinion expressed in my letter of the 12th February in my capacity of Judge, and in leaving the case in the hands of the Honourable Judges would draw their attention to the past services of the defendant and the excellent character formerly borne by him as shown by his testimonials."

10. Upon receipt of my report the Honourable Judges of the High Court passed the following order:—

"* * * Taking the most favourable view of his case the Munsiff having shown himself unfit for his office and the High Court direct that he be at once required to send in his resignation and to retire on whatever pension he may be entitled to. The High Court are disposed to take this lenient course in consideration of the long services of the Munsiff and his family."

11. I accordingly called upon the Munsiff to retire upon pension; he however agreed to retire only upon certain conditions, to the effect that he should be retained in the service until the receipt of sanction for the pension he purposed applying for.

Pension No 157 of 74

12. On this, the High Court passed a final order to the effect that, "As it is impossible to allow the public service to suffer from the district Moonsiff's evasions, the High Court have no alternative but to direct peremptorily that he be removed from his office."

13. I accordingly directed him to vacate his post forthwith.

14. He now applies for pension, and for a rate of pension to which he is not entitled.

15. The grounds upon which he bases his application may be shortly expressed:—

1st.—That his father was led by the promises of favor proffered to him by the British Government to leave his native country, Bengal, and take service in the Madras Presidency, abandoning certain property in the Bengal Presidency.

2nd.—That Petitioner's claims to promotion during his service here have been unfairly overlooked.

3rd.—*Ad Misericordium.* That Petitioner's family is large and that two of his sons are idiotic and unable to support themselves.

16. With reference to the 1st of these grounds, I would remark that the claims of the Petitioner's father formed the subject of considerable correspondence, which was terminated on receipt of a letter from the Secretary of State for India by an order of Government of Madras, No. 223, dated 6th August 1863, granting to Petitioner's father as a compassionate allowance a pension of Rs. 30 per mensem which was strictly to cease on his death.

He is not petitioner's father
See para 15th my former petition

17. I think, therefore, that any claim put forward by petitioner on this ground must be held untenable.

18. With regard to the 2nd ground put forward by petitioner, I am afraid that misfortune in promotion during service cannot be held to form a ground for indulgence in regard to pension.

19. What Petitioner states in regard to his family is true.

20. On the whole, I am not prepared to recommend that higher rate of pension be granted to Petitioner than he is entitled to under the rules. But I respectfully recommend that this be granted.

21. No doubt, the orders of the Honourable Judges of the High Court, directing petitioner to retire and finally dismissing him are perfectly just, and the latter order was necessitated by Petitioner's not at once complying with the first, but I cannot help considering, as I have from the first, that Petitioner was placed in a position of difficulty, owing to the bad feeling of the subordinates of his Court, and also that his dilatoriness in complying with the order of the High Court was owing not to insubordination but to indecision and a general want of "*savoir faire.*"

GUNTOOR, 16th *September* 1873.

I have the honor, &c.,
(Signed) J. C. HANNYNGTON,
District Judge of Guntoor.

(A true copy.)

10th March 1874
Rayapetta

To

The Honorable D. F. Carmichael Esqr.
Chief Secretary to the Government
of Fort Saint George
&ca. &ca. &ca.

The humble Petition of Moulavi
Abul Ayash Goolam Mohamed Zahya
Nakvi late District Munsiff of
Masulipatam.

Honored Sir,

In obedience to the order contained in the official memorandam dated 3rd March 1874 No. 7 "Pension Department," your Petitioner begs most respectfully to forward the original extract of the Proceedings of the Suder Udalat Court under date the 20th October 1852, and the authenticated copy of the letter of the Suder Court to the Civil Judge of Combaconum dated 2nd November 1852 and in doing so, may the Petitioner beg to embrace the opportunity of bringing the following to your most kind, just and unbiassed consideration, relative to his sad case now before the Munificent Government pending their favourable decision and sincerely and most earnestly trusts that your honor will be graciously pleased to render a helping hand to your aggrieved and most humble Petitioner who has by his misfortune and vicissitudes of life fallen a victim to the displeasure of the authorities through his vindictive and evil disposed subordinates the Hindoos employed in the Court to which he was attached.– In extenuation of the alleged charge of want of capacity to control his your Petitioner's subordinates he begs to take the liberty of stating that when the whole Department was prejudiced against your Petitioner and would not allow any slight opportunity to slip through their fingers to bring your Petitioner who was perfectly ignorant of their sinister motives to ruin him, into a scrape and tried their utmost to blind him in discharge of his duties and were determined to mislead him in every possible way in the bustle and pressure of work as admitted by the District Judge, x your Petitioner leaves it to your honor and the equitable Government to judge whether there it was possible for your Petitioner to have preserved control over them when conspiracy was hard at work against him at a time when he had not the slightest knowledge of what they were upto; that your Petitioner conducted the duties appertaining to his appointment during the last twenty years zealously and faithfully and brought no stain upon his character by any illegal act and always tried to and did earn the good will of his Superior Officers, which statement he

x
See printed copy
of judge's letter

x
Copies forwarded
with former petition

x

humbly begs to say can be borne out by the testimonials in his possession during the above period of service, he to the best of his belief, did not avail himself of more than one month & 15 days leave.

Honored Sir, the sad event of his sudden removal from the appointment, he honorably filled for such a prolonged period, served as a thunder bolt to him, who is encircled with a large family consisting of 20 souls and 2 imbecile sons. Your Petitioner need scarcely bring to your notice the admitted fact of the District of Masoolipatam being notorious for mal practices and litigant characters particularly those Hindoos your Petitioner's enemies with whom the Court abounds.

With all this status of affairs your Petitioner begs humbaly to assure that he took every possible care to guard against the occurrence of any serious mistakes and was always on the alert to do the work required of him without the intervention of his Subordinates, with prompstitude and deligence and the imputed want of capability to control his Subordinates rose from the fact of the nature of the work which was required to be performed through their medium and instrumentality; with all this your Petitioner most submissively begs to represent that there was no such irregularity and failure on the part of your Petitioner as to have subjected him to the heavy penalty of being deprived of his hard earned bread and long preserved honor before the expiration of a short period (viz 1½ years) he had to serve for reaping the fruits of his labour by retiring upon half pay pension under the Rules of the Service+

+ No. 111 of 8th August 1862

It may not be out of place to represent most humbly, that the District Judge who was your Petitioner's immediate superior officer has acknowledged in his letter× dated 18th September 1873 addressed to the Chief Secretary to Government to the effect that Petitioner's character was good but it is deemed advisable to recommend your Petitioner's removal to some other station on the grounds stated above and he did not proffer his opinion as to your Petitioner's incapacity to discharge the duties of the appointment of District Munsiff elsewhere; from which fact it is obvious that no reflection is cast by his superior officer upon his competency to perform the work appertaining to the appointment; and that his recommendation for the removal of your Petitioner to some other station was an act of policy to preserve the interior economy of the department as dictated by the exegencies of the service. While so circumstanced the most severe measure adopted by the High Court, with regard to your Petitioner, bears extremely hard upon your poor Petitioner who has undergone the trying ordeal of his discharging his duties

× The printed Copy herewith enclosed

to the state with honesty and integrity, for a period exceeding 20 years.

Under these pitiable circumstances your humble Petitioner most respectfully begs to appeal to your honor's sense of kindneſs by requesting that you will be graciously pleased to cast a glance of favour upon his unfortunate case and to support his just cause by your most liberal and generous recommendation and obtain for him the redress and justice sought for in his former representation made to Government on the 31st January 1874, your Petitioner having no other asylum to look to for support than your honor; and your Petitioner is confident that your honor with wonted generosity and kindneſs, will not grudge to uphold your Petitioner's just cause and relieve him and his distressed large family from the clutches of misery and poverty which is staring them in their face.

With regard to the circumstances under which your Petitioner's late father Moulavi Mohamed Abdul Wadood sahib the late senior Mufti of the Suder Udalut Court was invited by the late Honorable East India Company to this Presidency, your Petitioner begs to refer to the memorial above refered to wherein they are fully

Pension 1874 Septr

From No. 159

Abul Iyash Goolam
Mahomed Yahuya Rahim
Late District Munsiff
of Masulipatam.

Dated 10th }
Recd 11th } March 1874.

Forwarding the original extracts of the proceedings of the Sadar Adalat Court under date the 20th October 1852 and the authenticated copy of the letter of the Sadar Court to the Civil Judge of Combaconum, dated 2d November 1852.

Order No. 173 of 74

Original Papers returned
Vide [illegible] Pros. 26 [illegible]

J. C. HANNYNGTON
25 OCT 73

31

To be [illegible] copy Collector to report [illegible] having been sent in [illegible] whether the [illegible] exists in office.

Respected Sir

I beg to acknowledge the receipt of your letter of 27th Ultimo and beg to tender you my thanks for the great kindness you have been pleased to confer on me by recommending me to Government for my pension. But there is one point in your letter to the Chief Secretary to Government dated 16th October last which I humbly beg to point out requires modification.

In your recommendation to Government for a pension you observe in the 16th para of that communication that this claim of mine formed the subject of considerable correspondence which was terminated on receipt of a letter from the Secretary of State for India by an Order of Government No. 223 of 6th August 1863 granting to my Father Rs 30 as a Compassionate Allowance strictly to cease on his death and that therefore my claim to family pension is untenable. It was not my Father who is spoken of in the above quoted order of Government but Mahomed Khan Bahadoor.

the son of Hussain Ally Saib one of the Judicial Officers who like my father was invited from Bengal to this Presidency on the condition of provision being made for their families. I trust you will kindly write to Government to correct this part of your report.

My Father came to this Presidency giving up his portion of the family Jaghire in Bengal and other property. He served 43 Years. his pay was Rs 350 per mensem so that if a family pension were granted it would be at least Rs 175. per mensem not the paltry Amount of Rs 30 Sanctioned to Mohammed Khan Bahadoor because he was one of the sons of Moulave Hussan Ally Saib, Junior Mofty of the Sadar Adult. I sent his papers to you merely to serve as a precedent. In conclusion I beg to state that I am entitled to both pensions the family pension and the service pension. Both the Service of my father and myself 44 + 21. aggregate 65 years nearly and my Grand father served the Bengal Government for a previous further period all this would make up nearly a century that is from the 1st settlement of the British Government in India and I trust that you will now be so good as to recommend me as well for my family as for my Service pension.

33

I have done nothing wrong I have not been guilty of moral turpitude. I have not shown any incapacity for the discharge of my own duties as a Judge. It is in matters of minor detail that the Ghoomastahs have been able to deceive me and I therefore trust you will be so good as to accord to me your best support for which I shall feel greatly obliged –

Madras – 18th October 1873

I beg to remain
respected Sir
Your most Obedient Servant

Late District Moonsiff
Masulipatam

Enclosure

In a letter from the
Ag Dt Judge of Kistna
to the Chief Secretary
dated 31st October
No. 339.

Letter from the
late District
Munsif of
Masulipatam
to the address
of the Ag Dt
Judge of the
Kistna Dt.

Rev: Re No. 704 of /73

No. 339

District Court Kistna
Guntoor
31st October 1873.

From
J. C. Hannyngton Esqre
Acting District Judge
Kistna District.

To,
Honorable W. Hudleston
Chief Secretary
to Government
Fort Saint George.

Sir,

With reference to the last part of Para 16 of my letter of the 16th ultimo No. 282, I have the honor to forward herewith an original letter from Abdul Ayash Gulam Mahammad Yahaya Nakvi Saheb late District Munsiff of Masulipatam, and to inform you that the papers having been sent on, I cannot ascertain whether the mistake exists or not.

I have the honor to be,
Sir
Your most obedient Servt.

Hannyngton
Acting District Judge

Class. P

INDIAN TELEGRAPH.

Local No. 36

37

To (Station) Ootacamund

From (Station) Madras

No.	Words.	Time tendered for transmission (Madras time.) Day.	H.	M.
2643	23	29th	10	–

Official Instructions.—

To (Person) His Excellency the Governor in Council

From (Person) Late District Munsiff of Masulipatam

Respectfully solicits his pension case may be postponed fresh petition being submitted

Recd. from (L. L.)
At H. M., on the
By
Date OOTACAMUND 29 9 73

Sent to (L. L.)
At H. M., on the
By

Telegraph Master.

(P. 1)—Govt. Tel. Press,—100,000,—16-8-72.

Judicial 1873 Dept.
No. 764
From the Acty Dt Judge Kistna
to the Chief Secretary to Government Madras.
Dated 31-10-73
Recd 7 November 73
Enclosure 1.
Forwarding an original letter from the late Dt Munsiff of Masulipatam

Pension 1873 Departt

No. 630

Telegraph
From
The late District
Munsiff of Masulipatam

Dated 29th Septr } 1873
Recd 2nd Octr }

Soliciting that his Pension Case may be postponed pending petition being submitted.

Immediate

Transferred to the Chief Secretary to Government

(By order)

A. Mordey
Pri: Secy

Ootacamund
29th Sept. 1873

9/9

Under too

Send Mr Stoddart by tomorrow's post
Sd
29.9.73

Pension Manager

G.O. No. 172 of 7th

May 27th 1873

39

From
J. C. Hannyngton Esqr
Ag. Dist. Judge Kistna

To
The District Moonsiff
Masulipatam

Sir

With reference to your letter dated 19th May I beg to inform you that no medical certificate need accompany your application for resignation

I have the honor to be
Sir
your obedient servant
JCHannyngton

Rec:ed No 987 / 14/4/74

41. 48

To

The Chief Secretary to Government
Fort St. George.

Sir

With reference to my memorial dated 31st January 1874 to the address of His Excellency the Right Honourable the Governor which I have been informed by the Private Secretary of His Excellency has been transfered to you. I have now the honour to inform you that having under instruction of Mr. Hannington late acting District Judge of Kistna District Guntore and under a notice from the accountant General Madras presented myself before the later named officer for the purpose of the neceſsary identification modes being taken and entered in the pension papers which are being permitted on my behalf. I was informed by the accountant General that a Medical Certificate would be required and that without it I would not be entitled to pension but I was informed by Mr. Hannington as per letter in original enclose to be returned that a Medical Certificate would not be required. I therefore beg to be favoured with your order on the subject for which I shall feel oblige, I make this application without prejudice to my above quoted appeal.

Madras
Batary near
Rayapett
11th February 1874

I have the honor to be
Sir
Your Most Obedt. Servt.

A Gole Gabya
Late District Munsiff
Masulipatam

Enclosure 8/74

No. 820.

Proceedings of the High Court of Judicature at Madras, 18th. April 1873.

Read letter dated the 3d. April 1873, from the Acting District Judge of the Kistna district submitting for the orders of the High Court the result of the Enquiry held by him under Act XXXVII of 1850 into the conduct of the District Munsif of Masulipatam as directed in the Proceedings of the High Court dated 10th. March 1873.

The Munsif has clearly been guilty of gross irregularity in calling up and disposing of cases before the day fixed for hearing. His obvious intention was to improve the appearance of his Quarterly Returns. The evidence as to the falsification of dates i.e. whether oral judgment was given on 20th December and written judgment on 31st. December as the Munsif alleges is not conclusive. There can be no doubt whatever that the Munsif is quite unable from physical incapacity to control his office establishment. Taking the most favorable view of his case the Munsif has shewn himself unfit for his office and the High Court direct that he be at once required to send in his resignation and to retire on whatever pension he may be entitled to. The High Court are disposed to take this lenient course in consideration of the long services of the Munsif and his family.

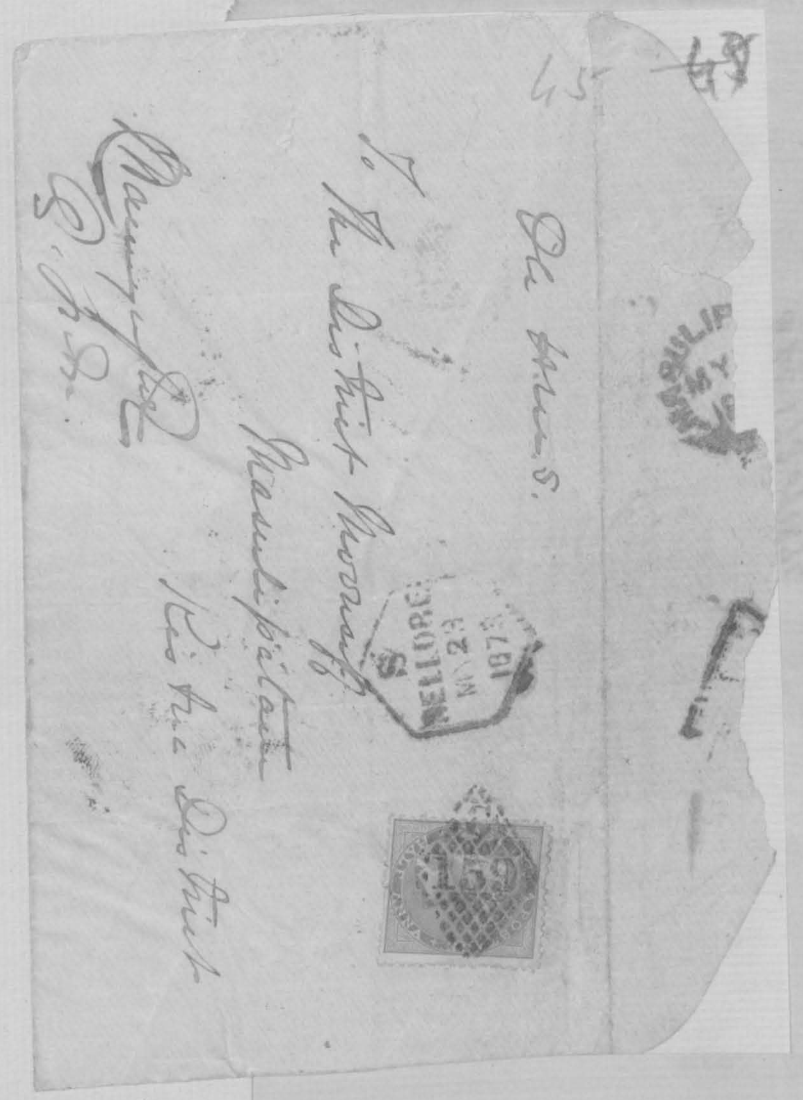
(True Extract)

(Signed) H. Wigram,
Registrar,
Appellate Side

(True Copy)

J. Morgan
Dy. Registrar,
Appellate Side.

Exd.



On Service.

To
The District Munsiff
of
Masulipatam
Kistna District

NELLORE
MY 23
1873

MASULIPATAM
MY

159

Pension 1874 Depart^t.

No. 98

From

Abdool Ayash Mahomed
Yahya Nakvee.
Late District Munsiff
Masulipatam.

Dated 11th } February 1874.
Recd. 12th }

Ev: 1.

Requesting to be informed with reference to the intimation given to him by the Accountant General that he will not be entitled to pension without the production of Medical Certificate whether such certificate is needed —

O. No. 173 of 1874

No. 1154.

Proceedings of the High Court of Judicature at Madras 1st July 1873.

Read letter dated 11th June 1873 from the Acting District Judge of the Kistna District forwarding for the orders of the High Court a letter from the District Munsif of Masulipatam.

In their Proceedings dated 18th April 1873 the High Court directed that the District Munsif of Masulipatam should be required at once to send in his resignation and to retire on whatever pension he might be entitled to. Instead of submitting his resignation he has submitted an urzi in which he states that he is willing to retire if pension is granted to him but prays to be retained in the service until the orders of Government on his application for pension are received.

As it is impossible to allow the public service to suffer from the District

Munsif's evasions, the High Court have no alternative but to direct peremptorily that he be removed from his office.

(True Extract)

(Signed) H. Wigram,
Registrar,
Appellate Side.

(True Copy)

J. Morgan
Dy. Registrar,
Appellate Side.

51

OFFICIAL MEMORANDUM.

Pension Department.

No. 5 MADRAS,

Dated 23rd February 1874.

Received

THE Under Secretary to Government, Public, &c., Departments is directed to request that the Registrar of the High Court Appellate Side will be good enough to forward for the information of the Government ~~a~~ copy of the ~~High Court~~ passed [illegible] Proceedings ~~recorded in~~ the H C in the case of Moulavi Abul Ayoob Gulam Mohammed late District Munsiff of Masulipatam ~~regarding his removal~~

These appear to have from [illegible] two in [illegible] from the service —

By Order

re directing him
to resign & the matter
removing him from
the service

Ag Under Secretary

To The Registrar of the
High Court Appellate Side

No. 396.

HIGH COURT OF JUDICATURE
MADRAS.

OFFICIAL MEMORANDUM.

Dated 25 February } 1874.
Received }

The Dy. Registrar of the High Court is directed to forward copies of the Proceedings of the High Court referred to in the Memorandum dated 23d February 1874, from the Under Secretary to Government Public Department.

W. Morgan
Dy. Registrar,
App. Side.

To The Under Secretary
to Government,
Public Departt.

Pension 1874 Deposit

No. 122

Official Memorandum
from the Dy Registrar
of the High Court

Dated 25th February 1874
Recd 27 " "

C No. 173 of 74

No 282 Kristna District
16th September 1873

From, J. C. Harrington Esqre
Acting District Judge
Kristna -

To, The Honorable W. Hudleston
Chief Secretary to Government
Fort Saint George -

Sir,

I have the honor to forward for the consideration of Government an application from Abdool Iyash Gulam Mohomed Yahya Nakui Saheb late District Munsiff of Masulipatam to be admitted to pension at the rate of half salary -

2, As the application is made under some what peculiar circumstances, I beg to lay them before you -

3 The Petitioner has served for only twenty years & four months & is consequently entitled to only one third rate of pension.

4 The circumstances under which he leaves the service are as follows -

5 Petitioner bore excellent character up to the time of my taking charge of this Court.

6 In January 1873 owing to certain complaints I received respecting his Official work, I proceeded to his Court and made an examination thereof which disclosed great irregularities in the method of conducting business.

7 I did not myself think that these irregularities called for more serious notice than moving him to another Court. I however reported the matter to the Honorable Judges of the High Court and they, taking a more serious view of the matter, appointed me as Commissioner under Section 20 Act III of 1873.

8 I accordingly made a full enquiry and the result may be deduced from the concluding portions of my letters, which are as follows.

9 In my letter of the 12th February 1873 I stated × × × ×

" × × × - on consideration of the whole
" of the above irregularities, I am led
" to the opinion that with regards to the
" Suits remarked upon, it appears to me
" that beyond all doubt the Munsiff
" did call these suits in an irregular
" manner, with the view to clearing
" them off the file at the close of the
" Quarter, in order to improve the appear-
" -ance of his quarterly returns & that
" he did so without any consideration
" of the interests of the parties and that
" there is grave suspicion that he tamper-
" -ed with his call book to conceal
" the irregularies."

" I am further of opinion that this
" was done with no sinister intention that
" is to say without the object of favoring
" or injuring any party. I am further of
" opinion that he is totally incapable
" of controlling his Office & that from
" the state he has allowed the records
" to get into, he has given opportunity
to

"to the intriguing and unscrupulous
"litigants with which Masulipatam
"abounds to throw discredit on his Court." xx

In my letter of the 3rd April I stated
"xxx the Honorable Judges may
"rest assured that there is exceeding ill
"will between the Defendant (Munsiff)
"and nearly the whole Court establishment
"and that that establishment with per-
"haps the exception of two men whom
"the Defendant cited as his 1st & 8th
"Witnesses, would facilitate every error,
"let every slip pass unnoticed and as far
"as in them lay, seek to blind and not
"to aid the Munsiff in his work. xxx
"xx "I see no reason at the close of
"the examination I have made as
"Commissioner to waver from the opinion
"expressed in my letter of the 12th February
"in my capacity of Judge & in leaving
"the case in the hands of the Honorable
"Judges would draw their attention
to

"to the past services of the Defendant
"& the excellent character formerly
"borne by him as shown by his testimonials

10 Upon receipt of my report the
Honorable Judges of the High
Court passed the following order.x
xxx "Taking the most favorable
"view of his case the Munsiff has
"shown himself unfit for his office
"and the High Court direct that he be
"at once required to send in his resignation
"and to retire on whatever pension he may
"be entitled to. The High Court are
"disposed to take this lenient course
"in consideration of the long services of
"the Munsiff and his family."

dated 18th April 1873 No 826.

11. I accordingly called upon the
Munsiff to retire upon pension, he however
agreed to retire only upon certain conditions,
to the effect that he should be retained
in the service until the receipt of sanction
for

for the pension he proposed applying for.

12 On this the High Court passed a

dated 1st July 1873 No 1154 - final order to the effect that. "As
"it is impossible to allow the public
"service to suffer from the District
"Munsiff's evasion, the High Court
"have no alternative, but to direct
"peremptorily that he be removed from
"his office."

13 I accordingly directed him to vacate his post forthwith.

14 He now applies for pension and for a rate of pension to which he is not entitled.

15 The grounds upon which he bases his application may be shortly expressed.

1st That his father was led by the promises of favor proffered to him by the British Government, to leave his native country Bengal & take service in the Madras Presidency abandoning certain

certain property in the Bengal Presidency.

2ndly That Petitioner's claims to promotion during his service here have been unfairly overlooked.

3rdly Ad meseri cordiam that Petitioner's family is large and that two of his sons are idiotic and unable to support themselves.

16. With reference to the first of these grounds I would remark that the claims of the Petitioner's father formed the subject of considerable correspondence which was terminated on receipt of a letter from the Secretary of State for India, by an order of Government of Madras No 223 dated 6th August 1863, granting to petitioner's father as a compassionate allowance a pension of Rs 30 per mensem which was strictly to cease on his death.

17. I think therefore that any claim put forward by Petitioner on this ground must be held untenable.

With

18 With regard to the second ground put forward by Petitioner I am afraid that misfortune in promotion during service cannot be held to form a ground for indulgence in regard to pension.

19. What Petitioner states in regard to his family is true.

20 On the whole I am not prepared to recommend that a higher rate of pension be granted to Petitioner than he is entitled to, under the rules, but I respectfully recommend that this be granted.

21. No doubt the orders of the Honorable Judges of the High Court directing Petitioner to retire & finally dismissing him are perfectly just & the latter order was necessitated by Petitioner not at once complying with the first, but I cannot help considering as I have from the first that Petitioner was placed in a position of difficulty owing to the bad feeling of the subordinates of his Court & also that his dilatoriness in complying with the order of the High Court was owing not to insubordination, but to indecision and a general want of "Savoir faire".

I have the honor to be
Sir,
Your most obedt. servt.

Ag District Judge.

67 ~~68~~

Pension
Jud^l 1873 Dept
No. 626
From The Ag District Judge
Kistna,

To The Hon: Chief Secretary
to Government
Fort St George

Dated 16^th September
Recd 25 " " } 1873
Enclosures 3
Forwarding an application from the late District Munsif of Masulipatam to be admitted to pension at the rate of half pay.

[illegible]
8/11/73

Transferred to the Pension Dept:
25 Sept 73.

69

To be returned with reply on reverse.

AUDIT DEPARTMENT.

~~No.~~

J. O. HANNYNGTON
16 OCT 73

Fort Saint George,
Accountant General's Office,
9th October 1873.

FROM THE DEPUTY ACCOUNTANT GENERAL,
TO THE GOVERNMENT OF MADRAS,

TO THE District Judge of
Kistna.

VIDE your Office application for – Pension on behalf of Abdool Ayash Gulam Mahomed Yahiya Kukeri Sahib late District Moonsiff, Masulipatam to the Chief Secy to Govt. No 282 d/ 16th Sept/73.

The undersigned has the honor to request ~~explanation~~ ~~on the following points:~~ that the District Judge will be good enough to forward to this deptt. on an early date, an application for pension on behalf of the applicant in the form prescribed in page 202 of Offl. Gaz: of the 30th January/72 &c together with the service book, filling in the particulars in their respective columns to facilitate the verification of the service in this department & for eventual submission to Government with this Office report.

W Donald
Offg Dy Acctt Genl

answer sent
4-10-73

Referred to the ~~Controller of Military Accounts~~ Accountant General for the usual verification.

Fort Saint George,
3rd October 1873.

Accountant General's Office
Recd 6 10 73
Ansd

J Stewart(?)
Ag Under Secy. to Government.

To
The ~~Controller of Military Accounts.~~ Accountant General

10208
222

71 ~~79~~

No 345 Guntoor

3d November 1873.

From J.C. Hannyngton Esqre

Acting District Judge

Kistna,

To R. W. Lodwick

Accountant General

Madras.

Sir,

In forwarding herewith an application for Pension on behalf of Abool Ayash Gulam Mohammad Yahiya Nakvi Saheb late District Munsiff of Masulipatam, I have the honor to inform you that his height, descriptive marks and place of payment have not been filled in the application as he is now I believe at Madras.

I have written to his nephew who knows where he lives, to tell him to call at your offices.

I have the honor to be

Sir

Your most Obed Servt

Hannyngton

Ag District Judge

Accountant General's Office
Recd 7/11/1873
Ansd

T.R.

DC

Recd 5th Octr/73

11973

15-11-73 Recd

To be returned with reply on reverse.

73

AUDIT DEPARTMENT.

~~No.~~

Fort Saint George,
Accountant General's Office,
8th November 1873.

FROM THE DEPUTY ACCOUNTANT GENERAL,
TO THE GOVERNMENT OF MADRAS,

TO THE District Judge,
Kistna.

VIDE your Office application for Pension on behalf of Abdool Ayash Gulam Mahommed Galuiya Nakir Sahib.

The undersigned has the honor to request ~~explanation~~ ~~on the following points:~~ that the District Judge will be good enough to transmit at an early date Application & Service book in printed form (in lieu of the manuscripts now returned) which can be had from the Supdt. of Stationery on indent, filling in the necessary particulars, together with this Office Memorandum of 9th Oct. last.

J. Dodd
Offg Dy Acctt Genl

No 395

Memo:

Application & Service Book in printed form together with Memorandum dated 9th October last, are herewith forwarded—

20th December 1873—
Kistna District Court

Ag District Judge

Accountant General's Office
Recd 26
Ansd 12 1873

Recd. Ltr. No. of [illegible] 1856

To be returned with reply on reverse. 75

Audit Department.

~~No.~~

No 289
26-11-73 [illegible]

Fort Saint George,
Accountant General's Office,
20th November 1873.

From The DEPUTY ACCOUNTANT GENERAL,
to the GOVERNMENT of MADRAS,

To The District Judge
Kistna

Vide your Office ~~application for~~ letter No. 345 of 3rd Novr./73 on behalf of late District Moonsiff Abdool Ayach Gulam Mahomed Yahuja Nakri Sahib

The undersigned has the honor to request ~~explanation on the following points:~~ that the District Judge will be good enough to furnish at an early date the particulars called for in this office Memo: of 8th Novr/73 excepting the personal marks, height, place of payment &c. which can be obtained ~~had~~ from the Applicant on examination in this office ~~as~~ he called ~~over~~ here yesterday agreeably to the District Judge's instructions contained in para 2 of the abovementioned letter.

Answd

Offg Dy Accountt Genl

Extract from the Proceedings of the Suder Udalat
under date the 20th October 1852

Present

G. S. Hooper Esquire }
F. Anderson Esquire } Judges

Read Miscellaneous Petitions presented on September 20th 1852 by Abdool Wadood Saheb late Moofty of the Zillah Chinglepet.

(Here Enter S. M. P. No. 381 of 1852.)

1 The petitioner prays the Court of Suder Udalut to confer on his son the Office of Moofty Suder Ameen when an opportunity occurs, in consideration of his long and faithful services to the Honorable Company

2. The Court of Sadur Udalat resolve to comply with the Petitioner's request, so far as to recognize his son's claims and will on a fitting occurrence give them all the consideration that is due to them

Ordered that Extract from these Proceedings be furnished to the Petitioner on his application.

(True Extract)

(Signed) Chas. H. Porteous
Offg Asst Regr

Exd
HW

44 years.

To

The Civil Judge
of Combaconum.

Sir

1. In transmitting the accompanying application for the situation now in your gift by the creation of an additional Moonsiffship in the Zillah of Combaconum, I am directed by the Judges of the Court of Suder Udalat to bring to your notice the Claims of the applicant as deserving your very favourable consideration.

2. The applicant Mohamed Yahea Saheb is the son of Moulavee Abdool Wadood Saheb late Senior Moofty of the Court of Suder and Foujdaree Udalat, who, after a long and faithful service of 43 years, obtained a Pension from the Government and recently died in Madras leaving a large family almost wholly unprovided for

3. Independent of this claim to consideration Mohamed Yahea Saheb has passed a highly creditable examination for the Office of Moofty Suder Ameen, and from his general ability, as well as his extensive knowledge of the Laws and Regulation, is in the opinion of the Judges well qualified to discharge its important duties Pending, however, his promotion to that Office he is desirous of holding the Subordinate appointment of District Moonsiff and as it is obviously desirable on every account that persons who may hereafter be called upon to discharge the more responsible functions of the higher grades of the judicial service, should, whenever practicable be previously afforded some opportunity of acquiring practical experience in its inferior branches. The Judges will be very glad if you can meet their wishes by conferring on this applicant the appointment in question

Recd 6th Novr 52/4

I have the honor to be
Sir
your Most Obedient Servant
(Signed) F. Lushington
Register

Sudr Udalat
2nd November 1852

(True Copy)
(Signed) C. F. Chamier
Deputy Register.

No. 100

Guntoor
20th November 1855

From
P. Irvine Esqre
Civil Judge of Guntoor
To
G. H. Ellis Esqre
Register to the Court of Sudr Udalat
Fort St. George

Sir

1. I have the honor to forward for the consideration of the Judges an application with 3 documents to be returned from Syed Goolam Mohumed Yahea Sahob Nakvy Sadr Ameen requesting that in the expected Judicial changes his claims to promotin may be taken into consideration

2. The Judges are, I believe aware that the Moofty is of a highly respectable Family. During the time I have been Judge at this station I have always found him zealous and efficient in the discharge of his duty.

Guntoor Zillah Court
20th November 1855

I have the honor to be
Sir
Yours Most Obedient
Servant
(Signed) P. Irvine
Civil Judge

(True Copy)

Pro: Edu: Dep/106 of 1914

Abdul Yayah Gulam Mohamed Yayahunnakvi

Sir

I have much pleasure in complying with your request for a certificate of my Opinion of your qualifications. I have always found you zealous in your duty and that you had a very good knowledge of the Regns and Circular orders & I shall be glad to see that you got a higher appointment than the one you now hold.

Believe me to be
your Friend

Guntoor
19th May 1856

(Signed)
P. Irvine

Guntoor
From 19th April 1858

T. Onslow Esqre
Civil Judge of Guntoor
To C. F. Chamier Esqre
Acting Register to the
Court of Sudar Udalat
Fort Saint George.

Sir

1 I have the honor to forward a petition of 16 enclosures from the Moofty Sader Ameen of this Court, and to request the same may be laid before the Judges.

2. In doing this, I will take the opportunity to add, that during the period I have been at this Court I have always found the Moofty, zealous, active, and intelligent in his duties.

I have the honor to be
Sir
Your Most Obedient Servant
(Signed) T. Onslow.
Civil Judge

Guntoor Zillah Court
19th April 1858

(True Copy)

(Signed) T Onslow
Civil Judge

Re. Ch. No. 16 of 4/44

Guntoor
From 12th December 1859.

T. Onslow Esqre
Civil Judge of Guntoor
To C. F. Chamier Esqre
Offg. Register to the Court
of Sader Udalat Fort
St. George.

Sir

1 With reference to an Extract of Proceedings received from the Secretary to Government calling upon me to furnish a list of 3 servants best qualified within my knowledge for Deputy Collector Ships. I have the honor to state that Moulawi Abdool Ayash Goolam Mohamed Yahya Nakvy Saheb the present Mufti Sadr Amin of this Court. Also C. Jagannadham the present Sheristadar of the Court and M. Nrasingarow the present Moonsiff of Bapatla are the persons who from 3 years Experience, I feel able to name as likely from their ability general knowledge intelligence and experience in Service to fulfil the important duties of Deputy Collector.

2. The Moofty Sadr Ameen

holds already a high appointment and the salary of the Junior Deputy Collector being only 50 Rupees a month more than he now draws, he hopes if selected for a Deputy Collector, it may not be of the lowest grade—

3. I enclosed the List required—

Guntoor Zillah Court }
12th December 1859 }

I have &ca

(Signed)

T. Onslow
Civil Judge

(True Copy)

T. Onslow
Civil Judge

From the knowledge I have had of the Moofty Sadr Ameen of this Court for nearly 4 years. I have every reasons to speak both of his intelligence and ability and I am of opinion that he would give satisfaction with higher appointment to which he aspires.

Thomas Onslow
Civil Session Judge

Guntoor }
July 16th 1860 }

Extract of a letter from the Civil & Session Judge of Guntoor to the Register to the Court of Sader Adalat, Fort Saint George dated 10th June 1861

With reference to your Acting Deputy Register's letter of the 25th Ultimo, I have the honor to forward herewith the statement of services &ca of the Moofty Sadr Ameen and the Moonsiff of Bapatla

The Moofty Sadr Ameen from his good knowledge of both Criminal and Civil business and from his general intelligence, I consider, would give every satisfaction as Principal Sadr Ameen

× × × ×

(True Copy)

T. Onslow
Civil Session Judge

Pre: Cr. Ap. No 10 of 1861

87

No. 32.

Guntoor
5th July 1862

From
W. Elliot Esqre
Civil Judge of Guntoor
To
C. F. Chamier Esqre
Registrar to the Court
of Sadr Adalat Fort St. George

Sir 1 In reply to the proceedings of the Sadr Adalat under date the 30th of April last, I have the honor to report that in consideration of the limited number of Suits filed in his Court, the Sadar Ameen was by Min: of Consultation dated 30th of April 1858, No. 561, permitted to exercise the powers of a District Moonsiff, his time, therefore is fully occupied.

2. From the several Testimonials held by the present Sadr Ameen, the assiduity and ability evinced by him appear to have been given great satisfaction, whilst he is a member of a most respectable family and his own character unexceptionable

3 Should the Judges consider that a Sadr Amin's Court is unnecessary at Guntoor, which from the paucity of suits it seems to be I would beg to recommend that unless otherwise suitably provided for.

for, the present Sadr Ameen who has been upwards of 9 years in the service, may be appointed a District Moonsiff, but without any reduction in his present salary—

Guntoor Zillah Court
5th July 1861 } I have &ca

(Signed) W. Elliot
Civil Judge

(True Copy)
W Elliot
Civil Judge.

Pro: Lr No 106 of 44

Name and Present Employment	Period of Public Employ	Y.	M.	D.	In what situation & in what Districts Employed and period in Each	Y.	M.	D.	With what languages Conversant	Note of any public record in favour or against the candidates.
Moulawi Abdul Ryash Gulam Mohumed Yahya Nakvi Saheb Moofty Sadr Ameen—	In the Judicial Department	8	2	10	Moofty Sadr Ameen in the Zillah of Guntoor	8	2	10	Arabic, Pershian, Hindustani, Tamil, Telegu & some knowledge of English, both speaking & reading	Passed a highly satisfactory examination in Mohamedan Civil and Criminal Laws as well as in Logic, Phylosophy, Regulations and circular Orders Has very favourable proceedings held by Sadr Adalat & Messrs P. Irwine & J. Onslow Civil & Session Judges of Guntoor but hears nothing against
	In the other Departments									

Guntoor Zillah Court 10th June 1861 } (True Copy)

J. Onslow
Civil & Session Judge

Guntoor
8th September 1863

From
W. Elliot Esqre
Civil Judge of Guntoor

To
C. F. Chamier Esqre
Registrar of the High Court
of Judicature at
Madras

Sir,

In reply to your Ag. Deputy's letter of the 12th March and Memo. of the 20th July last I have the honor to report for the information of the Chief Justice and Judges of the High Court that Abub Ayash Gulam Mohamed Yahya Nakvy Saheb &c xxx 3rd Class District Moonsiff of Guntoor & xxx respectively are in my estimation fit & proper persons to fill the Office of 1st Class Moonsiff from their good knowledge of English, their Superior Judicial qualifications and unexceptionable character.

I have &ca

(Signed) W. Elliot
Civil Judge

(True Copy)

W. Elliot
Civil Judge.

Pa: Ch: Se No 6 of 74

From
The Deputy Registrar of the High
Court of Judicature at
Madras.

To
W. Elliot Esqre
Civil and Session Judge
Guntoor.

Sir,

With reference to your letter, dated 30th Instant, I am directed to state that claims of Abdool Iyash Goolam Mohamed Yahya District Moonsiff of Guntoor, will be considered by the Judges as vacancies occur in the Office of District Moonsiff of the 1st Grade.

I have &c. &c.

(Signed) T. Wilkins
Deputy Registrar
Appellated Side

High Court of
Judicature Madras
1st February 1864

(True Copy)

I have had many Judgments of Moulvi Abdool Izash Goolam Mohumud Yahega Nakewee Saheb District Moonsiff of Guntoor, before me in appeal, and I have the greatest pleasure to certify that most of those Judgments exhibited a very good judicial experience, intelligence, and ability of the said officer and that his proceedings in many cases showed his great anxiety to arrive at the truth of the matter in dispute.

Guntoor P^l. S. Ct.
Court January 8th.
1870

(Signed)
P. Sreenevasa Row
P^l. Sudder Ameen
of Guntoor

Enclosure 2
In a letter from the
Ag. Dt Judge of Kistna
dated 16 Septr. No. 282

Copies of Petition
[illegible]

Pro Se No 626 of /73

To

The Right Honorable the
Governor in Council
Fort St George
Madras.

My Lord

In obedience to the Proceedings of the High Court No. 820 dated 18th April 1873 ordering me to retire on whatever pension I may be entitled to, I most humbly and respectfully beg to advance my superior Claims for full pension of a moiety of my salary I will now state the preference to which I am entitled.

When the Adalat Courts were first established in 1802 my father Moulavy Mohummed Abdool Vadood Nakvy Sahib and other Moulavies were sent from the Bengal Presidency to the Madras Presidency owing to the scarcity of Mohamedan Law Officers in the latter with a promise to favour them and their qualified male issue with important situations and to confer family pensions on their unqualified issue, and accordingly my father was first favoured with Circuit Cazeeship of Trichinapoly Provincial Court and Moofty Sadr Ameenship of Guntoor and Chingleput and Senior Moofty Ship of late Sadr Adalat Court at Madras which those important Offices he held for a period of 44 years.

Petitioner is in error, he refers to the 1st order dated and makes no reference to the 2nd order dated directing him peremptorily to retire

I was first appointed as Moofty Sadr Amin in 1853 since then my superiors Messrs P. Irvine, T. Onslow and W. Elliot recommended me to late Sadr Court as well as to the High Court that I am fit for the Offices of the Cazee-ool Coozat, Principal Sadr Amin, Deputy Collector and 1st Class District Moonsiff. Copies of which are herewith submitted for information, although such are my abilities still I was not so fortunate as to get any promotion

While I was Moofty Sadr Amin I was discharging duties in Civil and Criminal branches and used to attend the Sessions, and 4 or 5. times I was in charge of the Civil and Session Court and Jail in the absence of the Civil and Session Judges, which was by far the higher Office than the Moonsiffship to which I was transfered owing to the abolition of the former high Offices, after serving 9 years in the said Office

It was reasonable to favour me with the 1st Class Moonsiffship at the time of the reduction from the abolished high Office as it was the next lower step to the said high Office which however did not take place owing to my misfortune

The High Court then intimated to the Civil and Session Judge of Guntoor on 1st February 1864 that my claims will be considered favourable as vacancies occur in the Office of the District Moonsiff of 1st grade. but this promise of the High Court was not fulfilled unreasonably by my misfortune only.

I regret to say that after the abolition of Mohamedan Law Officers, there remained only three or four Mohamedans including me, holding the appointments of Moonsiffships in the whole of this Presidency yet they were not promoted at least as first Class Moonsiffs.

20 years is the period fixed for the full pension of those Mohammedan Law Officers who were called in from Bengal Presidency

I am the son of those aforesaid Officers therefore I am entitled to full pension by the end of 20 years only. My service upto now is 20 years and 4 Months.

Had I been favoured with the 1st Class Moonsiff's Post either at the time of my reduction from the Moofty Sadr Aminship or after the promise made by the High Court in their letter dated 1st February 1864 (copy of which is herewith submitted to which your Lord Ship's attention is chiefly solicited) for which I was perfectly entitled to. I would have been entitled to a pension of upwards of Rs. 100 by which I and my large family would have been maintained without any difficulty

Late Cazee-ool Coozat named Irtiza Ali Khan, my father Mohummed Abdul Vadood, and Mohummed Hussan Ali, the late Moofties of the Sadr Court on 11th January 1839 submitted a petition to the late Sadr Court and which was transmitted to the Chief Secretary to Government with their letter of recommendation dated 25th January 1839, upon which the then Right Honorable the Governor in Council was pleased to pass minutes of Consultation No 706 dated 11th June 1839 in which they were pleased to resolve that they will be prepared to take into Consideration any case of peculiar hardship upon the heirs of the Law Officers in question

Many of the heirs of the Law Officers sent for from Bengal Presidency obtained family pensions.

Motamid Khan the son of the said Mohummed Hussan Ali Sahib late 2nd Moofty of the Sadr Court was favoured with a family pension of Rs. 30 per mensem which was sanctioned by the Right Honorable Sir Charles

Wood, Bart Secretary of State for India in his despatch to His Excellency the Right Honorable the Governor in Council of Fort St. George dated 30th June 1863 No. 5 on the Recommendation of the Madras Government in their despatch No. 4 dated 27th February 1862

My father the said Mohummed Abdul Vadood sahib served the Government for a period of 44 years much longer than that of the Motamid Khan's father. The said Motamid Khan never had the chance of serving the Government, still he was favoured with a family pension of Rs. 30

I am a man of noble family my ancestors were granted with a large Jaggier and high title in the Bengal Presidency by His Majesty Tamerlane the late Emperor of Delhi My Uncle Hameedullah Khan Bahadur was late Cazee-ool-Coozat of Bengal and my ancestors were Native Judges Deputy Collector &c. in the said Presidency. My father came away to this Presidency leaving all his claims to his share in the Jaggir in question with the hopes that the Government will look after their families and will protect them from time to time. My father left Bengal Presidency and came away to this Presidency trusting to be protected by Government in 1807 about 66 years ago Consequently my legal claims in the said Jaggir were barred by the Law of Limitation, and therefore I and my large family have been deprived of every ~~means~~ of livelihood. I am now only one heir beside Motamid Khan out of those families of Mooftees that are called forth from Bengal to this foreign Presidency who has no other means of support than the service of the Government.

Notwithstanding the above claims I have served Government for 20 years and 4 months faithfully with zeal

---

Zillah Surgeon certificate

I Certified that I have seen the two sons of District Moonsiff. Abdul Lyed Gulam Mohamed yahiya Hakim Saib and found their State to be as follows

2d Son Abdul Vadood Nakoy Saib is imbecile and quite unable to read or write and is not able to earn a livelihood.

3d Son Goolam Mohamed Mohiyooddeen Saib is also in an Imbecile State but more than his brother and will never be able to earn a livelihood..

Masulipatam
24th July 1873

Surgeon Major
Zillah Surgeon Masulipatam

zeal and integrity which will be quite evedent to your Lordship from the enclosed testimonials

I have seven children of whom 3 are unmarried females 2 are male imbecile children who can not be educated and are wanting in Sense and who cannot maintain themselves which will be apparent from the station Zillah Surgeon's Certificate herein enclosed.

My present pay of Rs. 200 was hardly sufficient to my large family. Under these circumstances I and my two imbecile male children will be entitled for the family pension too in consideration of above claims.

I therefore beg that your Lord ship will be pleased to favour me with full pension of Rs. 100 to enable me to support my large family inclusive of my two imbecile Children, the burden of whose protection will solely lie on the part of Government.

In conclusion I most humbly and respectfully beg your Lordship to take all my claims of poor case into your favourable consideration after the kind perusal of all the correspondence (copies of which are herein enclosed) and crown me with justice

For which act of kindness and benevolence I, and my large family as in duty bound shall ever pray

I beg to remain
My Lord
Your Most Obedient Servant.

[illegible]
Late [illegible] Munsiff
of [illegible]

Enclosure One
In a letter from the Ag
District Judge of Patna
dated 16 September
No 282.

Persian Application
of the late District
Moonshee of
Bhaulpatam -

Re: ded No 626 of 43

No. I:

From

The Cazee-ool Coozat and Mooftees of the
Court of Sader Udalat

For the undersigned, being inhabitants of Bengal and Hindoostan came to this Country for the purpos of obtaining the means of subsistence and endured the privation of a long and toilsome journey, and after our arrival entered in the service of the Company.

The fidelity and integrity with which we have performed our public duties are well known to the Judges.

In consequence of our being so long resident in this Country, we have married and now have large families, but we have all along felt assured that should the thread of life be severed, and we be called away to another world, the Company will grant to our families and those dependants on us sufficient to furnish them with the means of subsistence.

In the mean-while, however, some new rules have been promulgated to the effect, that no pension will be granted after death, and under the operation of those rules the families and dependants of several Cazees and Mooftees, who have died subsequently to the promulgation of the said Rules have been reduced to the greatest extremity of distress.

This circumstances have bid us to reflect with the deepest anxiety and apprehension on the probable fate of the members of our families in the event of our demise and relying on the liberality of the Judges of the Sadur Udalat and of the members of the Govt., we venture to express our earnest wishes, that should we be summoned away from this earth by the inevitable decree - an exception may be made in our favour from the Rule above mentioned and that the Judges of the Sudur Udalat will recommend to the
Govt.

Gov^t. that a pension should be conferred on our families.

If we could be but assured of this, it should be delivered from a load of anxiety.

Seal of the Cazee-ool-Coozat.

(Signed) Mohummed Ubdab Wadood, Moofty

(") Mohummed Hussain Alli, do.

11^th. May 1839.

No. II.

To

The Chief Secretary to

Government.

Sir,

1 I am directed by the Judges of the Sader Udalat to submit to be laid before the Right Honorable the Governor in Council the accompanying Memorial with a translation from the Cazee-ool-Coozat and Mooftees of the Sader and Foujdaree Udalat wherein they pray that an exception may be made in their favour from the Rule which declares that Pension to Native Public Servants shall cease with the lives of holders and that an assurance may be held out to them that in the event of their death, a suitable provision will be made for their families.

2. In bringing this matter under the Notice of the Gov^t. the Judges of the Sader Udalat direct me to observe that they are not unmindful of recent decision of the Honorable the Court of Directors in the case of M^r. Fernandez the English Record Keeper in this office to the effect that the question of a Pension to his family could not be taken into consideration during his life-time, but the Judges with refrence to para 2 of the letter from the Secretary to Government from the Public Department dated the 29^th. April 1828 No. 343, which seem to contemplate cases of exception from the operation of the Pension Rules would respectfully submit that if any relaxation of the Rule referred to be admissible, it may perhaps be conceded to Officers of the high rank and superior attainments of the Memorialists who may have been induced to come to this Presidency from Bengal by the expectation of an eventual provision for their families which was secured by the Rules in force at the period of their coming here.

Rev. Ind. Ch. 1064/44

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3. The Government will be aware that it was in consequence of Mahomedans of proper qualifications for the post of law officers being in want in this Presidency that such persons were invited to come from Bengal and among the various considerations which finally overcame their natural reluctance to quit their native land or Country, it is reasonable to confer that not the least weight was the exception now urged by the Memorialists as the main grounds of their request and alluded to in the preceding para of this letter.

4. In conclusion the Judges of the Sader Udalat direct me to express their trust, that the refrence of the prayer of the Memorialists for the consideration of the Honorable the Court of Directors may be accompanied by the favourable recommendation of the Right Honorable the Governor in Council.

Sader Udalat }
25^th. May 1839 }

I have &c^a.
(Sig^d.) W. Douglas
Register

No. III.

No. 706

Extract from the Minutes of Consultation, dated 15^th. June 1839.

Order.— It does not appear that the Cazee-ool Cozat and.

and Mooftees of the Suder & Foujdaree Udalat were led to expect that the pension would be granted to their families after their decease by any promise made by the Government at the time of their appointments, and as the liberal allowances they receive ought to enable them to make a suitable provision for their families, the Right Honorable the Governor in Council cannot hold out to them the assurance they solicit, but will be prepared to take into consideration any case of peculiar hardship.

(A true Extract)

(Signed) J. F. Thomas
Secretary to Government

No. IV.

Political Department.

No. 4 of 1862

To

The Right Honorable the Secretary of State for India

Right Honorable Sir

Proceedings 26 Feby. 1862 No. 59. 60.

We have the honor to transmit a Memorial to your address from Mohamed Khan Bhadur praying for a pension for the support of himself and the family of the late father who was a Mooftee of the Suder and Foujdaree Udalat

2. The Memorialist was one of the five Servants of the late Nabob of the Carnatic who petitioned the Honorable Court of Directors and the Secretary of State for India to be recognised as Chief Officer and pensioned on the full Salary of the Office they have respectively held under His Highness. Their Claim which formed the subject of the Correspondence noted in the margin was negatived in your despatch of the 8th November 1860 No. 18 Para 3 and we are altogether opposed to the question being reopened.

To Honorable Ct. of Directors 4 Augt. No. 15 of 1858
From Secry. of State 27th Oct. 1 of "
To Do. - Do. " 15th Feby. 2 of 1859
To Do. Do. " 2nd Decr. 35 of "
From Secty. of State 1st March No. 9th of 1860
To Do. " Do. 23rd May " 21st of "
From Do. " Do. 8th Nov. " 18 of "

3. In the present Memorial, however, the Petitioner solicits a pension for himself and family of his late father Moofty of the Court of Suder and Foujdaree Udalat on the terms of the Order Passed in the Public Departments under date 15th June 1839 No. 706. Viz. that Government will be prepared to take into consideration any Case of peculiar hardship This expectation was held out in reference to a representation made by the Cazee-ool Coozat and Mooftees of the Suder and Foujdaree Udalat and supported by the Judges of that Court. It was urged in their letter of the 25th May 1839 that the benefit prayed for or that of pensions to their families after their deaths might be conceded to Officers of their high Rank and Superior attainments who might have been induced to come to this Presidency from Bengal by the expectation of an eventual provision for their families which was secured by the Rules in force at the period of their Coming here" The Memorialist's father Mohamed Hussain Ally was one of the Mooftees above referred to, and it is alleged that on his death in 1842 application was made to Government for a pension for the family left by him as the expectation held out in order above quoted, but that on the Son, the present Memorialist

Note It appears from the appendix to the Memorial that he was at the time of the Nabob's death in receipt of Rs. 75 per mensem in Durbar Khas rialist was then employed in the Nabob's service and receiving a salary. The Government did not consider the case to come within the scope of their order of the 15th June 1839

4. In reference to this statement we beg to observe that there does not appear in the Records of their Office any thing to show that the Memorialist's Claim to a pension on the death of his father in 1842 was disallowed on the grounds represented. Such however, may have been the Case, and under such circumstances it will be for Her Majesty's Government to decide whether the Memorialist's case is one deserving of consideration, and whether, therefore any pension should be granted to him for his employment under the Nabob, although at the death of that Prince he had failed to complete such terms of service as would qualify him for pension according to the scale laid down by the Government of India

Note Memorialist was in the service of the Nabob upwards of 17 Years or from 1842 to June 1859

We have &c.
(Sig'd) W. T. Dennison
" I Hope Grant
" W. A. Morehead
" J. Maltby

Fort St. George
27 February 1862

Exd [illegible]

No. V.

Political Department

Proceedings of the Madras Government

Read the following Despatch from the Right Honorable Sir Charles Wood, Bart, Secretary of state for India, to His Excellency the Honorable the Governor in Council, Fort St. George dated 30th June 1863 No. 5

1. I have considered in Council the letters of your Excellency's Government, dated 24th March No. 2, and 25th April 1863 No. 3 submitting a further report on the case of Mothamid Khan –

2. Her Majesty's Government do not distinctly gather from the Correspondence now submitted that Mothamid Khan is possessed of any property, now, that he derives any benefit from that which is possessed by members of his own family

3. Considering the peculiar circumstances of the case that it is one not likely to be drawn into a precedent and the fact that Mothamid Khan may have had reasons to believe that he came within the terms of the order promising liberal Consideration to the children of those who were brought from Bengal for Government purposes, Her Majesty's Government are of opinion that the best Course will be to grant him a small compassionate allowance – They accordingly authorize your granting him a pension for life of Rupees 30–

per Mensem, the sum named by you with arrears from 27th. February 1862, the date of your reference on the Subject.

4. It must be plainly intimated to Mottamid Khan, that in no case will any portion of this allowance be continued after His death.

Order thereon 6th. Augt. 1863 No. 223

Resolved that a copy of the foregoing Despatch be furnished to the Govt. Agent at Chepauk who will inform the Memorialist Mottamid Khan Bahadur, that a pension for life of Rs. 30 per mensem, with arrears from the 27th. Feby. 1862 has been granted to him by the Secretary of State for India, on the express understanding that in no case will any portion of it be continued after his death.

(True Extract)

Chief Secretary—

Exd. [illegible]

5

Political Department

Proceedings of the Madras Government

Read the following Despatch from the Right Honorable Sir Charles Wood, Bart, Secretary of State for India, to His Excellency the Honorable the Governor in Council, Fort St. George, dated India Office, London 30th. June 1863, No. 5,

1 I have Considered in Council the letters of Your Excellency's Government, dated 24th. March No. 2, and 25th. April 1863, No. 3, Submitting a further report on the Case of Mottamid Khan—

2 Her Majesty's Government do not distinctly gather from the Correspondence now Submitted that Mottamid Khan is possessed of any property nor that he derives any benefit from that which is possessed by members of his own family—

3 Considering the peculiar Circumstances, of the Case, that it is one not likely to be drawn into a precedent, and the fact that Mottamid Khan may have had reason to believe that he Came within the terms of the order promising liberal Consideration to the Children of those who were brought from Bengal for Government purposes, Her Majesty's Government are of Opinion that the best Course will be to grant him a Small

Compassionate allowance - They accordingly Authorize your granting him a pension for life of Rupees 30 per mensem, the sum named by you, with arrears from 27th Feby 1862, the date of your reference on the subject -

4 It must be plainly intimated to Mohamed Khan, that, in no Case will any portion of this allowance be Continued after his death -

Order thereon 6th Augt 1863, No 223 -

Resolved that a Copy of the foregoing Despatch be furnished to the Govt Agent at Chepauk, who will inform the Memorialist, Mohamed Khan Bahadoor, that a pension for life of Rs 30 per mensem, with arrears from the 27th Feby 1862 has been granted to him by the Secretary of State for India, on the express understanding that in no Case will any portion of it be Continued after his death -

(True Extract)

Chief Secretary -

Pol: [illegible] 1864

POLITICAL DEPARTMNET.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India; to His Excellency the Honorable the Governor in Council, Fort Saint George, dated London, 23rd May 1862, No. 9.

1. Your letters Nos. 3 and 4, dated 27th February last, transmitting for my Orders Memorials from Khathoona Begum and Mothamid Khan, have been considered by me in Council.

2. I desire that the former Petitioner may be informed that she has no claim whatever to the continuance of the pensionary support enjoyed by her mother, and that your Orders, passed on a similar application from her, in 1852, are approved by me.

3. With reference to the second Memorial, that from Mothamid Khan, I have to observe that your Government express no opinion respecting its prayer. The question whether or not the Memorialist was a Chief Officer of the Carnatic Sirkar has been decided in the negative, and cannot, as you rightly remark, be re-opened. But the Memorialist now claims an allowance on a different ground, viz., that he was the son of a Mooftee brought from Bengal, on account of his special qualifications for the office of Mooftee in the Sudder Court, and who, with others similarly circumstanced, was in 1839, led to expect that any claims to a pensiom for his family would be favorably considered, if a case of " peculiar hardship" were made out.

4. As, at the time of the Mooftee's death, the Memorialist was provided for by an office in the household of the Nawab of the Carnatic, he was rightly considered as not coming within the intention of the Order of 1839. But his office has now no existence (the Carnatic Sirkar having become extinct) and the objection on this ground to considering favorably his claim to a suitable provision is tenable no longer. If therefore, with regard to his circumstances, (with which I am necessarily unacquainted) you consider his case one of such " peculiar hardship" as to entitle him to expect a provision from the Government either by employment in the public service or failing that a compassionate allowance if he be a fit object, I am prepared to authorize the indulgence, notwithstanding the fact that his length of service under the Nawab (17 years) is insufficient to entitle him to pension.

ORDER TREREON, 15th July 1862, No. 275.

Case of Khathoona Begum.

Ordered that a copy of the foregoing Despatch be furnished to the Government Agent at Chepauk, who will communicate to Khathoona Begum, the decision of the Secretary of State on her petition of the 3rd January 1862.

Case of Mothamid Khan Bahadoor.

2. With reference to the remarks of the Secretary of State on the Memorial of Mothamid Khan Bahadoor, the Government Agent will ascertain and report, what are the present pecuniary circumstances of the Memorialist, and if they should be such as to render him a fit object for a pension, in consideration of the circumstances referred to in the Despatch, what pension he would recommend.

(True Extract.)

Acting Chief Secretary.

To the Government Agent at Chepauk.

Exd. F. Cartledge.

[illegible]

Recd. 26 Apr 1862

Political Department

No. 4 of 1862.

To

The Right Honble the Secretary of State for India

Right Honorable Sir,

Proceedings 26 Feby 1862 No. 57. 60.

We have the honor to transmit a Memorial to your address from Mahomed Khan Bahadur praying for a provision for the support of himself and the family of his late father who was a Mooftee of the Sudr and Foujdaree Udalut.

2. The Memorialist was one of the five servants of the late Nawab of the Carnatic who petitioned the Honorable Court of Directors and the Secretary of State for India to be recognised as Chief Officers & Pensioners on the full Salary of the Offices they have respectively held under His Highness. Their claim which formed the subject of the Correspondence noted in the margin was negatived

To	Honble Ct. of Directors	4 Aug	No. 15 of 1858
From	Secy of State	27 Octr	106 "
To	Do.	Do. 15 Feby	21 of 1859
To	Do.	Do. 2d Decr	35 "
From	Do.	Do. 1 Mar	9 of 1860
To	Do.	Do. 23 May	21 "
From	Do.	Do. 8 Novr.	184 "

in your despatch of the 8 November 1860 No 18 para 3 and we are altogether opposed to the question being re-opened.

3 In the present Memorial however the Petitioner solicits a provision for himself and family of his late father Moofty of the Court of Sudr and Foujdaree Adalut on the terms of the order passed in the Public Department under date 15th June 1839 No 706. viz "that Government will be prepared to take into consideration any case of peculiar hardship". This expectation was held out in reference to a representation made by the Cazee ul Cozzat and Mooftees of the Sudr and Foujdaree Adalut and supported by the Judges of that Court. It was urged in their letter of the 25 May 1839 "that the benefit prayed for or that of pension to their families after their deaths "might be conceded to officers of their high rank and superior attainments who might have been induced to come to this Presidency from Bengal by the expectation of an eventual provision

for their families which was denied by the rules in force at the period of their coming here". The Memorialist's father Mahomed Hussam Ally was one of the Mooftees above referred to, and it is alleged that on his death in 1842 application was made to Government for a provision for the family left by him as the expectation held out in the order above quoted, but that on the Con, the present Memorialist was then employed in the Nabob's service and receiving a salary the Government did not consider the case to come within the scope of their order of the 15th June 1839.

Note It appears from the appendix to the memorial that he was at the time of the Nabob's death in receipt of Rs 50 per mensem as Dakeen Khan.

4 In reference to this statement, we beg to observe that there does not appear in the records of this Office anything to show that the Memorialist's claim to a pension on the death of his father in 1842 was disallowed on the grounds represented. Such however may have been the case, and under

such Circumstances it will be for Her Majesty's Government to decide whether the Memorialist's case is one deserving of Consideration, and whether therefore any Pension should be granted to him for his employment under the Nabob although at the death of that Prince he had failed to complete such term of Service as would qualify him for Pension according to the Scale laid down by the Government of India.

The Memorialist was in the Nabob's Service upwards of 17 Years or from 1842 to June 1859.

We have &c.

(Signed) W. T. Denison
J. Hope Grant
W. A. Morehead
E. Maltby

Fort St George
27th February 1862

No 3

No. 706

Extract from the Minutes of Consultation, dated 15th June 1839.

Order:— It does not appear that the Cauzee-ool-Coozat and Mooftees of the Sudr & Foujdaree Udalut were led to expect that the pensions would be granted to their families after their decease by any promises made by the Government at the time of their appointment, and as the liberal allowances they receive ought to enable them to make a suitable provision for their families, the Right Honorable the Governor in Council cannot hold out to them the assurance they solicit, but will be prepared to take into consideration any case of peculiar hardship

(A true Extract)

(Signed) J. F. Thomas
Secretary to Government

To

The Chief Secretary to
Government

Sir,

1. I am directed by the Judges of th Udalut to submit to be laid before the Right Ho norable the Governor in Council the accompanying Memorial with a translation from the Cazee-ool-Cozat and Moofties of the Sudr and Foujdaree Udalut wherein they pray that an exception may be made in their favor from the Rule which de clares that Pension to native Public servants cease with the lives of holders and that an assur ance may be held out to them that in the event of their death, a suitable provision will be made for their families.

2. In bringing this matter under the notice of Govt the Judges of the Sudr Uda direct me to observe that they are not unm ful of recent decision of the Honorable Court of Directors in the case of Mr Ferna the English Record Keeper in this Office to the effect that the question of a Pension to his family could not be taken into consideration during his life time but the Judges with reference to para

of the letter from the Secretary to Government from the Public Department dated the 29th April 1828 o 343 which seem to contemplate cases of exception om the operation of the Pension Rules would pectfully submit that if any relaxation of the le referred to be admissible it may perhaps be conceded to Officers of the high rank and superior attainments of the Memorialists who may have been induced to come to this Presidency from Bengal by the expectation of an eventual provision for their families which was secured by the Rules in force at the period their coming here.

The Government will be aware that it was n consequence of [illegible] of proper qualifications for the post of law Officers being in want in this Presidency that such persons were invited to come om Bengal and among the various considerations hich finally overcame their natural reluctance to t their native Country it is reasonable to confer t not the least weight was the expectation urged by the Memorialists as the main und of their request and alluded to in the preceding parah of this letter.

4. In conclusion the Judges of the Sudr Udalut direct me to express their trust that the reference of the prayer of the Memorialists for the consideration of the Honorable the Court of Directors may be accompanied by the favorable recommendation of the Right Honorable the Gove in Council.

I have &ca

(Sigd) W. Douglas.
Register.

Sudr Udalut,
25th May 1839.

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From,

The Caudee ool Coozat and Mooftees
of the Court of Sudr Udalut.

We, the undersigned, being inhabitan
of Bengal and Hindoostan came to this Countr
the purpose of obtaining the means of subsistence
endured the privation of a long and toilsome journ
and after our arrival entered in the service of the
Company.

The fidelity and integrity with which
we have performed our public duties are well
known to the Judges.

In consequence of our being so long re
ident in this Country we have married and
have large families. but we have all along felt
ssured that should the thread of life be severed
nd we be called away to another world, the
ompany will grant to our families and the
pendants means sufficient to furnish the
with the means of subsistences.

In the mean while, however, som
new rules have been promulgated to the effect
that no pension will be granted after death,
and under the operation of those rules the families
and dependants of several Caudees and Mooftees

who have died subsequently to the promulgation of th said Rules have been reduced to the greatest extremity of distress.

This circumstances has bid us to reflect with the deepest anxiety and apprehension on the probable fate of the members of our families in the event of our demise and relying on the liberality of the Judges of the Sudr Udalut and of the Members of the Govt., we venture to express our earnest ca wishes that should we be summoned away from this earth by the inevitable decree — an exception may be made in our favor from the Rule above entioned and that the Judges of the Sudder dalut will recommend to Govt. that a pension should be conferred on our families.

If we could be but assured of this, it should be delivered from a load of anxiety.

Seal of the Cauzee-ool-Coozat.

(Signed) Mohamed Abdoolwadood, ufty.

(") Mohamed Hussain alli, Do

4th May 1839.

Y [illegible]

of Kistna dated
16th September No 282

Copies of former
public correspondence
connected with
the family pension
of the Applicant

Note That these
are to be [illegible]
returned to the Clerk
for delivery to the
applicant [illegible]

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10

Pen. In. No. 62 of /73

Name of Officer.	Caste or Race.	Residence.	Father's Name.	Father's Residence.	Date of birth.	Age. Years	Age. Ms.	Age. Days.	Exact Height. Feet.	Exact Height. In.	Personal marks for identification.	Date of Entry.	Signature of Officer.	Signature and designation of the head of the Office.
Moulavi Abul Ayash Gulam Mohammad Yahiya Sahir Sahib	Mussalman Sunnie	Guntoor (Quccstani)	Abul Vaaid Sahib Nahiri	Madras		49	"	"				20th December 1873	Ayle Yahiya	G. Wilson Ag Dt Judge

THE ENTRIES IN THESE COLUMNS ARE TO BE REATTESTED EVERY FIVE YEARS; EACH ATTESTATION SHOULD BE CAREFULLY RULED OFF THE DATE MAY BE CLEARLY SHOWN.

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1 Name of appointment.	2 Nature, *i.e.*, whether substantive or acting, permanent or temporary.	3 Substantive appointment, if the new appointment be acting only.	4 Pay.	5 Acting allowance.	6 Date of appointment.	7 Signature of Officer.	8 Character of Officer. *No entry need be made in this Column except when there is any thing either good or bad to be recorded. Suspensions should be noted here when the order of suspension is passed.*	9 Signature & designation of immediate head of the Office.	10 Date of termination of appointment.	11 Reason of termination *e.g., transfer, promotion, return of permanent incumbent.*	12 Signature and designation of immediate head of the Office.
Mufti Sadr Ameen of Guntoor	Permanent	〃	Rs 200	〃	28th March 1853		The Mufti Sadr Ameen I have had occasion to express my opinion of before. I have always found him able and intelligent & he has given me satisfaction. 14th March 1862. (Sd) T. Onslow Civil & Session Judge	〃		Consequent on the abolition of the Office of Mufti Sadr Amin, he was made additional Munsiff at Guntoor.	
District Munsif of Guntoor	Do	〃	200	〃	1st September 1862		During the period I have been attached to the Court I have ever found Moulavi Aboul Iyash Gulam Mohammad Yahiya Nakvi Saheb able & intelligent, and have already recorded my opinion touching his claims to a first Class Munsifship. 24th January 1865 (Signed) W. Elliot Civil & Session Judge	W. Wilson Ag Dt Judge		Transfer.	
District Munsif of Masulipatam	Do	〃	200	〃	1st January 1870		I have had many judgments of Moulavi Aboul Iyash Gulam Mohammed Yahiya Nakvi Saheb District Munsif of Guntoor before me in appeal; & I have the greatest pleasure to certify that most of those judgments exhibited a very good judicial experience, intelligence and ability of the said officer		15th July 1873	Inability to serve longer under orders of the High Court.	W. Wilson Acting Dt. Judge

1 Name of appointment.	2 Nature, *i.e.*, whether substantive or acting, permanent or temporary.	3 Substantive appointment, if the new appointment be acting only.	4 Pay.	5 Acting allowance.	6 Date of appointment.	7 Signature of Officer.

8 Character of Officer. *No entry need be made in this Column except when there is any thing either good or bad to be recorded. Suspensions should be noted here when the order of suspension is passed.*	9 Signature & designation of immediate head of the Office.	10 Date of termination of appointment.	11 Reason of termination *e.g., transfer, promotion, return of permanent incumbent.*	12 Signature and designation of immediate head of the Office.
and that his proceedings in many cases showed his great anxiety to arrive at the truth of the matter in dispute Tuticorin Principal Sadr Amins Court January 8th, 1870 } (Sd/) P. Streenivasa Row Principal Sadr Amin of Tuticorin (True Copies) [illegible] Ag District Judge				

1 Name of appointment.	2 Nature, *i.e.*, whether substantive or acting, permanent or temporary.	3 Substantive appointment, if the new appointment be acting only.	4 Pay.	5 Acting allowance.	6 Date of appointment.	7 Signature of Officer.	8 Character of Officer. *No entry need be made in this Column except when there is any thing either good or bad to be recorded. Suspensions should be noted here when the order of suspension is passed.*	9 Signature & designation of immediate head of the Office.	10 Date of termination of appointment.	11 Reason of termination *e.g., transfer, promotion, return of permanent incumbent.*	12 Signature and designation of immediate head of the Office.

SERVICE BOOK

of Moulavi Abul Ayash Gulam Mohammad Yahiya Nakir Saheb

Name. - -

Caste or Race. Mussalman, Sunni.

Residence. Guntoor (uncertain)

Father's Name. Abdul Kadar Saheb Nakir

Father's Residence. Madras.

Date of birth.

21/1/74

148

139

No 3

To be returned with reply on reverse.

AUDIT DEPARTMENT.

26/1/74

No.

Fort Saint George,
Accountant General's Office,
19th January 1874.

FROM THE DEPUTY ACCOUNTANT GENERAL,
TO THE GOVERNMENT OF MADRAS,

TO THE District Judge
Kistna

VIDE your Office application for Pension on behalf of Abdul Ayash Gulam Muhommed Yahaya Nakir Sahib.

The undersigned has the honor to request explanation on the following points:—

Under what circumstances was the applicant absent without leave for 6 days in January '67.

Please fill in the 9th & 11th Columns of the accompanying service book (to be returned) & insert the date on which it was prepared in the 3rd last Column of the 1st page, instead of the applicant's date of entertainment in the public service.

McDonald
Offg Dy Acctt. Genl.

Memo.

No 39

The undersigned has the honor to state that the applicant absented himself during the Christmas holidays and over stayed for 6 days from 3rd to 8th January 1867; therefore his absence was treated as "absence without leave" and his full pay for that period deducted, as will be seen from the Leaves Statement submitted to the Accountant General for January 1867. The Service Register is herewith returned duly corrected.

District Court, Kistna
27th January 1874.

Acting Session Judge.

Accountant General's Office
Recd 2
2 1874
Ansd ___

156

[illegible]

1874.

DCE

16333

Memo:

140

Color - Brown - Hair almost grey
Appearance - Stout made and Short
Height - 5 feet 4 inches.

Descriptive Marks } Several Small moles on the forehead - one on the right upper Eye-lid & one on the left Cheek very near the nose besides a few other Small moles - Two large Scars of boils, one on the calf of the right leg and the other on the calf of the left leg.

Place of Payment of pension - Bezwada Kistna District.

Taken by me

Pro: Ju No 106 of /74

143

APPLICATION FOR { PENSION ~~GRATUITY~~.

1. Name of Applicant. Moulavi Abul Ayash Gulam Mohammad Yahiya Nakiri Saheb

2. Father's name. Abdul Vadud Saheb Nakiri

3. Sect or Caste. Mussalman - Sunni

4. Residence. Guntoor (uncertain)

5. Present or last employment. District Munsif of Masulipatam -

6. Date of beginning of service 28th March 1853. } 20 - 3 - 18

7. Date of end of service 15th July 1873 - 1 - 8 - 17

Y. M. D.

wanting to complete 22 years of service for ½ Pen

8. Length of service including breaks ... ... 3 20 — 1 — 19

of which superior ... ...

inferior ... ... " — " — "

non-qualifying and breaks ... ... " — " — "

9. Class of {pension / gratuity} applied for, and cause of application* ... Invalid Pension Inability to serve longer under orders of the High Court.

10. [Average] emoluments or pay. 200 Rs per mensem.

11. Proposed pension. Rs A P 66 - 8 - "

12. Proposed gratuity. "

13. Date from which to commence. 16th July 1873.

14. Place of payment. X

15. Age of Applicant on this date. 49 years

16. Height. X

17. Marks. X

18. Date. 20th December 1873.

SIGNATURE OF THE HEAD OF OFFICE.

* If the application is for a compensation pension or gratuity, the nature of the change of establishment which has given rise to the claim should be fully stated.

HISTORY OF THE SERVICE (SHOWING BREAKS) OF Moulavi Abul Ayash Gulam Mohammad Yahiya Nakvi Saheb late District Munsif of Masulipatam.

Establishment.	Appointment.	Pay.			Acting allowance.	Date of beginning.	Date of end.	Period reckoned as service.			Period not reckoned as service.			Remarks.	How verified.	Remarks by Accountant-General.
		RS.	A.	P.	RS.			Y.	M.	D.	Y.	M.	D.			
Guntoor Zillah Court	Mufti Sadr Ameen.	200	"	"	— — —	28 March 1853	3d September 1858	5	5	7/6					From Fort Saint George Gazettes &c.	
On sick leave.						4th September 1858	24th October 1858	"	"	"	"	1	20			
Do	Mufti Sadr Ameen	200	"	"		25 October 1858	31st August 1862	3	10	7/6						
Do	District Munsiff of Guntoor	200	"	"		1st September 1862	2d January 1867	4	4	~~7~~						
Absent without Leave						3d January 1867	8th January 1867	.	.	.	"	"	6			Verified from the records of this office
Do	District Munsif of Guntoor	200	"	"		9th January 1867	31st December 1869	2	11	23 ~~22~~						
	Do Do of Masulipatam	200	"	"		1st January 1870	15th July 1873	3	6	15 ~~14~~						
					Total period of {superior / ~~inferior~~} service...	....		20	1	24 19						

L. Wilson
Acting District Judge

REMARS BY HEAD OF OFFICE.

1. As to character and past conduct of Applicant.

2. Explanation of any suspension or degradation.

3. Regarding any gratuity or pension already received by Applicant. See Chapter XX.

4. Explanation under Section 47, Rule 1, so far as the Head of the Office can give it.

5. Any other remarks.

L. Wilson
Acting District Judge
SIGNATURE.

No. 536

CERTIFICATE AND REPORT OF ACCOUNTANT-GENERAL.

CERTIFIED that (~~subject to the remarks below recorded~~) qualifying service in {inferior / superior} grades has been duly proved for 20 years 1 months and 24 days; ~~and that a~~ {pension / gratuity} ~~not exceeding Rs.~~ , ~~is admissible under Section~~ ~~of the Civil Pension Code. The calculations have been duly verified.~~ but that as the applicant has been removed from his appointment for unfitness, under the express Orders of the High Court, his case does not fall under the established rules for grant of pension.

Fort Saint George,
Accountt. Genl's Office,
13th February 1874.

To
The Under Secretary to Government
Pension Department.

J. Cooke
for Accountant-General.

10

GR

Pension 1874 Dept

No. 106

APPLICATION FOR {PENSION ~~OR~~ / GRATUITY—

Date of application.
13th February 1874

Name of Applicant.
Moulvi Abdool Ayash Mahomed Yahya Sahib

Last Appointment.
District Moonsiff

Class of {pension or / gratuity

Amount of pension sanctioned.

Amount of gratuity sanctioned.

Date of commencement.

Date of sanction.

G.O. Nos 173, 328 & 609 of 1874

143

Pension Department

Memo for Orders

1. On the 18th April 1873, the High Court directed Abdool Ayash Mahomed Yahya Nakvee, District Moonsiff of Masulipatam, "to send in his resignation and retire on whatever pension he may be entitled to," as he had "clearly been guilty of gross irregularity in calling up and disposing of cases before the day fixed for hearing" and was "quite unable from physical incapacity to control his office establishment."

2 The Moonsiff asked to be allowed

to remain in the service until the G. O. on his application for pension should be received but the High Court said it was "impossible to allow the public service to suffer from the District Moonsiff's 'evasions'", and they accordingly directed "peremptorily" that he should "be removed from his office"

3. The Moonsiff had served at the date of his removal 20 yrs 3 mos & 13 days, but the Accountant General correctly reports that, having been removed for unfitness, he cannot be granted a pension under any of the established rules.

S. 49 C. P. Code
Rule 1.

4 Though the High Court used the words "physical incapacity" the Moonsiff has never obtained any medical Certificate to that effect and, as he has now been discharged on other grounds, he would have no claim to an invalid pension even though he could produce medical evidence of incapacity for service.

5 The Ag District Judge has brought to notice that there are grounds for dealing specially with this Moonsiff. These grounds as regards the Judge's own opinion, are that the Moonsiff had always borne an "excellent character" and "was placed in a position of difficulty owing to the bad feeling of the subordinates of his Court."

The Moonsiff, however, considers that the Govt should grant him + a family pension because he is the son of one Abdul Vadud sahib Nateri — who was brought from Bengal to be a Mahomedan law officer under this Government and was for 43 years a Moofti in the Sudr Court.

6. This point was raised in 1839 by his father and the other Bengal Mahomedan law officers and the Government then distinctly refused to give any assurance that such pensions would be granted. They pointed out that these men's "liberal allowances" should

enable

+ Since this was written the papers connected with his fathers retirement have been found & are put up. He was granted an ordinary superannuation pension.

He may incidentally allude to this – but I suspect it will be ~~held~~ held that in giving the son employment the claim has been met.

Enable them "to make suitable provision for their families" but said they would "be prepared to take into consideration any case of peculiar hardship."

It is submitted that the present is such a case. In 1852, the Court of Sadr Adawlut specially recommended this man to the Civil Judge of Combaconum as the son of one —

"who after a long and faithful service of 43 years, obtained a pension from the Government and recently died in Madras leaving a large family almost wholly unprovided for" and as one, who had himself passed a highly creditable examination for the office of Moofty Sudr Ameen and had "general ability" as well as an extensive knowledge of the laws and regulations.

8. In March 1853, he was appointed Moofti Sudr Ameen of Guntoor and in that post and subsequently as District Moonsiff was well spoken of by different Judges. Even now the District Judge after a searching & special inquiry does not charge him with dishonesty or corruption and is of opinion that he did not act irregularly "with sinister intentions" but simply wished to improve the appearance of his file, and was made a tool of by his office & by intriguing and unscrupulous litigants".

The Moonsiff represents himself as badly off and forwards a Medical Certificate to show that two of his sons are imbeciles and incapable of earning their own livelihood.

9 Had he been invalided, he would have been entitled to a pension of Rs 66-8—. And it is submitted that the Government

of India may fairly
be asked to grant him
a special compassionate pension of
this+ amount

I Concur.
I D S

+ I think Rs 60 would
be enough
I D S

Pension to the late District Moonsiff of Masulipatam

J. D. / 1873

C: 4th March
R. 6 — " —
C 14 — " —
R. 17 — " —

C: 17 — March
R. 19 — " —
C. 19 — " —

Despo 8/4/74

Pension Department.

No. 173

To

The Secretary to the Government
of India,
Financial Department.

JDS
H^c

MD
1873

Sir,

On the 18th April 1873, the Madras High Court directed one Moulavi Abdul Ayash Gulam Mahomed Yahiya Sahib District Moonsiff of Masulipatam "to send in his resignation and retire on whatever pension he might be entitled to as he had clearly been guilty of gross irregularity in calling up and disposing of cases before the day fixed for hearing" and was "quite unable from physical incapacity to control his Office establishment." The Moonsiff asked to be allowed to remain in the service until the G. O. on his application for pension should be received, but the High Court said it was "impossible to allow the public service to suffer from the District Moonsiff's evasions" and they accordingly directed "peremptorily" that he should "be removed from his office"

2. The Moonsiff had served at the date of his removal, 20 years, 3 Ms. & 13 ds., but having been removed for unfitness, he cannot be granted a pension under any of the established rules, and I am now directed to submit his case for the favorable consideration of the Government of India on the following grounds.

3. Moulavi Abul Ayash Goolam Mahomed Yahiya Kakvi is the son of Abul Vadud Sahib Kakvi who was one of the Mahomedan Law Officers brought to this

Presidency

Public Extract Mints: Cons: 15 June 1839 No. 706

Presidency from Bengal in the year 1808. These men petitioned the Government to grant them family pensions, and though their request was refused, the Government of the day said they would "be prepared to take into consideration any case of peculiar hardship"

4. Abul Vadud Saib Kakvi was pensioned in the year 1852 after a service of upwards of 42 years, and in the following year his son who had been especially recommended for office by the Court of Sadr Adawlut both on account of his own qualifications as well as on account of his father's good services, was appointed a Moofter Sadr Ameen. In this capacity, and subsequently in that of District Munsiff he served with credit until

the commencement of last year when an examination of his Court by the District Judge led to the discovery of what that officer styled "great irregularities in the method of conducting business". A full and searching inquiry was held, and though the facts disclosed caused his removal by orders of the High Court, still the District Judge who conducted the Proceedings does not charge Moulavi Abdul Ayash Goolam Mahomed Yahya Rahwee with dishonesty or corruption, but is of opinion that he acted irregularly not "with sinister intentions" but simply from a wish to improve the appearance of his file, and was made a tool of by his office, and by "intriguing and unscrupulous litigants".

5. Under

5. Under these circumstances and those detailed above in connection with Moulavi Abdul Ayash Goolam Mahomed Yahiya Rahwee's father, I am directed to suggest that a special compassionate pension of Rs. 60 per mensem should be granted to him.

Fort St. George
25th March 1874

1874 Pension Department.

No. 173

To

The Secretary to the
Government of India
Financial Department.

Dated 25 March 1874.

Recommending as
a special case the
grant of a compassion-
-ate pension of Rupees 60
per mensem to Moulavi
Abul Ayash Gulam
Mahammed Yahiya
Bakir Saheb late
District Munsiff
of Masulipatam.

Pension to the late
[illegible]