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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	602	Press Mis.
Dated	9-10-18	76

Not to be folded or roughly handled

Courts—Subordinate Judges.

No. 89. Read Memorial from Mr. JOHN D'SILVA, Subordinate Judge and Joint Magistrate of Cochin, to His Grace the Governor in Council, Fort St. George, dated Cochin, 23rd August 1876.

RESPECTFULLY SHOWETH,—That memorialist has received with great regret the Order of the Madras Government, Judicial Department, 9th August 1876, No. 1631, to the effect that, “as there appear to be no special circumstances rendering it desirable in the public interest that Mr. John D'Silva, who is now in his sixty-second year of age, should be retained in active service, the Governor in Council directs that he be required, under Section 53, Clause 1, of the Civil Pension Code, to retire on pension.”

2. That, in obedience to the said Order, Memorialist is preparing the required statement of his services, &c., to be forwarded for revision by the Accountant-General. In the mean while Memorialist humbly solicits a reconsideration of that Order upon the following grounds.

3. No allusion being made thereto, it seems not unlikely that the following Order of Government should have been lost sight of:—

“*Proceedings of the Madras Government, Judicial Department.*

“Read the following letter from the Acting Registrar of the High Court of Judicature at Madras, dated 17th July 1871, No. 1233, stating that, in the opinion of a majority of the Judges, it is not desirable that Mr. D'Silva should be required to vacate his appointment under the operation of the general rule enforcing the retirement of Uncovenanted Servants at the age of fifty-five.

“ORDER THEREON, 24th July 1871, No. 1010.

“The order will be held in abeyance in Mr. D'Silva's case, but his name will be included in the periodical lists with a reference to this Order in the column of remarks.

“(True Extract.)

“(Signed) R. S. ELLIS,
“Chief Secretary.”

4. Having thus been permitted to remain in the service on the strength of the opinion of a majority of the Judges of the High Court, the Memorialist naturally supposed that he would not have been compelled to retire on pension till he had been found to be actually inefficient for the discharge of his public functions, or at least till he had attained the age of sixty-five years (there being precedents of such a concession having been made by the British Government). He little expected that he would have been required to retire on pension when he is in as sound a state of health as he was in July 1871, and is still able to attend to his public duties in an active and regular manner. He has not obtained any privilege or other leave, or left his station, since the 16th May 1873, nor has he absented from the Court more than two or three days in a year, and, in order to administer justice in the exercise of his public functions, he is working between eight and nine hours a day till 6 p.m. and often later, and, he needs scarcely add, is acquiring daily greater experience in matters which seem to him to be important enough to entitle him to a special consideration from a Government always disposed to remunerate the good services of a public officer, especially one who, throughout the length of his public career, extending over a period of forty-one years, has borne “a very high character both for zeal, assiduity, and correct and moral worth,”

*Proceedings of the Madras Government, Judicial Department,
21st September 1876. No. 1930.*

has won the "full commendation" of his superiors and the "esteem of all classes," and has been of "an excellent disposition and temper" and "strictly honest" as certified by some of the accompanying copies of testimonials.

5. Memorialist takes the liberty to submit a statement showing the number of civil suits (original and appeal) and criminal cases decided by him, the number of appeals and special appeals preferred from his decisions and the result thereof, and he presumes that the said statement will enable your Excellency in Council to form an opinion as to whether as a Judge and as Magistrate of the first class in charge of a division of the Malabar District the Memorialist has, or has not, given general satisfaction to the people during the last ten years that he has been presiding in the Court at Cochin. He submits also a certificate from Dr. Doyle, the Civil Surgeon of Cochin, as to the present state of his health.

6. Having from a very long time had to contribute largely towards the support of widowed and other relatives in straightened circumstances, memorialist has not been able to make any substantial provision for his large family, and he would naturally be put to a great hardship if compelled now to retire on pension. Were it not for this consideration, he should himself have preferred to apply for pension and thus make room for the promotion of others.

7. The memorialist confidently hopes that the above-stated facts will be regarded as "special circumstances rendering it desirable in the public interest" that he "should be retained in active service;" but in case they should be viewed otherwise, he earnestly solicits that, in consideration of his past good service for so long a period as forty-one years, your Excellency in Council will be pleased to deal with his case as a special one and grant him a pension equal to two-thirds of his present pay, for which act of justice the Memorialist shall, as in duty bound, ever pray.

Transferred to the Chief Secretary to Government with enclosure.

(By Order.)

OOTACAMUND,
29th August 1876.

(Signed) P. J. HANKIN,
Private Secretary.

No. 90. ORDER THEREON, 21st September 1876, No. 1930.

The Governor in Council recognizes Mr. D'Silva's good past service, but considers that at his advanced age it is desirable in the public interest that he should take pension.

2. The question of the amount will be considered in due course in the Pension Department.

(True Extract.)

W. H. Hankin
Off. Secy. Govt. Secy.
Chief Secretary.

To Mr. J. D'Silva.
To the Accountant-General.
" Pension Department.
" Registrar of the High Court, Madras.

Exd. J. W. Fischer.

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THE DOORS.

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MR. J. D'SILVA,

F. No 918

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G.O., 21st September 1876, No. 1930.

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