

(1) Number of pages 8(2) Date of repair 3-6-61(3) Initials of the Referencer 8

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No.

200

Press
Mis.

Dated

17-4-

1877.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

17th April 1877, No. 200.

Gratuity.

Read the following papers:—

From the Acting Registrar, Appellate Side, dated 22nd February 1877, No. 437.
„ *Officiating Deputy Accountant-General, dated 23rd March 1877, No. 982.*

ORDER THEREON, 17th April 1877, No. 200.

The District Judge of Tinnevely submits an application for gratuity on behalf of Tinnevely Mahalingum Iyer, late second-grade District Munsif of Ambasamudram in Tinnevely District. His service amounts to eleven years and nine days, and he was required to retire as it was erroneously thought that his age would be sixty on the 1st January 1877. His age was however twenty-six days short of that figure on the date of his retirement. The District Judge was called on for a certificate of incapacity under Section 56, Rule 3, of the Civil Pension Code, as the applicant had not attained the age of sixty. That officer, however, is unable to submit one as he considers the applicant still mentally and physically fit for service.

2. It is however clear that the High Court did not intend that the applicant should be discharged until he had completed his sixtieth year, as the order expressly stated that, on the 1st January 1877, he will have completed the sixtieth year of his age.

3. Under these circumstances, and as it would be highly inconvenient to reinstate the applicant for so short a period, His Grace the Governor in Council is prepared to grant, subject to the approval of the Government of India, a superannuation gratuity of Rupees 2,750 to him under Sections 56 and 59 (a) of the above Code.

4. With reference to the entry made on the application in the District Judge's office under "10 (average) emoluments or pay," it is observed that gratuities to Uncovenanted Servants are not regulated by their average salary, but are calculated on the salaries of which they are in receipt at the time of discharge.

(True Extract.)

Ag. Under Secy. to Govt.

To the Accountant-General.

„ Registrar of the High Court, Appellate Side.
„ District Judge of Tinnevely.
„ Collector of Tinnevely.

Exd. J. Wright.

Gratuity.—Granting a superannuation gratuity of Rupees 2,750 to T. Mahalingam Iyer, late second-grade District Munsif of Ambasamudram, in the Tinnevely District, subject to the approval of the Government of India.

APRIL.

G.O. 17th April 1877. No. 209.

Dated April, 17th.

To THE ACCOUNTANT-GENERAL.

PENSION.

Obdt. of 11877 Madras.

AUDIT DEPARTMENT.

To be returned with reply on reverse.

Fort Saint George,
Accountant General's Office,

28th February 1877.

FROM THE ACCOUNTANT GENERAL, MADRAS,

To THE District Judge of Tinnevely.

VIDE your Application for Gratuity on behalf of T. Mahalingam Iyer.

THE undersigned has the honor to request that the Certificate required under Rule 3. of Section 5b. of the Civil Pension Code. 3rd Edition may be furnished as the applicant's age on ^{the date of} retirement viz 5 January 77. was less than 60 years reckoning from 26th January '17. ~~from~~ the date of his birth; and to enquire:—

1. whether the post of Dist. Munsiff of Ambasamudram which the applicant held from 8 Novr '65 to 31 May '67 was permanently vacant — & if so (a) why was he not confirmed in it. (b) whether any other person counted service on that Appoint. during the above

above period -

2. whether the post of Dist. Munsiff
of Tinnevely which the applt. held
from 1 June '67 to 15 Nov: '68 and in
which he appears to have been
confirmed subsequently was also
permanently vacant during the
above period, and whether any other
person counted served on that
appointment till 26th Nov: '68
on which date the applicant appears
to have been made a permanent Dist. Munsiff.

T. Christenbury
Asst. to the Dist. Judge

No 195

Memorandum.

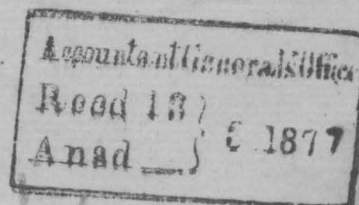
The Certificate required under Rule 3
of Section 56 of the Civil Pension Code is
enclosed.

The post of the District Munsiff
of Ambasamudram and that of the Dis-
trict Munsiff of Tinnevely, which the
applicant held during the periods mentioned
in the letter under reply, were permanently
vacant, and no other person counted in
service in either of the appointments during
the above periods; but the applicant was
not confirmed until 26th November 1868;
as the High Court had directed the then
Civil Judge to take full time to satisfy
himself as to Mahalingam Iyer's conduct
and Capacity before recommending his
confirmation in the Office.

Tinnevely.

District Court

8th March 1877



Recd

K. S. S. S. S.
K. S. S. S. S.
K. S. S. S. S.

J. C. A.

District Judge

The applt.
cannot not having
completed his 60th
year of age on the
date of retirement, I
think it proper to
recommend a
Certificate
under rule 3 of
Sec. 56. C.P.C.
T.P.

1
Certificate

Mahalingam Iyer the Late
District Munsif of Ambasamudram
being close on 60 years of age was
ordered by the High Court to resign from
the beginning of the year.

Copy of the order is enclosed. It is evident
that it was not intended that Mahalingam
Iyer should resign before he was 60, the
High Court understanding that on the 1st January
he was already that age. J.C. Gue.
District Judge

Tinnevely.
District Court }
8th March 1877 }

Perd. K. Sumanthir
C. J. H. D. W.

A. Ramalingam
C. J. H. D. W.

25229

No 2894.

Proceedings of the High Court of Judicature
at Madras, 11th December 1876.

Read letter dated 28th November
1876, No 623, from the District Judge
of Tinnevely forwarding translation of
an order from Mahalinga Iyer, Dis-
trict Munsif of Ambasamudram
and recommending that he be required
to retire in January 1877.

Mahalinga Iyer, District
Munsif of Ambasamudram, will be
informed, that he must retire from
the service on the 1st January 1877 on
which date he will have completed the
60th year of his age.

(True Extract)

True Extract

Signed J. T. Wein

Ag Registrar

Appellate side

True Copy

J. C. Cair

District Judge

Exd. Kuanathiah
" of Horev
Copied by
A. Panabgiah

Name of Officer.		J. C. Carr.		Signature and designation of the head of the Office.		J. C. Carr.	
Caste or Race.		J. C. Carr.		Signature of Officer.		J. C. Carr.	
Residence.		J. C. Carr.		Date of Entry.		30-10-76.	
Name.		J. C. Carr.		Personal marks for identification.		Has a scar in front of his head	
Residence.		J. C. Carr.		Exact Height.		5-5 1/2	
Name.		J. C. Carr.		Age.		9	
Residence.		J. C. Carr.		Ms.		9	
Name.		J. C. Carr.		Days.		9	
Residence.		J. C. Carr.		Feet.		5-5 1/2	
Name.		J. C. Carr.		In.		5-5 1/2	
Residence.		J. C. Carr.		Date of birth.		24th January 1817.	
Name.		J. C. Carr.		Father's Name.		J. C. Carr.	
Residence.		J. C. Carr.		Father's Residence.		J. C. Carr.	

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.

1 Name of appointment.	2 Nature, i.e., whether substan- tive or acting, permanent or temporary.	3 Substantive appointment, if the new appointment be acting only.	4 Pay.	5 Acting allow- ance.	6 Date of ap- point- ment.	7 Signature of Officer.
3 rd Grade D. M. M. Acting		"	"	200	8.11.65	J. C. Can M. D. Judge
of Ambassandran in		"	"	200	8.11.65	
Juniorly D. M. M.		"	"	200	1.6.67	
D. M. M. of D. M. M. Permanent		"	200	"	26.11.68	
D. M. M. of Ambassandran		"	200	"	27.5.69	
D. M. M. of S. K. M. M.		"	200	"	1.7.71	
2 nd class D. M. M.		"	250	"	23.5.73	
of S. K. M. M.		"	250	"	28.6.75	

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 & designa- tion of im- mediate head of the Office.	10 Date of termina- tion of ap- pointment.	11 Reason of ter- mination e.g., transfer, pro- motion, return of permanent incumbent.	12 Signature and designa- tion of im- mediate head of the Office.
Qu. Sick leave with all allowances from 3 rd September 1872 to 23 rd Dec 1872.	J. C. Can M. D. Judge	31.5.67	Suspense	
		25.11.68	D. M. M.	
		26.5.69	D. M. M.	
		30.6.71	D. M. M.	
		22.5.73	Transfer	
		27.6.75	Transfer	
		5.1.77	Retired	

1	2	3	4	5	6	7
Place of appointment.	Nature, <i>i. e.</i> , whether substan- tive or acting, permanent or temporary.	Substantive appointment, if the new appointment be acting only.	Pay.	Acting allow- ance.	Date of ap- point- ment.	Signature of Officer.

R No 125
1877

To be returned with reply on reverse.

AUDIT DEPARTMENT.

Fort Saint George,
Accountant General's Office,
15th March 1877.

FROM THE ACCOUNTANT GENERAL, MADRAS,

TO THE

District Judge Trimerville

VIDE your Application for Gratuity on behalf of Mahalingam Iyer.

The undersigned has the honor to Request that a Certificate of inefficiency owing to old age or infirmity required under Rule 3. of Section 56. of the Civil Pension Code ^{may be} ~~should be~~ furnished either by the District Judge or the High Court the Applicant not having completed 60 years of age on the date of retirement. If the Certificate above referred to cannot be furnished a medical Certificate of Applicant's unfitness should be obtained & furnished to this Office within twenty days of the date of the request.

SERVICE BOOK

Name. *Srinivas Mahalingam*
Caste or Race. *Dravidian*
Residence. *Srinivas*
Date of birth. *26th January 1817.*

San H. L. No. 1449/77-
Cancelled

R No 1249/77

No. 215

Memorandum

So far from giving a certificate of infirmity I can certify that in my belief Mahalingam Iyer was as physically & mentally fit for the bench the day he retired as he was when he was appointed. The only reason why he retired a few days before he was 60 years of age was that the High Court was misled as to his birth day. I should imagine that the medical certificate wd not differ materially from mine.

J. C. Coor
District Judge
Trincomalee District 19. 3. 77
Const. 3

Accountant General's Office
Recd 22
Ans'd 1877

No. 437.

21

From

J. Weir Esquire,
Acting Registrar of the
High Court of Judicature
at Madras

To

The Honorable W. Andleston,
Chief Secretary to Government

Honorable Sir,

I am directed to transmit for the Orders of Government the accompanying application (received with the District Judge's letter dated 14th instant) for a Superannuation gratuity on behalf of Mahalingam Iyer, late District Munsif of Ambasamudram in the District of Tinnevely.

I have the honor to be,
Honorable Sir,

Your most obedient servant,

High Court of Judicature,
Madras, 22 February 1877.

J. Weir
Acting Registrar,
Appellate Side.

Plateni - No 211

to Dr. Judge Trincoelly, submit
 an application for gratuity
 on behalf of T. Mahalingam
 Esq. 2 Trade Dr. Morniff of
 Ambatamudram, - The
 applicant's notice amounts to
 11 grs & 9 drs - he was
 required to return as he it
 was thought that his age
 would be 60 on the 1st Jan 77
 his age however was 26 drs
 short of that figure on the
 date of his retirement, 5th Jan.
 The Dr. Judge was called in
 to certify of incapacity - under
 Sec. 56-3. Code - as the applicant
 had not obtained the age
 of 60 - The Dr. Judge so
 far from granting a certificate
 says the man was in fit,
 mentally & physically, for
 service on the date of his retirement
 as on the date of his retiring
 the notice -

It is however clear that

Govt uphold the H.C.
 Courts order - the period
 required to complete the
 prescribed age is so
 short that the Govt of Madras
 must acquiesce
 Jgt not

Irresistibly uphold
 the H.C. & sanction the
 gratuity.

It seems to be a simple
 matter of 27 days.
 Some are filled in the 1st of Jan 77
 1904

Accountant General's Office
 Recd 27 2 1877
 And

1877.
 The Chief Secretary's
 Office
 from the Dy. Registrar of the
 District of Madras
 at Madras.

Dated 22nd
 Recd: 25 February 1877.

No 437.

Transmitting an applica-
 tion for a superannuation
 gratuity on behalf of Maha-
 lingam Esq. late District
 Assistant of Ambatamudram
 in the District of Trincoelly.

With order

Referred to the Accountant
 General for the nature & verification and
 report.

To the Accountant General
 24. February 1877
 H. K. J. J.
 Dy. Registrar of the District of Trincoelly

the High Court did not
intend that the applicant
should be discharged
until he had completed
his 60th year, as the order
expressly states that
on the 1st Jan 77 "he
will have completed
the 60th year of his age".
This order is dated
the 11th Dec & it is not
clear why the applicant
did not request
permission to continue
in the home until
the 27th Feb.

Under these circumstances
orders are requested —
whether the H. Court should
be asked to appoint
the applicant as a
trustee to qualify,
— or whether orders
should be passed
granting as a special
case, subject to the

approval of the S.T.

21
4.4.77

Purvi No 271

Means for Mr

C. 5/4/77
R 10/4/77

Pension Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following ~~letter~~ Papers

From the Ag Registrar Appellate Side dated 22^d Feb 1877⁴³⁷
- " - Offg Dy Accountant General dated 23^d March 1877
N^o 982

Order thereon 17th April 1877²⁰⁰

The District Judge
of Tinnevely submits an
application for gratuity on
behalf of Tinnevely Subahlingam
Iyer late 2^d Grade District
Munsiff of Ambasamudram
in Tinnevely District. His
Service amounts to 11 yrs 49 days
and he was required to retire
as it was thought that
his age would be sixty on
the 1st January 1877. His
age was however 26 days
short of that figure on the
date of his retirement.
The District Judge was
called on for a certificate
of incapacity under Section 56
Rule 3 of the Civil Pension Code.
as

C: 5/4/77
R 10/4/77

as the applicant had not
attained the age of sixty.
The District Judge so
far from granting a
Certificate says the man
was as fit, mentally
and physically for service
on the date of his retirement
as on the date of his
entering the service.

2 It is however
clear that the High Court
did not intend that the
applicant should be dis-
charged until he had
completed his 60th year -
as the order expressly
stated that on the 1st
January 1877 he will
have completed the
60th year of his age.

3 Under these
circumstances His Grace
the Governor in Council
is

is prepared to grant Subject
to the approval of the Govt
of India a Superannuation
gratuity of Rs 2750 to Timmelly
Mahalingum Iyer under
Sections 56 & 59 (a) of the
above Code.

4 With reference to the
entry made on the application
in the District Judge's Office
under "10 (Average) emoluments
or pay," it is observed that
gratuities to uncovenanted
servants are not regulated
by their average salary,
but are calculated on
the salaries of which they
are in receipt at the time
of discharge.

To the Accountant General
- " - Registrar of the High Court Appellate side
- " - District Judge of Tinnevely
- " - Collector of Tinnevely
JUG.
dispo
21/4/77

Oct of 1877. *Advers.*

L. N. 404

Dr. H. M. M. M.

To the Honorable Secy.

Dated *17th Aug.*
Recd.

1877, No. 200

Nos.

*Extracts a copy of the
-nation of the 1st of
Aug. 1877 to the Honorable
Secy. of the State of
Massachusetts. The
-sum of the same -
-well as the 1st of
the 1st of the
1st of the 1st of the*