

233

Dee Poire

CHIEF SECRETARY
25 JUN 93
GOVERNMENT OF MADRAS

Thence from
an ~~Private~~ Secret to
H.E. the Viceroy and
my memorial had not
yet reached him.
Will you kindly let
me know whether
it has been forwarded

[G.]
9

500-18-4-93

Current No. 237.

DEPARTMENT.

From

W. A. Joseph Esq.

No.

Dated 28. V. 93

Received 5. VI. 93.

Enclosures

SUBJECT.

Asking whether his memorial
has been forwarded to the
Govt of India.

28

High Court of Judicature,
Madras, 28th April 1893.

No. 1296.

Pub Dept

From

W. W. Foster Esquire,
Registrar of the High Court of Judicature
Appellate Side, Madras.

To

The Honorable J. F. Price,
Chief Secretary to Government,
Fort St. George.

Sir,

I am directed to forward to His Excellency
the Governor in Council a memorial from
Mr. W. G. Joseph, Esq. District and Sessions
Judge of Gaujam, addressed to His Excellency
the Viceroy of India in Council.

I have the honor to be,
Sir,

Your most obedient servant,



Registrar.

Judicial {1893} Department.

No.

FROM

THE REGISTRAR OF THE HIGH COURT
OF JUDICATURE AT MADRAS,
APPELLATE SIDE.

Dated 28th April 1893.
Received 1st May 1893

CHIEF SECRETARY
GOVERNMENT
NO 1296
I

Forwarding a memorial
from H. G. Joseph Esquire, address-
ed to His Excellency the
Viceroy of India in Council.

Madras office for complete file of
miscellaneous papers of 91st
from 3rd

2/5

1223
17-3-93 S.C.
704 10-10-92 S.C.
633 22-7-91 Miss
330 16-2-85 Miss
262 9-2-85
2878 11-12-84
2407 13-10-84
2097 4-9-84

E

Memo of 16th May 1893 No 877

The Acc. Genl. is requested to

report whether the recovery from Mr.
Joseph is affected by G.O. of 17. March
1893 No 226. Public.

CS
16/5

16/5/93

Acc. Genl. (P) despd. 16/5/93

Office Gue
CS

Chartered Audit. DEPARTMENT.

FORT ST. GEORGE,
Accountant-General's Office,
26 May 1893.

No. 1456

J. W. Rawlinson Esqre,

ACCOUNTANT-GENERAL TO THE
GOVERNMENT OF MADRAS,

From

To

THE Chief Secretary to Government,
Public Department.

SIR,

With reference to memo from
Government No 877, Public, dated the 16th May '93,
I have the honor to state that the recovery from
Mr. Joseph is not affected by G. O. dated 17th March '93
No 226, Public, as it was made in consequence of the
ruling in Para 2 of Madras Govt. order No. 704, Public,
dated 10th October '92 and relates to periods prior to the
date of the order of the 17th of March which has
prospective effect only.

I have the honor to be
Sir
Your most obt. Servant

Accountant General.

Vide Embury on back of No. 704

Public (189) DEPARTMENT.

From THE ACCOUNTANT GENERAL, MADRAS,

To THE Chief Secretary to Govt. Public Dept.

No. 1456

Dated 26 May 1893
Received 29 May 1893

No. SUBJECT.

States that the recovery from Mr. Joseph is not affected by G.O. 17 March 1893

Public Department

C. No. 1273

Mr. Joseph has not appealed to the Madras Govt. with reference to the recoveries made from him in consequence of the ruling in para 2 of G.O. of 10. October 1892, No. 704. It seems to be a question whether his Memorial to the Govt. of India could not be withheld under rule 3 (13) of section III. of the B. Memorial rules.

I think both in the recovery in being made in consequence of an order issued by Govt. though it is not known from what authorities the order was issued.

I also think the memorial cannot be withheld under the subquoted rule. I.H.P.

With reference to the remarks in para 3 of the Memorial, it may be noted that para 2 of G.O. of 10. October 1892, No. 704, & the portion of the G.O. of 9. letter in which it was based were not communicated to any officers except the Accl. Govt. & Mr. Ramachandra Aiyar, as it was impossible to tell who it might or might not affect. Mr. Joseph ^{talks of} ~~means~~ by the "arbitrary" in which he was advised of the recoveries which would be necessary in his case.

2. I would ask the Accl. Government whether the recovery from Mr. Joseph is affected by G.O. 17 March 93 No. 226. which cancels the order under which the recovery was ordered. And one should also think him because of the papers on which I stated that the recoveries should be made at 10 per cent.

15 May 1893
Note in the Honorable Member
The paper returned from circulation on the 15th. Orders in accordance with H. H. note that recoveries should be made at 10. p. cent are issuing. J.H.P. 1893

With reference to this it is observed that the Accl. Govt. wrote to him on the 25th November, he replied on

Dist. Secy

and the A.G. wrote
 him again on the 20th giving
 him all the information the G.O.
 of 10. Oct contained. The A.G's letter
 was no more abrupt or arbitrary
 than the G.O. would have been.
 Had Mr. Joseph received the entire
 G.O. it is very doubtful whether he
 would have been able to tell, without
 reference to the Act. Govt, whether
 he would be cut by the ruling in
 para 2. His grievance on this
 score is, it is submitted, a very
 weak one.

may be
 + he has not one at all
 H.O.

In para 9 Mr. Joseph
 alludes to the matter dealt with
 in G.O. of 22.7.91 No. 633, Fint.
 There is no rule against an officer
 alluding to a matter of the past
 like this but any appeal from
 Mr. Joseph to the Govt. of India
 on the subject appears to be is
 used by rule 3(10) of Section
 of the B. Memorial rules.

13/5/93

M. + C. to
 J. P. P. to
 13.5.93

4

Mr. Joseph's Memorial

Committee

Circulate

H. M. + C. to
 The papers are resubmitted
 together with the A.G's reply to
 the reference made therein

Cd.
 29.5

3615193

The words "in future" occur in the G.O.
 of March 93. but my recollection is
 that it was intended to substitute the
 rule therein laid down for that in G.O.
 of Oct 92, in which the same words
 occur & I would so rule now.
 Meanwhile Mr. Joseph's memorial
 should be forwarded, as it will take some
 time for the A.G. to revise the attachment.

Very truly, the orig^l papers connected
 with G.O. of 17/5/93 are not put
 up - but the proposed alteration seems
 fair -

I agree to the proposed alteration -
 the words "in future" ought certainly
 to apply from the
 date of the cancelled
 order in which the new
 G.O. was intended to be
 substituted, viz June 93

C 13/5
 R 10/5

C 30/5
 R 5/6

Committee

District

Papers to be read in Proceedings:—

Again G.O., dated

18 , No.

Again G.O., dated

18 , No.

Current No.

of 18 , dated from

Current No.

1270 of 1893, dated 28th April from the Registrar, H.C., appellate side
 " " 1494 of 1893, " 26th May " the Accountant General.

Order 13th June 1893, N^o 453.

The Memorial will be forwarded
 to the Govt of India.

CERTIFIED

19 JUN 93

IN M.S.

H. G. Joseph Esq., J.C.S.

Letter of 13th June 1893, N^o 454.

to the Secretary to Govt of India,
 Home Department.

Sir,

with Incoment Keyes
 I am directed to forward the
 accompanying memorial addressed to
 the Viceroy by Mr H. G. Joseph of the Indian
 Civil Service, in which he appeals for relief
 from the action ^{taken by} of this Govt ~~based on the~~
~~sub~~ para 3 of your letter dated 12th
 September 1892, N^o 403.

2. As pointed out in para 3 of my letter
 of the 4th August 1892, N^o 538, the Accountant
 General, acting under the impression that the
 standing of Mr C. Ramachandra Aiyar as
 a District Judge should be reckoned with
 reference to the date of his admission to the
 statutory Service, ~~at first~~ treated him as
 a Second Grade Judge. The Govt of India,
 however, was of opinion that Mr Ramachandra
 Aiyar's standing should reckon from the date
 of his confirmation in the appointments of
 District

District and Sessions Judge and in para 2 of G.O., dated 10th October 1892, No. 704, (copy of which is enclosed) it is ~~indicated~~ ^{directed} by this Govt. that his emoluments from the date of his confirmation should be regulated accordingly. In consequence of this ruling it became necessary to make retrenchments from the officers who, according to it, were junior in standing to Mr. C. Ramachandra Aiyar and who had benefited by the system previously adopted by the Accountant General under which Mr. Ramachandra Aiyar had been treated throughout as a Second Grade Judge. Mr. Joseph's appeal is directed against the retrenchment made in his case.

3. The matter alluded to in paras 9 and 10 of Mr. Joseph's memorial is one on which this Govt. passed orders nearly two years ago and it is not necessary to refer to it beyond remarking that had Mr. Joseph wished to appeal against the ruling of this Govt. he should have done so within the six months prescribed in rule 3(10) of Section III. of the rules regarding memorials to H.E. the Governor General in Council.

CS
6/6.

Order
18/6/93.

Mr. Joseph's Memorial

* G.O., 27.7.91, No. 633.

BACK PAPER, No.

FURTHER PAPER, No. 2332

OF 18 93

HEAD AGAIN ORDER OF GOVERNMENT, DATED 18, No. MISCELLANEOUS.

ENCLOSURES

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DELETION IN ORIGINAL (not paged).

with memorial & enclosure
12 JUN 93
H. M.S.

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

[G
H]

Recd
19/6

9/7/07

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATED 13-6-93
No. 453
454

INDEXED.

When given for copying.

[Despatch Abstract.]

Directing that the
memorial from Mr
H.B. Joseph J. Esq
applying against the
awards made from
him in consequence
of the ruling in para
2 of G.O. 10 Oct-92
No 704 be forwarded
to the Govt of India

PRINTED
IN
G.O. 4552/13-6-93 Pub.