

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATED 16-3-93
No. 222.

When given for copying.

[Despatch Abstract.]

Declining to make the
declaration asked for by
Mr J. H. J. Dumerque of
the Judge's Commission to
enable him to receive the
salary of a judicial judge
for certain periods.

3
RECEIVED
No. 17
27/17

FURTHER PAPER, No.

901

OF 1893

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

ENCLOSURES

CURRENT No.

453

621

723

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—

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

He did not do so, however he
came to the office & remained
heavily of the Christmas
holidays joining at the
office of the G. & S. & S. & S.
thinking that he had not
joined his new appointment
during the holidays. The
Cec. General does not know
that he had not joined
on the 17th Dec. & his
special duty had been
given to the Indian Com.
Chap. of the Indian Com.
J. Dumorgue has not yet
been attached to the
clearance of a debt in
judicial during the winter time
+ as he might have got
some clearance from the
J. of the Indian Com. from
the G. & S. by releasing him
as directed, he has only
humbly to thank for the
loss of time. In the future
between the 20 Dec + 3 Jan
he is only attached to the
pay of his subscription of
- payment -

W. Dumorgue's
Joining Time

Read. C. No. 453 - P
" " 621 - A
" " 723 - A

Order 16 March 93
222

In view of the Accountant
General's report of 27 Feb 1893,
No. 571, the Govt. is unable to
make the declaration asked for
by W. Dumorgue.

(From Order)

DESPATCHED

W. Dumorgue Esq. 15 March
1893

12 Dec

Ch
10 March

C. 11/3
R. 15/3

CURRENT NO. 723
Public

(189) DEPARTMENT.

From

THE ACCOUNTANT-GENERAL,

MADRAS,

To

THE Chief Secretary to Govt.
Public Deptt.

No. 690



Dated

Received

8 March '93.

No.

SUBJECT.

Reporting that Mr. Dumergue
assumed charge of the Madras
Court on the forenoon of the 9th
January '93

Vide Entry on C.R. 453 of 1893

How

For Orders.

Mr. Dumergue, whilst acting as
District Judge of Tichunopoly, was
deputed on special duty as Govt.
representative at the hearing of
the Cochin-Kollengode boundary
dispute. Before the termination
of this special duty Mr. Fiddian
was appointed D. J. Tichunopoly
returned from leave and ~~took~~
~~up the app't of Dist. Judge~~
~~Tichunopoly~~ on the 20th Decr.
destroying Mr. Dumergue's lien
on that app't. Mr. Dumergue
had meanwhile been appointed
to act as Dist. Sessions Judge
of Madras vice Mr. F. Weir
granted furlough. ~~Mr. Weir~~
Mr. Dumergue left Tichun
on the evening of the 17. Decr
(vide his letter in G.O. of 21. 12. 92
N. No. 1256) but did not join
at Madras till the 9th January
though Mr. Weir handed over
charge on the 3rd idem.

Unless Govt. declares
that had it not been for
Mr. Dumergue's deputation

on special duty he would have
continued to draw the salary
of a district Judge till he joined
at Madras, he will be restricted
to the salary of his permanent
app't. (Sub. Collector) from the
date (20. Decr) on which Mr.
Fiddian took charge of the
Tichunopoly Court to the date on
which ^{he} Mr. Dumergue assumed
charge of the Madras Court (9th
January). Mr. Dumergue places
the latter date at the 2nd January
but the A.G., in C. No. 723, reports it
as the 9th idem.

It will be seen from the
A.G.'s letter in C. No. 621 that Mr.
Dumergue would not, in ordinary
course, have drawn the pay of
a District Judge till he joined
at Madras, ~~but~~ and it is not
apparent how Govt. can make
the declaration he asks for.

C.S.
9.3. Mr. Dumergue's special
duty ended on the 17 Decr.
the ~~was~~ ^{informed} by telegram
D. 16 Decr that he had
gone direct to Madras. By
his letter of the 17th Decr
from Tichun he reported to
the ~~Government~~ ^{Government} that he

CURRENT NO. 621

Public (189) DEPARTMENT.

From

THE ACCOUNTANT-GENERAL,

MADRAS,

To

THE Chief Secretary to Govt.
Public Deptt.
Fort. St. George.

No. 571

Dated

Received

encls. 4

No.

SUBJECT.

Reporting the allowances Mr. Dumergue would have been entitled to during joining time from Trichinopoly to Madras if he had not been deputed on Special duty & had retained charge of the Trichinopoly Court till relieved by Mr. Fiddian.

Vide entry on the back of No. 453

Memo of 2^d March 1893 No. 399.

The Accountant-General is requested to report the date on which Mr. Dumergue assumed charge of the Madras Court.

Encl.
Encl. 28/2.

Acct Genl (2).

DESPATCHED

MADRAS

11 M.S.

Gazetted Audit DEPARTMENT.

FORT ST. GEORGE,

Accountant-General's Office,

8 March 1893.

No. 690

From

J. W. Rawlins Esq.,

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Chief Secretary to Government,
Public Department.

SIR,

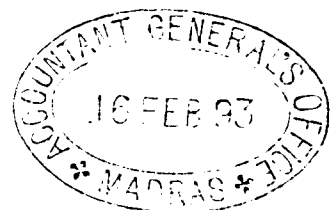
With reference to your Memorandum No. 399 dated the 2nd March 1893, Public Department, I have the honor to report that Mr. Dumergue assumed charge of the Madras Court on the forenoon of 9th January 1893.

I have the honor to be,
Sir,

Your most obed^t. Servt.,

Accountant General.

W.R.



General audit DEPARTMENT.

COPIED 100 (21)

FORT ST. GEORGE,
Accountant-General's Office,
27 February 1893.

No. 571

From

J. W. Rawlings

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE *Chief Secretary*
to Government,
Public Department,
Fort Saint-George.

SIR,

With reference to your memorandum No. 313 dated the 15th February '93, I have the honor to state that if Mr. Demergue had not been deputed on special duty and had retained charge of the Trichinopoly Court until relieved by Mr. Fiddian, he would have been entitled during joining time from Trichinopoly to Madras to Rs. 1166. 10. 8 per mensem, the pay of his substantive appointment, from 20th December '92 when Mr. Fiddian, his senior, took charge of the District Court, Trichinopoly, to 2nd January '93, and to Rs. 1944. 7. 1, the salary as acting District Judge, from 3rd January '93 when Mr. J. Wein, his senior, made over charge of the District Court, Madras, to sub-judge M. R. N. Venkatadurgayyan avertant.

I have the honor to be,

Sir,
Yours most obed^t. Servant

J. W. Rawlings

Judicial Department

From
The Dy District Judge
of Madura
The Dy Chief Secy to Government
Madras

Dated 8 February } 1893.
Recd

No 81.
Enclosures Two

Salary

Submitting copy of correspondence between the Acctt General and himself and requesting that Government will be pleased to pass an order that had it not been for his deputation on special duty, he would have continued to draw the salary of a Dist. Judge until he joined at Madura

Pub. G.O. R.N. 1856 D 21-12-92
Telegraph to Mr Dumergue D 16-12-92
D.O. 487 D 16-12-92
D.O. 486 D 16-12-92
G.O. R.N. 1300 D 8-12-92
" " 1290 D 6-12-92
P.O. " 257 D 24-11-92
" " Mis 660 D 21-11-92

C.H.

Ref 715 Feb 1993 No 313

The Acct. Genl is requested to report what allowances Mr. Dumergue would have been entitled to during joining time from Trichinopoly to Madura, if he had not been deputed on special duty and had retained charge of the Trichinopoly Court till Mr. Fiddian joined there.

C.H.
15.24

C.H.
13 Feb.

Acct. Genl (with current enclos. to be recd).
DESPATCHED
15 FEB 93
M.S.

Note. It is thought that, under the terms of § 205 of the C.S.R., Mr. Dumergue would, in the case put in the reference, have drawn only Sub-Jud's pay during joining time.

C.H.

[69]



Memorandum.

No 313

Read the following

The Accountant General is requested to report what allowances Mr. Dumergue would have been entitled to during joining time from Trichinopoly to Madura, if he had not been deputed on special duty and had retained charge of the Trichinopoly Court till relieved by Mr. Fiddian.

W.M.

By Order.

Fort St George,
15 February 1893

M. King C.
Assistant Secretary.

The Accountant General (with current and enclos to be returned)

to draw the salary of a District Judge until I joined at Madura. Under ordinary circumstances I would have joined at Madras immediately after being relieved of the Court at Trichinopoly and it cannot, I submit, have been the intention of Government that I should be put to considerable loss in consequence of my deputation on special duty. I trust therefore that I may be permitted to request that Government will be pleased to pass the order declared by the Accountant General to be necessary.

I have the honor to be

Honorable Sir

Your most obedient servant

W. D. M. M. M.

Acting District Judge

Enclosure II only

In a letter from the Ag
District Judge of Madras
dated 8th February 1893 no 81.

Copy of letter from the Ac-
countant General Madras
to the Ag District Judge
Madras dated 27 January
1893, no 221.

No 81
1893

Madras District Court
8th February 1893.

From

J. W. F. Dumergue Esquire

Acting District Judge
of Madras

To,

The Honorable C. A. Galton

Acting Chief Secretary to Government
Madras

Honorable Sir,

With reference to your telegrams
No 648 dated 21st November 1892 and No 707 dated
16th December 1892, I have the honor to submit for
the consideration of Government copy of correspond-
ence between the Accountant General and my-
self regarding my salary for the interval between
the date on which my special duty in connection
with the Cochin-Collongode boundary dispute ended
and the date on which I assumed charge of
this Court.

2. The Accountant General holds that during
this period I am entitled to draw only the pay
of a Sub Collector unless Government passes
an order that, had it not been for my deputa-
tion on special duty, I would have continued

+
No 660
21.11.92
72.

appointment, to the pay of Sub Collector, your permanent appointment.

As Mr. Fiddian took charge of the office of District Judge, Trichinopoly, on the 20th December 1892 and you lost your lien on that appointment from that date, you are entitled only to the salary of your permanent appointment of Sub Collector, viz Rs 1166-10-8 per mensem, unless Government passes an order that had it not been for your deputation, you would have continued to draw the salary of a District Judge till you joined at Madura.

I have the honor to be -

Sir

Your most obedient servant
(Signed) M. Bhattacharya

Assistant Secret General
(True Copy)

L. D. M. S.

As District Judge

Enclosure I

In a letter from the District
Judge of Madras dated 8th February
1893 No 81.

Copy of letter from the Acting
District Judge of Madras
to the Accountant General
Madras dated 9th January 1893
No 8.

Gazette Audit Department

Fort Saint George

Accountant General's Office

27th January 1893.

No 221.

From

J. W. Rawlin's Esquire

Accountant General

Madras

To

J. W. F. Dumergue Esquire

Acting District Judge Madras

Sir,

With reference to your letter No 8
dated the 9th January 1893, I have the honor to
state that although you were transferred to
your present appointment while on special
duty, your salary during joining time is deter-
mined under article 205 of the Civil Service
Regulations under which you are entitled to
draw during joining time the pay or salary
which you drew in your old appointment
or that of your new appointment whichever
is less. As an officer on special duty is
not considered as holding an appointment
(vide article 94, Civil Service Regulations), you
were informed that during transit you
were entitled to the salary of District Judge, Trichin-
opoly, if you retained a lien on that

1893

1893

Sub. Dept.

Sub. Dept.

Encls. No. 2

To

making that arrangement, anticipated the consequences indicated in your footnote.

During my deputation on special duty I was entitled to acting allowance as a District Judge and under all these circumstances I must urge that I am entitled to the same allowance during joining time.

3. I trust this explanation will be considered sufficient, but if you rule otherwise and find it necessary to hold under objection the amount of acting allowance I have drawn, I will on receipt of your instructions make a reference to Government on the subject with a view to such arrangement being sanctioned as will render my claim admissible.

I have the honor to be

Sir

Your most obedient servant

(Signed) W. Durnerque

Acting District Judge.

(True Copy)

W. Durnerque

Acting District Judge

Telegram No 701

16. Dec 1892.

No ⁸/₁₈₉₃

Madura District Court

9th January 1893.

From

J. W. F. Dumergue Esquire

Acting District Judge

To

of Madura

The Accountant General

Madras

Sir,

With reference to your foot-note to
pay slip No ^{A.B.S.}/₄₉ dated 22nd December 1892, I
have the honor to forward copies of two telegrams
from Government which will show that I
was transferred to my present appointment, not
from my former acting appointments as District
Judge, Trichinopoly but while I was employed on
special duty. I submit therefore that the question
of my lien on the Trichinopoly Court does not arise.
2. The arrangement by which my lien on
the Trichinopoly Court ceased while I was still
engaged on special duty and by which I was
prevented from assuming charge of the
Madura Court until the 2nd instant was not made
at my request or to suit my convenience and
it cannot be supposed that Government, in

16th December 1892

To.

J. W. F. Dumergue Esq^r
Trichur

No 707.

Kiddian arrived and
proceeding Trichinopoly
relieve Hammett
you can go direct Madras
Weir's furlough commenced
2nd January & your
joining time will be
extended if necessary.