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ORDINARY, MS.

Public DEPARTMENT.	
G.O., DATED	5-4-93.
No.	268.

INDEXED

When given for copying.

[Despatch Abstract.]

Seen no reason to
modify go. 222 of
1893. duty to make
the declaration asked
for by the J.W. F. De-
mure to enable him
to draw the salary
of a district judge
for certain period

6

Mr. L. J. ...
joining ...
...

C.S.

Form Order

BACK PAPER, No.

FURTHER PAPER, No.

1348/93

2071/93

READ 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 DESPATCH
IN ORIGINAL (not paged).

A A

N.B.—

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

1893

901

Pub. D. 222 D. 16.3.93

Public
Judicial Department

From

The Ag. District & Sessions Judge

H.M.

of Madura

The Ag. Chief Secy to Govt. Madras

For Orders.

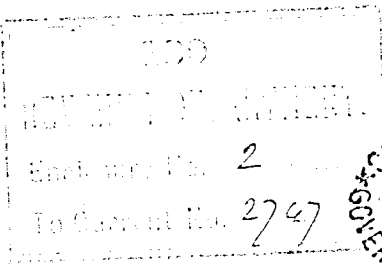
Dated 21st March

1893

Recd

No. 174.

Enclosure none



Subject

Craving for a reconsideration of G.O. dated 16th March 1893 No 222 declining to pass an order sanctioning his acting allowance as District Judge for the period between the 26th December 1892 and 3rd January 1893 and for a declaration to the effect indicated by the Accountant General in his letter dated 27 January 1893 No 221. copy of which was forwarded with this Court's letter dated 8th February 1893.

Mr. Durnergue is not quite correct in stating that he would, in ordinary course, have continued to act as Dist. Judge of Tichinopoly till he took charge of Madras. He would in any case have been on joining time between the two appointments - if only for a day.

Mr. Juddian is Mr. Durnergue senior and was, moreover, gazetted to act for the permanent incumbent at Tichinopoly.

Para 7 of Mr. Durnergue's letter might be considered in the Rev. Dept.

20th March

C. No. 901

Order. 5 April 1893 No 268.

The Govt. does not agree with Mr. Durnergue in considering that he would, in ordinary course, have continued to act as Dist. Judge of Tichinopoly till he assumed charge at Madras. He would in any case have been on joining time between the two appointments. H.E. the Govt. in Council sees no reason for modifying G.O. of 16.3.93. No. 222.

2. Para 7 of Mr. Durnergue's letter will be considered in the Revenue Department.

1 From Orders

C.S.
2/4Cl.
4 AprilJ.W.F. Durnergue Esq (R)
Secy.

Personnel Dept. (R)

(with G.O. 222
16.3.93 & C. No 901
in original to be ret'd).

DEPARTMENT
RECEIVED
IN
H.S.

22/3

2/4

Dated 8th February 1893.

7. I would further submit for consideration the question whether, instead of pecuniary loss, I am not entitled to the deputation allowance of Rs. 10 a day permissible under Article 98 (a) of the Civil Service Regulations for the period I was engaged on special duty. I do not know what decision the Arbitrator passed but an examination of the documentary evidence and the arguments in the Cochin - Colengode boundary case will prove beyond doubt that the duty which I was ordered to perform and which required a change of

station, involved a very decided increase over the ordinary work and responsibility of a District Court.

I have the honor to be
Hon'ble Sir,
Your most obed^t. Servant

W. D. [Signature]
A. J. District & Sessions Judge

arrangement had been made in my interests, or necessitated by any act of mine, it would be only reasonable that I should bear the consequences, which are practically the infliction of a heavy fine. But although the intervention of joining time was entirely opposed to my interests, I was compelled by the orders of Government to take joining time, without any option in the matter. The result, I submit, was never intended or anticipated by Government. According to the usual course in such cases, Mr. Fiddian would not have relieved me but I would have been permitted to

7. Continue as acting Judge of Trincomopoly, until I could take charge of the District Court at Madras. The arrangement by which the ordinary course could not be followed and which has involved me in considerable pecuniary loss, was, I submit, due solely to my having been deputed by Government on Special duty.

b. Under all these circumstances, I would respectfully beg for a reconsideration of the order now passed and for a declaration to the effect indicated by the Accountant-General in his letter dated 27 January 1893, No. 221, a copy of which was forwarded with my letter

been deputed on special duty, I would nevertheless have been displaced by Mr. Fiddian at Trichinopoly on the 20th December 1892.

3. But with a knowledge of the fact that Mr. Fiddian had taken charge of the Trichinopoly Court on the 20th December 1892, the Assistant General intimated to me in his letter dated 27th January 1893 No. 221 that it was open to the Government to declare that if I had not been deputed on special duty, I would have continued to draw the salary of a District Judge until I assumed charge of the District Court of Madras.

4. I submit therefore with the greatest deference that the very question

now is whether I would have been relieved by Mr. Fiddian on the 20th December 1892 if I had not been deputed on special duty, in other words, whether I would not have continued to act as District Judge of Trichinopoly until I took charge of the District Court of Madras if I had not been deputed on special duty.

5. In its telegram No. 707 dated 16th December 1892, the Government informed me, while I was still engaged on special duty at Trichur, that Mr. Fiddian had arrived and was proceeding to Trichinopoly, that I could go direct to Madras and that my joining time would be extended if necessary. If this

No. 174
1893

Madura District & Sessions Court
21st March 1893
901.

From, J. W. H. Dennergue Esquire,
District & Sessions Judge,
Madura

To,
The Honorable C. A. Galton,
Acting Chief Secretary/
to Government,
Madras

Honorable Sir,

I have the honor to
acknowledge receipt of G. O. dated 16th
Instant, No. 222, declining to pass an
order which would enable me to
draw acting allowance for the period
between the 20th December 1892 and
the 3rd January 1893 and I crave
permission to seek for a review
on the following grounds.

2. The Accountant-General in
his report dated 27th Ultimo, No. 571,
has assumed that if I had not