M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No.	1682	Press ~~Mis.~~
21—22		
Dated	13—12—	1859.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, for the month of December 1859.

No. 21. Read the following Proceedings of the Board of Revenue, dated 6th December 1859, No. 5038.

Read letter from the Officiating Collector of Salem, dated 22nd November 1859, No. 255.

(In Con. 28th November 1859, No. 5917.)

In Con. 11th November 1859, *No.* 5629. Resolved that the foregoing letter be submitted to Government, with reference to their Proceedings, dated 10th November 1859, R. D., No. 1533.

2. Mr. Knox has, in conformity with the wishes of Government, prepared a revised draft answer, and submits it for approval.

3. The Board doubt whether paragraph 3 of the answer is not opposed to the views expressed by Government in their Proceedings above quoted, but if the paragraph is allowed to stand, they would suggest the substitution of the words "acts done *bonâ fide* by him" for "acts done by him."

4. The Board would remark, in reference to the observations of Government, that they did not doubt the petitioner's right of appeal under Section VI. Regulation VII of 1828, but they were of opinion that he was wrong in bringing a regular suit against the Collector, instead of preferring an appeal from his decision. The Circular order of the Sudder Udalut of 20th October 1853 only recognizes a civil action "in those cases in which the complainant may think fit to file a suit *for damages* against the Collector, on account of *any supposed injustice in conducting the proceedings.*" In the present instance, the damages sought were really reimbursement of losses sustained by plaintiff in consequence of his deprivation of office—losses which must, being of pay and the amount of a fine, occur to some extent in every instance of removal by the decision of a Collector under Regulation IX of 1822, and, therefore, under the views of Government, every public servant so dismissed has a right to bring a personal action against the officer who dismissed him.

5. The Board were of opinion that the merits of the Collector's decision were alone questioned, and consequently that the proper form of action was a regular appeal from such decision. They also considered that, when a Collector acted judicially and bonâ fide, he was exempted from personal responsibility, under the provisions of Act XVIII of 1850, whether within or beyond the limits of his jurisdiction, but in deference to the opinion of Government, they instructed the Collector to prepare a draft answer in accordance with those views, which they now submit.

(A true Extract.)

(Signed) W. HUDLESTON, *Acting Secretary.*

No. 22. ORDER THEREON, 13th December 1859, No. 1682.

The draft answer is approved with the amendment proposed by the Board.

2. The Government grant sanction for the defence, in the first instance, at the public expense, of O. S. No. 10 of 1859 instituted against the acting Collector of Salem in the subordinate Court of the district by Venkatacooppiyen; but will determine when a copy of the decree is submitted, whether the costs, if any be adjudged against the acting Collector, shall be borne by that officer or by the Government.

(Signed) J. D. BOURDILLON,
Secretary to Government.

Rev: 2 Dept.

No. 1682.

Proceedings of the Madras Government
Under date the 13th Decr 1859

Read the following
Proceedings of the Board
of Revenue.

Submitting with the
Boards observations a letter
from the Offg Collector of Salem
forwarding a revised draft
answer prepared in conformity
with the orders of Govt
dated 10th Novr 1859 No 1533

(Here enter 6th Decr 1859
No. 5038)

The draft answer
is approved with the
amendment proposed
by the Board.

2. The Govt grant
sanction for the defence,
in the first instance, at
the public expense, ~~of Govt &~~
O S No 10 of 1859 instituted
against the Acting
Collector of Salem
in the Subordinate
Court of the District
by Venkatacoopiryen;
but will determine

List—
Despatch Today—

when a copy of the
decree is submitted,
whether the costs,
if any be adjudged
against the Acting
Collector, shall be
borne by that Officer
or by the Government

6 Copies - To the Board of Revenue
with D. Sch. Dispt. 13 5/6

Revenue 1859 Departt.
Pro: of Govt. 20th December.

No 1682.

G.O Nos 112-113

10-11-1859

Pro: of the Madras Govt.
Dy 13th December 1859.

Pro, of the Bd of Revenue Dy
10 July 62 Nos 1906 & 07

Sanctioning the
defence in O. S. No 10 of 1859
on the Salem Sub Court
file.

No 21 & 22.

L.