M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 46 Press —Mis.—

85-86

Dated 9 — 1 — 19 1863

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 9th January 1863.

No. 85. Read the following Proceedings of the Madras Government in the Judicial Department, dated 11th December 1862, No. 2,021:—

Read the following Proceedings of the Board of Revenue, dated 25th November 1862, No. 7,745.

Read letter from J. W. B. DYKES, Esq., Collector of Nellore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 17th November 1862, No. 288.

1. By the Circular Order of the late Court of Sudder Udalut, No. 52, dated 8th June 1838A, it was ruled "that whenever in any Court of Justice in the Provinces, the office of Government "Pleader may become vacant, the Court, previous to nominating, for the approbation of Govern- "ment, the person it proposes should be appointed to succeed to the vacant office, shall, in all "instances call upon the Collector of the District, within the limits of its jurisdiction to state "whether he concurs in the nomination or not;" and I now do myself the honor to request the Board's instructions under whose orders generally the Government Pleaders of the Civil and Sessions Courts are placed as regards the grant of leaves of Absence, &c.

2. The pay of the Government Pleader is drawn as part of the Civil and Session Court Establishment; and so far the Government Pleader would seem to be under the orders of the Judge; but, it seems to me, as regards the duties to be performed, the Collector is more interested than the Judge; and the pay being drawn and paid as part of the Court Establishment is more with reference to what is covenient, than with regard to whose orders he should be more immediately under.

3. Since the introduction of the Criminal Procedure and Indian Penal Codes especially the work of the Government Pleader and his connection with the Collector as Magistrate is materially increased; and I therefore beg to be favored with the Board's orders on the subject.

4. This question has been raised by Nedadhuri Singaracharyalu, the Government Pleader in the Civil and Sessions Court here, having availed himself of six weeks' leave (granted him by the Acting Civil and Sessions Judge) without waiting to know whether his proceeding on leave would be convenient to me, which it was not.

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1. Ordered to be submitted for the decision of Government.

2. There can be no doubt that the absence of the Government Vakeel without the knowledge or consent of the Collector and Magistrate may be productive of very serious inconvenience, and the Board would suggest that the Vakeel's application to the Judges for leave of absence should be required to be supported by an endorsement from the Collector and Magistrate, stating that he has no objection to its being granted. It would still be in the power of the Judge to prevent inconvenience to his own Court by refusing the leave if necessary.

(A true Copy and Extract.)

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

To J. D. SIM, Esq., Secretary to Government, R. D.

Transferred to the Judicial Department.

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

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1. His Excellency the Governor in Council approves the suggestion of the Board of Revenue that leave of absence should not be granted to Government Vakeels without previous reference to the Collector.

2. The Honorable the Judges of the High Court are requested to issue a Circular to this effect to all Judges, and to furnish a copy of it to every Collector.

(True Extract.)

(Signed.) A. J. ARBUTHNOT,
Chief Secretary.

No. 86. ORDER THEREON, 9th January 1863, No. 46.

Ordered to be recorded.

(Signed.) C. G. MASTER,
Deputy Secretary to Government.

Revenue 1862. Distr.
Pro. of Govt. for January/63.
No. 3439

Proceedings of the Ind.
ras Govt. in the Ind.
Depart.—

Dated 11th Decem.
Receivd 13th 1862.

No. 2021—

Approving the sug-
gestion of the Bd of Rev.
that leave of absence
should not be granted
to Govt. Vakeels without
previous reference to the
Collector.

No. 46.

RECORDED.

From Lt. Govt
9th January
1863—

No. 85 & 86.