M.R.O. 14—13,000—27. 9-94

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1213 Press ~~Misc~~

1892-93

Dated 12-7-1893

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, **12*th July* 1864.**

No. 192. Read the following letter from R. W. LODWICK, Esq., Civil Paymaster, to J. D. SIM, Esq., Secretary to Government, Revenue Department, dated Fort Saint George, 30th June 1864, No. 54 :—

SIR,

1. I have the honor, with reference to the accompanying original documents, to lay the case which is referred to therein before His Excellency in Council with the following expression of my opinion.

2. It will be seen that the Honorable Mr. Ellis took with him to Calcutta a Clerk of the Abkarry Department, in the Madras Collector's Office, in the capacity of a Butler, having previously requested V. Rungasamy, the Deputy Collector, to grant the man leave, and as it would appear under the impression that a substitute would be appointed in the man's place.

3. No such substitute was appointed; the man was not shown as absent on leave in the leave statements, and his pay was regularly entered in the Abstract, drawn, and disbursed to a third party.

4. The explanation of the Deputy Collector appears extremely unsatisfactory. He must, holding his position, have known perfectly well that a Clerk cannot be granted leave except under the Rules, unless he be given leave *without pay*, and that to give the man's pay to another during his absence was improper. If he were granted leave under the Rules, his name should have appeared in the leave returns. If not, his pay should not have been drawn, and his absence from duty with permission but without pay should have been noted.

5. I cannot help thinking that the case has a fraudulent appearance about it, and that it displays throughout much more of plot than of ignorance on the part of V. Rungaswamy.

No. 193. ORDER THEREON, 12th July 1864, No. 1,213.

Separate Revenue, No. 37.
Abkarry.

The Government consider that the Deputy Collector was wrong in the course he pursued; but they are satisfied that he erred from a misapprehension of Mr. Ellis' intentions. His character and position place him above the imputation of fraudulent conduct. The money paid to Abdul Karim Sahib must of course be refunded.

(True Extract.)

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

To the Board of Revenue.
„ the Civil Paymaster.

Exd. S. T. Augustin,

No. 54

FORT SAINT GEORGE,
CIVIL PAYMASTER'S OFFICE
June 30th 186 4/—

From

THE CIVIL PAYMASTER,

Fort Saint George.

To

THE SECRETARY TO GOVERNMENT

Military DEPARTMENT

SIR,

I have the honor with reference to ~~Government Order~~ No. _____ dated ~~186~~, to The accompanying original Document to lay the Case which is referred to there in before Her Excellency in Council with the following Explanation of my opinion —

2 — It will be seen that Mr. Sells took with him for Calcutta a Cadet of Infantry absent on leave in the Madras Collectorate in the Capacity of a Butler having previously applied to Government for a Pass to proceed on leave & was informed after the Expiration of his leave he would be granted Leave & not be treated as absent without leave —

3 — Should Subsistence have been granted to Mr. Sells for the Period he was absent on leave in the Case Mentioned, they may be referred to a Third Party —

4 — The Explanation of the Case appears extremely unsatisfactory — No Cadet holding his position here can possibly feel that a Clerk cannot be granted leave except under the Rules under which he is granted leave without pay & Power to give the same pay to another during his absence was unforeseen — If he were granted leave under the Rules his leave should have expired in the usual Season — If not his pay should not have been drawn during his absence from duty on Re-assumption but he drawn his pay & allowances from the date he joined —

5 — I cannot help thinking that the case has a fraudulent appearance about it & that it displays throughout much more of pique than of ignorance — I have the honor to be,

Sir,

Your most obedient Servant,

Civil Paymaster.

Rec.d 18th Oct.r
Fort St. George
12th July 1757.

From the Court
of Requests

Dated 30th June
Receive.d 12th July 1758

No. 54.
Encl.s 3.

Being to certify the
proceedings of the Court
of Conscience in the case
of Cole & Mason in the case
of a Cartel of the Mutineers
Boats who was taken to
Calcutta by the Hon.ble the
Ellis in a private Capacity.

With our Order
Cons.n 12 July

No. 192 & 193.

No. 213.

The Gov.t & Council consider that
the Deputy Collector was wrong
in the course he pursued,
but they are satisfied
that he was free from all mis-
apprehension of Mr.
Ellis' intention.
His character and
position place him above
the imputation of fraudulent
conduct. The money paid to
Abdul Karimsahib must of course be refunded.

Fort St. George
12th July 1758

No copies Letter No. 2 Rec.d 12th July
3 — Cons.n Reg.r