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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. B.P. No:	6017	Press. Mis.
Dated	3-10-1877	197 F.

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CONFIDENTIAL.

GOVERNMENT OF MADRAS.

MILITARY DEPARTMENT.

28th September 1877, No. 5428.

Appointments—Removals.

Read the following papers:—

From Colonel H. K. BURNE, C.B., Secretary to the Government of India, Military Department, to Colonel J. MICHAEL, C.S.I., Secretary to Government, Military Department, Fort St. George; dated Simla, 28th August 1877, No. 714-S (Confidential).

I am desired to transmit, confidentially, for the information and guidance of the Government of Fort St. George, copy of a despatch* from the Right Honorable the Secretary of State for India, regarding the procedure to be observed in the case of military officers in civil employ, whose conduct may necessitate consideration of their retention in the Civil Department.

Military despatch from the Right Honorable the Secretary of State for India, to His Excellency the Right Honorable the Governor-General of India in Council, dated India Office, London, 10th May 1877, No. 165.

I have received and considered in Council your Government's letter, No. 43, dated 3rd March 1876, in which, with reference to the case of * * * of the Bengal Staff Corps, the course which it is proposed to follow in future similar cases is laid down.

2. Your Government propose that the procedure in future shall be that, when a military officer seriously misconducts himself, he shall, if the local Government or other inferior authority or Civil Department of the Government of India consider it necessary, be suspended from all duty, and the further action to be taken be considered by the Governor-General in Council in the Department concerned, after taking the opinion of the Commander-in-Chief, through the Military Department, which will also express its opinion on the case.

3. When the officer is charged simply with departmental inefficiency, your Government do not propose to make a reference to the Commander-in-Chief, but it is stipulated that no officer shall be removed from the service, even on this account, without his case coming before the Viceroy in Council in some Department, or before the Governor in Council of Madras or Bombay, as the case may be.

4. I concur in the general principles here laid down. I consider that an officer who seriously misconducts himself should, as suggested, be at once suspended by his immediate superior from all duty until his case has been fully considered, and the mode of dealing with it determined by the Government of India or the Government of the Presidency under which he may be serving; and I do not desire that any such reference to the Commander-in-Chief, as is necessary in those cases of serious misconduct, shall be made to His Excellency in cases of mere departmental inefficiency.

5. I am not quite sure, however, whether I rightly understand the phrase used in the third paragraph of the letter under reply, viz., "the Viceroy in Council in some Department." If, however, as would appear to be the case, it means less than bringing the subject before your Lordship in Council, I am unable to consider the course expedient.

6. The removal, for whatever cause, of a military officer from the line he has been permitted to adopt as his career, may be attended not only by such serious consequences to himself, but of embarrassment to the State, that I consider it desirable that, before final orders are passed by the Government, the question in each case shall be brought up in a Council, at which either the Commander-in-Chief or the Military Member of the Council shall be present.

7. If, in the opinion of the Military authorities, either the serious misconduct or the departmental inefficiency of the officer to be removed from Civil employment, indicates also his unfitness for military employment, it will be for the Commander-in-Chief to cause a communication to that effect to be made to the Government of India, who will report the matter to me, with an expression of their own opinion, in order that I may decide how the officer shall be disposed of, when removed from Civil employment.

8. When the serious misconduct of an officer has been such as to render him liable to be tried by court-martial, and it is considered desirable to hold such a trial, a previous reference to me will, of course, not be necessary.

ORDER THEREON, 28th September 1877, No. 5428.

Communicated for the information of His Excellency the Commander-in-Chief, and of the Civil Departments of the Secretariat—and for guidance.

(True Extract.)

(Signed) J. MICHAEL, Colonel,
Secretary to Government.

(True Copy.)

Wm. H. James
First Assistant, Mily. Dept.

To the Adjutant-General.

„ Public, &c., Departments.

„ Revenue Department. — *W.H. James*

„ Public Works Department.

1874/5

Revenue 1873 Sept
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MILITARY.

To
THE ADJUTANT-GENERAL,
&c., &c., &c.

Dated September, 28th,
Recd. 8. 29

G. O., 28th September 1877, No. 5428.

CONFIDENTIAL.

SEPTEMBER
1877
2. a. h. m. *quid*

Communicating correspondence, regarding
procedure to be observed in the case of militi
officers in civil employ, whose conduct may nec
itate consideration of their retention in the Ci
Department.

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