Revenue (1892) Department.

MISCELLANEOUS SERIES.

G.O., No. 4260
No 565

DATED 30 September 92

[Despatch Abstract.]

Recording letter from the Hon'ble the Advocate General forwarding opinion on the question whether the Local Govt has power to appoint a commission of inquiry under Act 37 of 1850 into the behaviour of a Station Civilian or whether it should be appointed by the Govt of India

BACK PAPERS.

G.O.	No	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

REVENUE DEPARTMENT.

Current No. 8217

From Opinion of Advocate General regarding the power of Govt to appoint a Commission under Act XXX of 1850 in the case of Subordinate Civilians.

Dated 189 .

FOR ORDERS.

The Advocate General holds that the expression 'removal' and 'removal from office' used in Act XXX of 1850 refers only to the appointments & that they do not necessarily affect dismissal from the public service. He considers therefore that the Govt. is empowered to take action under the Act in the case of a Subordinate Civilian as the Local Govt.

I am pressed that the Opinion will be accepted without further reference on this question as necessary. If a Commission should eventually be appointed it may be open to the Accountant to raise the question of the validity of the appointment. Ramachandra Rao's representation regarding the Account books has been called for & will be included in the Circle of Receipt.

26/9

Dewan perused & contents noted. I don't know if any of my Colleagues are -

I think the opinion certainly wrong & too blindly suggested by the terms of the reference

If it however a very convenient one & I am prepared to act upon it.

29 Sep.

I do not think the opinion is sound - but we can act on it, & if the Commission reveals a state of affairs, which would justify removal from the Service - we must lead it on to Indian for their sanction. If however degradation & an inferior appointment will appear to meet the case, I presume we could do it of our own accord.

30 Sep

Opinion of Advocate General
on the question of the power
of the Local Govt to appoint a Commissioner under
Act XXXVII of 1852.

The Hon'ble H. E. Stokes
The Hon'ble Sir H. E. Stokes
K.C.S.I.

Confidential

Madras 23rd September 1892

From

The Honorable J. H. Spring Branson
Advocate General

To

C. A. Galton Esqre
Secretary to Government
Revenue Department
with the Governor
Stonehouse Hill

Sir,

With reference to the order of Government dated 19th instant, No. 4128, Revenue Department, I have the honor to forward herewith my opinion on the question raised therein.

I have the honor to be
Sir
Your most obedient Servant
J. H. Spring Branson.
Advocate General

officers from their offices, though only the Secretary of State for India could dismiss them from the public service.

J. H. Spring Branson.

Madras
23rd September
1892.

Advocate General.

Govt. No. 4128 dy 19-9-92

V

T. O. No. 4260 dy 30-9-92

Records
Ch.
379

Confidential No. 90.

1892

Enclosure Number 3 & 7.

From

The Advocate General

Madras

To

The Revenue Secretary to

Government

Ootacamund

Dated 23rd Septr

Desp:

Received

GOVERNMENT OF MADRAS
24 SEP 92
REVENUE DEPARTMENT

4260
30.9.92

Subject

Forwarding opinion on the question whether the Local Govt: has power to appoint a Commission of enquiry under Act XXXVII of 1850 into the behaviour of a Statutory civilian, or whether such a Com: must be appd by the G of India T. T. C.

When given for copying
When copied
When examined
When signed
} 189

READ AGAIN G.O., No. 189 DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A
LETTER OF GOVERNMENT							
STATEMENT WITH DITTO							
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PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

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