

APPOINTMENT.

JUNE.

File No. <sup>2C</sup>— of 1912.  
160

Nos. 3—13.

Selection between the Executive and the Judicial Branches of the administration  
by the Indian Civilians of 1900, borne on the cadre of Bihar and Orissa.

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3.	To <u>H. Ll. L. Allanson, Esq., I.C.S.</u> <u>E. H. Berthoud, Esq., I.C.S.</u> <u>H. R. T. S. Perrott, Esq., I.C.S.</u> <u>P. W. Murphy, Esq., I.C.S.</u> , letter No. 5252-55A., dated the 30th November 1912, calling upon him to declare the branch of the service for which he elects.	3
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13. To the Registrar, High Court, Calcutta, No. 2451A., dated the 14th April 1913, forwarding for the information of the Hon'ble Judges a copy of the above Resolution.	4

बिहार सरकार  
मंत्रिमंडल सचिवालय विभाग  
(बिहार राज्य अभिलेखागार, निदेशालय)



# NOTES.

## APPOINTMENT DEPARTMENT.

### APPOINTMENT.

20  
File No. — of 1912.  
160

Selection between the Executive and the Judicial Branches of the administration  
by the Indian Civilians of 1900, borne on the cadre of Bihar and Orissa.

Under orders contained in the Home Department letter No. 464\*, dated the 27th March 1896, fixing the period of final selection between the Judicial and Executive Branches of the Indian Civil Service at the close of the 12th year of Service, it is time that members of the Service in this Province, appointed in 1900, should now be requested to declare which branch of the service they elect. From the Civil List it is seen that the following officers are affected by this rule :—

- (1) H. Ll. L. Allanson (on leave).
- (2) E. H. Berthoud.
- (3) H. R. T. S. Perrott (on leave) ; under orders of posting to Cuttack.
- (4) P. W. Murphy.

We may address them now on the point as in draft put up in anticipation for approval.

2. We may at the same time request the Government of Bengal to let us have copies of last year's papers on the subject, which, it is reported, we have not yet received. We may also call for papers of any other officers whose cases

Not necessary. B. A. COLLINS—28-11-1912.

may have also to be considered.

A draft demi-official in anticipation put up for approval.

H. S.—25-11-1912.

G. N. B.—25-11-1912.

B. A. COLLINS—28-11-1912.

[No. 3.] To (1) H. Ll. L. Allanson, Esq., I.C.S.; (2) E. H. Berthoud, Esq., I.C.S.; (3) H. R. T. S. Perrott, Esq., I.C.S.; (4) P. W. Murphy, Esq., I.C.S., letter Nos. 5252-55A, dated the 30th November 1912.

D.O. No. 3485A.

RANCHI:

The 29th November 1912.

My dear Veitch,

We have taken up the question of election of line of service of civilians. In this connection, will you kindly let us have, with the permission of His Excellency in Council, last year's papers on the subject.

Yours sincerely,

B. A. COLLINS.

To H. M. VEITCH, Esq., I.C.S.,

Under-Secretary to the Government of Bengal, Appointment Department.

[No. 4.] From Mr. E. H. Berthoud, I.C.S., letter, dated the 3rd December 1912.

[No. 5.] From Mr. P. W. Murphy, I.C.S., letter, dated the 3rd December 1912.

[No. 6.] From Mr. H. Ll. L. Allanson, I.C.S., letter, dated the 31st December 1912.

*Extract of notes and orders in the Hot Weather postings file of the Appointment Department.*

\* \* \* This will displace Mr. Perrott and I would suggest that as this officer has been enquiring what are the prospects in the Judicial and is just on the point of making his selection it would be convenient if he were put in as District Judge to relieve Mr. Adami. He is, I understand in many ways well suited and as the other three men of this year (Messrs. Allanson, Berthoud and Murphy) are marked for Executive, he would very probably be the one who will choose the Judicial as his future career.

H. LEMESURIER—23-1-1913.



I agree to the proposals.

His Honour—

E. A. GAIT—23-1-1913.

H. LEMESURIER—23-1-1913.

C. S. B[AYLEY]—23-1-1913.

Telegram, dated the 29th January 1913.

From—Perrott.	To—Chief, Bihar.
From—Cuttack.	To—Ranchi.

Am choosing Executive. Do not want Judicial. Does this affect posting Judgeship, Cuttack. Letter follows. May I await reply before making over charge.

Telegram, dated the 30th January 1913.

From—Perrott.	To—Chief, Bihar.
From—Cuttack.	To—Muzaffarpur.

Kindly allow me to go and see you personally, if Commissioner has no objection.

His Honour—

This is the fifth telegram I have received from Mr. Perrott since he was informed that he was to officiate as District and Sessions Judge of Cuttack. Three others came to me yesterday to the following effect—

“I want Executive and not Judicial. May I defer giving over charge. Letter follows.”

I wired to say that he must take over charge from Mr. Adami, that I have written fully and that he would not be held to a final choice.

2. As the matter of fact the officers in his year, who have to elect between Executive and Judicial are Messrs. Allanson, Berthoud, Perrott, and Murphy. At least one will have to take the Judicial and it is almost certain that the first two will select the Executive, while I am doubtful whether the High Court would accept Mr. Murphy whose whole service has been passed on Settlement. Mr. Perrott officiated for a very short time as Additional Sessions Judge of Monghyr and has had a full experience in the ordinary course as a District Officer. I have written to him by this morning's post explaining that as Mr. Egerton reverts in April he would then have to be transferred to another District where he would probably not be *pucca* and would consequently have to be transferred again in the cold weather, and that in these circumstances out of regard both for his convenience and that of the administration, the Lieutenant-Governor in Council had decided to avoid multiplying transfers by appointing him to take over from the Sessions Judge and that the arrangement would be reviewed at the commencement of the cold weather when Judges would be coming out from furlough. In the circumstances I think it would be sufficient to reply to Mr. Perrott that the orders as explained in my letter are final and that he cannot be permitted to leave the station.

3. I may add that there is absolutely no district to which Mr. Perrott can be posted at present as very few Collectors are taking leave and he is not suited for the Santal Parganas, where there is a permanent vacancy.

H. LEMESURIER—30-1-1913.

C. S. B[AYLEY]—30-1-1913.

Telegram, dated 30th January 1913.

From—Chief, Bihar.	To—Perrott.
From—Muzaffarpur.	To—Cuttack.

“Your two telegrams of date received. Have already wired and written you to-day explaining special conditions governing your appointment to Judgeship of Cuttack. Orders as therein explained must be considered final and Lieutenant-Governor cannot permit you to leave station.”

LALBAGH, CUTTACK :

The 29th January 1913.

Dear Mr. LeMesurier,

I have just got in from camp to receive your telegram directing me to take over charge from Adami. I have wired you as follows :—

“Am choosing Executive. Do not want Judicial. Does this effect posting Cuttack? letter follows. May I await reply before giving over charge?”

After thinking the matter over carefully I have finally decided that I am not fitted for the Judicial and that I would much prefer the Executive in spite of bad promotion relatively to the former. I do not think I should ever make a good Judge, and I fear the work



would not suit me in any way. I was awaiting the reply to my demi-official letter to you asking for the information you so kindly said you would let me have, but meanwhile I had decided the matter in my own mind on receipt of Under-Secretary's reminder, and would have written to you to-day on my arrival from Camp saying I selected the Executive. I trust the delay will not affect my chances of getting the Executive. I think I explained to you the reasons I had for wishing to think the matter over thoroughly. I have come out after thirteen months leave, and finding myself a little embarrassed financially I felt I ought to consider very carefully if I ought not to take the Judicial simply on account of the higher pay. I may explain that all my inclinations lie in the direction of Executive work and that I feel a considerable amount of repugnance at the idea of doing Judicial work. The only feature which attracted me for a time was the great difference in pay as between the two sides. I felt I ought to consider the matter carefully and decide if I could bring myself to do Judicial work for the sake of the higher pay. I have now finally decided that Judicial work would not suit me in any way, and I have also decided that I can see my way, provided I am careful, through my financial difficulties should I remain on as an Executive officer.

If your telegram means that there is a temporary difficulty about finding Judges, then if it is any convenience to Government, I will be pleased take up the post if you could see your way to give me an assurance that I should be allowed to return to the Executive within a year or eighteen months by which time, no doubt, more men will be available below me who want to take the Judicial.

I would ask you to kindly consider my case very carefully, as I now feel it would be nothing short of a dire calamity to me personally to be permanently allocated to the Judicial side. I feel also, as I have already explained, that I am not fitted for it in any way, and that I should not be able to do myself justice at Judicial work.

I must apologise for the length of this letter, but the matter is one affecting my whole future and I am sorry I cannot express myself in smaller compass.

Yours sincerely,

H. R. T. S. PERROTT.

To The Hon'ble Mr. H. LEMESURIER, C.I.E., C.S.I., I.C.S.,

*Chief Secretary, Bihar and Orissa.*

D.-O. No. 313T.

BIHAR AND ORISSA GOVERNMENT CAMP :

*The 1st February 1913.*

My dear Perrott,

I have now received your letter of the 29th January. I trust that my demi-officials of the 29th and 30th instant which you have received by now will have explained to you the full position. As I have informed you if by the commencement of the coming cold weather you still do not wish to remain on in the Judicial, Government will endeavour to place you in the Executive when a convenient permanent vacancy offers, but I think you will agree that it would not suit you to have a series of transfers within the next few months.

Yours sincerely,

H. LEMESURIER.

To H. R. T. S. PERROTT, Esq., I.C.S.

[No. 7.] From Mr. H. R. T. S. Perrott, I.C.S., No. 487G., dated the 31st January 1913.

All the replies have now been received. The choice of the line of his service by an officer is made once for all, and, after it has been made and confirmed, it is irrevocable except with the previous sanction of the Government of India.

2. Of the four officers noted on the margin who were called upon to declare their choice,

- |                   |   |
|-------------------|---|
| (1) Mr. Allanson. | three have elected the Executive Branch and<br>one, Mr. Allanson, has elected the Judicial. |
| (2) " Berthoud.   |   |
| (3) " Perrott.    |   |
| (4) " Murphy.     |   |

3. In the cadre of the Indian Civil Service there is a provision for 54 superior appointments as shown below :—

- 1 Lieutenant-Governor.
- 2 Members of the Executive Council.



- 2 High Court Judges.
- 1 Member, Board of Revenue.
- 1 Chief Secretary.
- 2 District and Sessions Judges, 1st grade.
- 5 Commissioners of Divisions.
- 1 Inspector-General of Police.
- 5 District and Sessions Judges, 2nd grade.
- 9 Magistrates and Collectors, 1st grade.
- 5 District and Sessions Judges, 3rd grade.
- 10 Magistrates and Collectors, 2nd grade.
- 10 Ditto ditto 3rd grade.
- 54

Of these 54 appointments 38 are Executive, 14 Judicial and 2 open to both branches as follows :—

*EXECUTIVE.*

- 1 Lieutenant-Governor.
- 2 Members of the Executive Council.
- 1 Member, Board of Revenue.
- 5 Commissioners of Divisions.
- 29 Magistrates and Collectors.
- 38

*JUDICIAL.*

- 2 High Court Judges.
- 12 District or Sessions Judges.
- 14

*OPEN TO BOTH BRANCHES.*

- 1 Chief Secretary.
- 1 Inspector-General of Police.
- 2

Of the 2 appointments open to both branches, both are at present held by Executive officers. The total number of appointments thus comes to—

*Executive	...	...	40
Judicial	...	...	14
			54

\* These figures will be 41 and 15, respectively, if the posts of Secretary to Board and Judge, Monghyr, which are practically certain to be sanctioned, are taken into account. In that case the proportion would come to accurately 1 (Judicial) to 2.74 (Executive).—U. N. De.

It will thus be seen that, for every officer who elects the Judicial line, three should elect Executive and in accordance with this proportion of the 4 officers of the year 1900, who were called on to elect, 3 should be allotted to the Executive and 1 to the Judicial Branch of the service.

4. The Gradation List shows that there are 57 officers down to the year 1899, whose election has been made. Six\* of these are permanently under the Government of India, of whom 4† are in the Executive Branch and two‡ belong to the Judicial Branch; of the remaining 51 officers, 38 belong to the Executive and 13 to the Judicial Branch, and with the three officers of 1900 for the Executive and one for the Judicial, the total number of Executive and Judicial officers will be 41 and 14, respectively, which approximates the proportion aimed at.

- \* Sir E. W. Carlyle.
- " E. G. Colvin.
- Mr. Justice H. R. H. Coxe.
- " W. H. H. Vincent.
- " C. A. Bell.
- " E. H. Kealy.
- † Sir E. W. Carlyle.
- Mr. E. G. Colvin.
- " C. A. Bell.
- " E. H. Kealy.
- ‡ Mr. Justice Coxe.
- " Vincent.

5. The general principle accepted by Government is that no officer should be finally posted to the Judicial Branch until he has officiated as District and Sessions Judge for some time. It is not incumbent upon Government to accept absolutely the choice made by each officer. The decision rests with Government in

view of the interests of the public service and of the qualifications of the officers concerned. If there is an insufficient supply of officers for one branch or if the Government have reason to



believe that an officer is not qualified for the branch he elects, and is qualified for the other, it is open to the Government to post such an officer accordingly. Every officer, however, whose choice is not confirmed, should be informed, and the reason upon which the Government acted should be communicated to him. The High Court will have to be consulted as to the officer who may be selected for the Judicial Branch.

6. Mr. Allanson, who has elected the Judicial Branch, has had no previous experience of a Judicial officer as he has been on Executive line all along.

Mr. Berthoud has selected the Executive Branch, and has been on that branch all along.

Mr. Perrott, who has selected the Executive Branch, acted as Additional Sessions Judge of Monghyr from the 5th July to 19th July 1909. He has been acting as District and Sessions Judge of Cuttack from the 31st January 1913. In this connection his demi-official, dated the 29th January 1913, to the Chief Secretary and its reply may be read.

Mr. Murphy has chosen the Executive Branch. Almost his whole service has been passed on Settlement and he has no experience of the works of the Judicial Branch.

7. For present purposes, it would perhaps be better to leave out of calculation the two posts of Secretary to Board and Judge of Monghyr, both of which will most probably be sanctioned. It is also not certain at present whether any of these two posts will be listed as open to the Provincial Civil Service. Proceeding on the cadre as it stands at present, the ideal state may be compared with the real as follows:—

		(a) Ideal.	(b) Real.	(c) If all the officers of 1900 elect the Executive.	(d) If one of the officers of 1900 elect Judicial.
Executive	...	40	38	42	41
Judicial	...	14	13	13	14

It will be seen that (d) more nearly approaches the ideal stage than (c) and so at least one will have to be placed in the Judicial Branch. Perhaps the High Court may be informed of the election made by the four officers concerned and of the objections urged by Mr. Perrott to elect the Judicial. If the Court accepts Mr. Allanson for the Judicial and Government approves of his and the other elections, the matter will perhaps be satisfactorily settled.

8. Attention is also invited to Chief Secretary's demi-official letter, dated 1st February 1913, to Mr. Perrott. Perhaps Chief Secretary does not intend to keep this matter pending until the next cold weather as this cannot perhaps be done in view of the orders contained in the last portion of paragraph 3 of Home Department letter\* No. 464, dated the 27th March 1896. On the other hand, if Mr. Perrott is now placed on the Judicial line, the sanction of the Government of India will be required to his being transferred to the Executive line afterwards.

\*Appointment, A, April 1896, No. 1, (SE 1)

H. C. S.—5-2-1913.

U. N. D.—19-2-1913.

Chief Secretary—

The note above may be read. It is very doubtful whether the High Court will accept Mr. Allanson in the Judicial line in view of the previous practice of taking only officers who have officiated. Not only has he no experience as Judge, but his executive work has been for the last 8 years in the Santal Parganas. It is very probable that they will ask for Mr. Perrott in preference to Mr. Allanson. As pointed out in the office note, the ideal state would be 40 Executive and 14 Judicial, and that if all the officers of this year are posted to the Executive, we should have 42 and 13; and it seems for this that one officer should be selected for the Judicial. Further the officiating appointment of Inspector-General of Police is about to be given to a member of the Police Service, and should he be confirmed, one post will be taken away for the Executive line, at any rate for a time.

M. G. HALLETT—20-2-1913.

Hon'ble Member—

I certainly think that one officer of this year must be assigned to Judicial, but the High Court cannot be asked to take Mr. Allanson without trial, and on the other hand, Mr. Perrott has, by having been given the officiating vacancy been saved a heavy pecuniary fine and will therefore not be unfairly treated if his final allotment is postponed. We may perhaps write to the High Court, intimating that of the four officers of the year 1900, three have elected for the Executive and one for the Judicial, the latter being Mr. Allanson. We may add that in view of the fact that Mr. Allanson though he has in the Santal Parganas for the past 8 years performed the functions of a District Judge has not officiated as a District and Sessions Judge under the High Court, the Lieutenant-Governor in Council conceives that the High Court will probably wish to see more of his work before finally accepting him as a recruit for the Judicial Branch. At the same time Mr. Perrott is now practically acting for the first time and may possibly reconsider his views after more experience of that branch and more knowledge of its prospects.



If therefore the High Court see no objection, Government may propose that they should ask the Government of India for permission to postpone the final allotment in the case of Messrs. Perrott and Allanson until the latter has returned from leave next September and been tried as Judge for about six months. In the case of Mr. Berthoud and Mr. Murphy there appears to be no objection to their allotment to the executive line. Personally, I have very little doubt that Mr. Allanson will impress the High Court very favourably and as we want District Judges with a knowledge of the people, of Settlement procedure and of life in the villages, I do not think he could well be improved upon and we have been lucky to obtain him as a volunteer; but if he is offered without previous experience I am sure the Court would refuse him. His Honour should see.

H. LEMESURIER—22-2-1913.

E. A. GAIT—24-2-1913.

His Honour—  
Submitted.

H. LEMESURIER—26-2-1913.

I agree with the Chief Secretary and the Hon'ble Member.

C. S. B[AYLEY]—26-2-1913.

[No. 8.] To the High Court, No. 554T., dated the 3rd March 1913.

[No. 9.] From the Registrar, High Court, Calcutta, No. 1128, dated the 14th March 1913.

The High Court has accepted Mr. Allanson in the Judicial line. Final allotment may perhaps now be made and Messrs. Berthoud, Perrott and Murphy be posted to the Executive line and Mr. Allanson to the Judicial line.

2. With regard to paragraph 3 of the Court's letter it may be noted that the present arrangement was made to avoid multiplying transfers, liable to be changed at the commencement of the next cold weather. The present arrangement may, perhaps, therefore, continue till the next cold weather, at least, till October next when Mr. Allanson is due to return from leave.

H. C. S.—18-3-1913.

U. N. D.—22-3-1913.

Chief Secretary—

We may issue the usual resolution. As regards Mr. Perrott, I do not think we can move him from Cuttack at present, though he might be suitable for Monghyr ultimately. There are no Civilian Judges available for Cuttack. Chief Secretary will remember the petition for a Civilian Judge. The High Court may be told demi-officially that it is not desirable to move Mr. Perrott at once. Mr. Byrne is due out in June, but will probably take an extension of leave.

M. G. HALLETT—22-3-1913.

Hon'ble Member—

The above note is for consideration. If approved we may now issue a Resolution and at the same time write demi-officially to Mr. Cullis and say that we really have no officer available to be put in for Mr. Perrott's place at Cuttack, that the number of Provincial Service appointments is already filled up and that we propose to post Mr. Allanson to Cuttack on his return from leave in October. Meanwhile unless the High Court have any strong objection we propose to allow Mr. Perrott to continue to officiate as Judge at that station.

H. LEMESURIER—24-3-1913.

E. A. GAIT—24-3-1913.

D.-O. No. 842-T.

The 25th March 1913.

My dear Cullis,

I am desired to refer to the correspondence resting with your letter No. 1128, dated the 14th March 1913, regarding the selection between the Judicial and Executive Branches of the administration by officers of the Indian Civil Service in Bihar and Orissa appointed in the year 1900. The suggestion that the final decision in the case of Perrott and Allanson should be deferred was made in deference to the general principle expressed in Court's letter of 12th February 1904 that no officer should be definitely assigned to the Judicial until he has passed an officiating period by way of probation. As the Hon'ble Judges are prepared to waive this condition in the case of Mr. Allanson, His Honour in Council is issuing the necessary orders allotting him to the Judicial Branch. I am, however, to say it would be inconvenient at the present moment to transfer Perrott from Cuttack as we have not Civilians of sufficient standing available to take his place at once and a strong representation has been received from the Orissa Association in favour of a Civilian Judge for that Division. In the circumstances it is proposed unless the High Court has any strong objection to allow Perrott to continue to officiate



as Judge of Cuttack until October when Allanson will return from leave and may be posted to that station unless Adami should sooner revert.

Yours sincerely,

H. LEMESURIER.

To H. T. CULLIS, Esq., I.C.S.,  
Registrar of the High Court of Judicature at Fort William in Bengal,  
Appellate Side, Calcutta:

The 28th March 1913.

My dear LeMesurier,

In reply to your demi-official letter No. 842, dated the 25th instant, I am desired to say that the Judges have no objection to Mr. Perrott's continuing to act as District and Sessions Judge for the present, as proposed.

Yours sincerely,

H. T. CULLIS.

To the Hon'ble Mr. H. LEMESURIER, C.S.I., C.I.E., I.C.S.,  
Chief Secretary to the Government of Bihar and Orissa.

Chief Secretary—

The Resolution below is for approval, it follows the lines of previous resolution.

The High Court do not object to Mr. Perrott staying as Judge at Cuttack.

M. G. HALLETT—2-4-1913.

Hon'ble Member—

Submitted.

H. LEMESURIER—2-4-1913.

E. A. GAIT—5-4-1913.

C. S. B[AYLEY]—8-4-1913.

[No. 10.] Appointment Department Resolution, No. 2445A., dated the 14th April 1913.

[No. 11.] To the Accountant-General, Bihar and Orissa, Memorandum No. 2446A., dated the 14th April 1913.

[No. 12.] To (1) H. Ll. L. Allanson, Esq., I.C.S.; (2) E. H. Berthoud, Esq., I.C.S.; (3) H. R. T. S. Perrott, Esq., I.C.S.; (4) P. W. Murphy, Esq., I.C.S., Memorandum Nos. 2447-50A., dated the 14th April 1913.

[No. 13.] To the Registrar, High Court, Calcutta, No. 2451A., dated the 14th April 1913.



## APPENDIX A.

*Extract from the speech of the Hon'ble Babu Braja Kishor Prasad in connection with the budget debate in the Bihar and Orissa Legislative Council, on the 5th April 1913.*

I have heard from some European Members of the Indian Civil Service that it is generally the case that the more favoured amongst them are retained in the Executive Branch, while the less favoured ones are thrust into the Judicial line. Such an impression should not be allowed to grow. Government should do everything to see that the Members of the Judicial Service are well contented and no injustice is done to them. It is these officers who by their pure administration of British justice in the country have popularized the Government. The greatest stronghold of the British Government on India lies in their even-handed administration of justice to the people.

बिहार सरकार

मंत्रिमंडल सचिवालय विभाग

(बिहार राज्य अभिलेखागार निदेशालय)



## APPENDIX B.

*Extract from the speech of the Hon'ble Mr. E. A. Gait, C.S.I., C.I.E., in connection with the budget debate in the Bihar and Orissa Legislative Council, on the 5th April 1913.*

The facts are already sufficiently well-known; but in justice to those members of the Indian Civil Service who have chosen the Judicial Branch I must point out that the Hon'ble Member is entirely mistaken when he thinks that the more favoured ones are retained in the Executive Branch and those less favoured are thrust into the judicial line. On reaching 12 years' service, officers of the Civil Service are requested to elect between the Executive and Judicial branches; and as far as possible their wishes are complied with. I say 'as far as possible,' because each year the number of vacancies on either side is fixed, and we cannot appoint more officers to the one branch or the other than there is room for. We have, moreover, to consult the wishes of the High Court, and do not appoint officers to the Judicial branch unless the High Court are willing to accept them. We have at present at least one officer serving as Collector simply because the High Court were unwilling to allow him to be a Judge. This year three officers were called upon to make their choice and they were all three given the branch which they had themselves selected. The one officer who selected, and was given, the Judicial branch was a particularly capable officer.

बिहार सरकार  
मंत्रिमंडल सचिवालय विभाग  
(बिहार राज्य अभिलेखागार निदेशालय)



12

APPOINTMENT DEPARTMENT.

APPOINTMENT.

2C  
FILE No. — OF 1912.  
160

Selection between the Executive and the Judicial Branches of the administration  
by the Indian Civilians of 1900, borne on the cadre of Bihar and Orissa.

[No. 3.]

Nos. 5252-55A., dated Ranchi, the 30th November 1912.

From—B. A. COLLINS, Esq., I.C.S., Under-Secretary to the Government of Bihar and Orissa, Appointment Department,

To—(1) H. LL. L. ALLANSON, Esq., I.C.S.; (2) E. H. BERTHOUD, Esq., I.C.S.;  
(3) H. R. T. S. PERROTT, Esq., I.C.S.; (4) P. W. MURPHY, Esq., I.C.S.

In accordance with the standing orders of the Government of India, under which the members of the Indian Civil Service are required to choose between the Executive and Judicial branches of the administration at close of the 12th year of their service, I am directed to request that you will be so good as to declare for which branch of the Service you elect.

9. It is to be distinctly understood that the choice to be made by you is entirely subject to the approval of Government, and Government may be unable to meet your wishes. On the other hand, if your choice is approved by this Government, it will be final, and you cannot be hereafter transferred from the branch of the service in which you are placed, except with the express sanction of the Governor-General in Council.

3. I am to ask that you will be so good as to submit an early reply to this letter.

[No. 4.]

Dated Balasore, the 3rd December 1912.

From—E. H. BERTHOUD, Esq., I.C.S., Magistrate and Collector of Balasore,

To—The Under-Secretary to the Government of Bihar and Orissa, Appointment Department, Ranchi.

With reference to your No. 5252-55-A., dated the 30th November, I have the honour to say that I wish to serve in the Executive Branch of the Civil Service.

[No. 5.]

Dated Bankipore, 3rd December 1912.

From—P. W. MURPHY, Esq., I.C.S.,

To—Under-Secretary, to the Government of Bihar and Orissa, Appointment Department.

In reply to your letter No. 5252-55-A., dated 30th November, I have the honour to say that so far as the choice rests with me, I choose the Executive branch of the administration.

[No. 6.]

Dated the 31st December 1912.

From—H. LL. L. ALLANSON, Esq., I.C.S., Joint Magistrate, on leave,

To—The Under-Secretary to the Government of Bihar and Orissa, Appointment Department.

With reference to your No. 5252-55-A., dated the 30th November 1912, received by me on the 26th instant, I have the honour to inform you that I elect for the Judicial Branch of the administration.



[No. 7.]

No. 487-G—V.-V., dated Cuttack, the 31st January—1st February 1913.

From—H. R. T. S. PERROTT, Esq., I.C.S.,

To—The Under-Secretary to the Government of Bihar and Orissa, Appointment Department.

With reference to your No. 425-A.,\* dated the 24th January 1913, which was received by me on 28th January 1913,

\*Reminder not printed.

I have the honour to state that I have already wired to the Chief Secretary, informing him that I wish to take the *Executive* side of the service.

[No. 8.]

No. 554-T., dated Camp, the 3rd March 1913.

From—The Hon'ble Mr. H. LEMESURIER, C.S.I., C.I.E., I.C.S., Chief Secretary to Government,

To—The Registrar, High Court, Calcutta.

I am directed to say that in accordance with the standing orders of the Government of India under which the members of the Indian Civil Service are required to choose between the Judicial and Executive branches of the administration at the close of the 12th year of their services, the officers of 1900 have been called upon to declare in which branch they would elect to serve. Of the four officers of that year Mr. H. L. L. Allanson alone has selected the Judicial branch; the remaining three officers, Messrs. E. H. Berthoud, H. R. T. S. Perrott and P. W. Murphy have chosen the Executive branch.

2. Mr. Allanson has never acted as District and Sessions Judge during his service, but during the past 4 years he has acted for a considerable period as Deputy Commissioner of the Santal Parganas and has thus performed the functions of a District Judge though not under the High Court. In view of the opinion of the Hon'ble High Court expressed in their letter No. 448, dated the 12th February 1904, the Lieutenant-Governor in Council conceives that the High Court would probably desire to see more of Mr. Allanson's work before finally accepting him for the Judicial branch of the Service. Mr. Perrott on the other hand who has chosen the Executive branch has had some experience as a Sessions Judge. The Lieutenant-Governor in Council considers that Mr. Allanson is a very suitable candidate for the Judicial line as he has an intimate knowledge of the people and of settlement procedure. He proposes therefore if the Hon'ble High Court have no objection, to seek the permission of the Government of India to postpone the final allotment in the case of Messrs. Perrott and Allanson until the latter has returned from leave next September and has been tried as Judge for about 6 months.

[No. 9.]

No. 1128, dated Calcutta, the 14th March 1913.

From—H. T. CULLIS, Esq., I.C.S., Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Side,

To—The Chief Secretary to the Government of Bihar and Orissa.

I have laid before the Judges your letter No. 554-T., dated the 3rd March 1913, regarding the selection between the Judicial and Executive branches of the administration by officers of the Indian Civil Service in Bihar and Orissa of the year 1900. Of the four officers of that year, Messrs. E. H. Berthoud and P. W. Murphy have chosen the Executive branch and in their case no question arises. Mr. H. R. T. S. Perrott has also chosen the Executive branch, but he has had some experience as a Judge and is at present officiating as District and Sessions Judge, Cuttack. Mr. H. L. L. Allanson alone has selected the Judicial branch. Mr. Allanson has never acted as a District and Session Judge, but during the past four years he has acted for a considerable period as

Present :—

The Hon'ble the Chief Justice.

The Hon'ble Mr. Justice Harington.

The Hon'ble Mr. Justice Mookerjee.

The Hon'ble Mr. Justice Holmwood,

and

The Hon'ble Mr. Justice Carnduff.



Deputy Commissioner of the Santal Parganas in which office he has performed Judicial functions, and the Lieutenant-Governor in Council considers him a very suitable candidate for the Judicial line. In view, however, of the opinion expressed by the High Court in their letter No. 448, dated the 12th February 1904, he conceives that the Judges would probably desire to see more of Mr. Allanson's work before finally accepting him for the Judicial branch. He proposes therefore with the permission of the Government of India to postpone the final allotment in the case of Messrs. Perrott and Allanson until the latter has returned to India in September and has been tried as a Judge for about six months.

2. In reply I am to say that on such of Mr. Perrott's judicial work as a Magistrate as has come before the Court, the Judges think it unlikely that Mr. Perrott would prove a suitable officer for the Judicial branch of the Service. They note, moreover, that Mr. Perrott does not desire to enter the Judicial branch, and they think it important that as far as possible officers should not be forced into judicial employment against their will. On the other hand they are not unacquainted with Mr. Allanson's judicial work and they have formed a favourable opinion of it. In these circumstances, and having regard to the special appointment in which Mr. Allanson has been employed for the last few years, which has involved the exercise of judicial functions, the Judges are quite prepared to waive in Mr. Allanson's case the general principle expressed in their letter of the 12th February 1904. They understand that the proposal made by His Honour in Council to postpone the final allotment in the case of these two officers has reference solely to the opinion of the Court, therein expressed. In these circumstances they desire to suggest that, if the Lieutenant-Governor in Council has no objection, the choice of the Executive branch by Mr. Perrott and of the Judicial branch by Mr. Allanson may be confirmed forthwith.

3. They understand that this course would involve the reversion of Mr. Perrott from his officiating appointment as District and Sessions Judge, Cuttack, but that is a matter on which it lies within the competence of the Lieutenant-Governor in Council to take action.

[No. 10.]

No. 2445-A., dated the 14th April 1913.

Resolution by—the Government of Bihar and Orissa, Appointment Department.

READ—

Letter No. 464, dated the 27th March 1896, from the Government of India, in the Home Department fixing the period of final choice by all covenanted civilians between the Executive and the Judicial branches of the service at the close of the twelfth year of their service.

- Letters Nos. 5252-55-A., dated the 30th November 1912, calling upon the officers of the Indian Civil Service of 6,900, to declare for which branch of the service they elect, and the replies to the above letters.

In accordance with the instructions contained in the letter from the Government of India cited above, all officers of the Indian Civil Service of the year 1900, borne on the establishment of the Province of Bihar and Orissa, were asked in November 1912, to declare for which branch of the service they would elect.

2. Of the four officers who were addressed, the three named below have elected the executive line :—Mr. E. H. Berthoud, Officiating Magistrate and Collector, Balasore; Mr. H. R. S. T. Perrott, Officiating District and Sessions Judge, Cuttack; Mr. P. W. Murphy, Settlement Officer, Shahabad and Gaya districts. The remaining officer Mr. H. L. L. Allanson, Joint Magistrate and Deputy Collector, on leave, has chosen the Judicial line.

3. The selection made by each officer is subject to confirmation by the Local Government, and the Lieutenant-Governor in Council confirms the selections made by all these officers.

4. No transfer of an officer from the branch of the service in which he has now been placed to the other branch will be permitted, except with the previous sanction of the Governor-General in Council.



*Order.*—Ordered that a copy of the Resolution be forwarded to the Hon'ble the High Court, to the Accountant-General, Bihar and Orissa, and to each of the officers concerned, for information.

[No. 11.]

No. 2446-A., dated 14th April 1913.

Memo. by—The Under-Secretary to the Government of Bihar and Orissa, Appointment Department.

Copy forwarded to the Accountant-General, Bihar and Orissa, for information.

[No. 12.]

No. 2447-50-A., dated the 14th April 1913.

Memo. by—The Under-Secretary to the Government of Bihar and Orissa, Appointment Department.

Copy forwarded to each of the officers concerned for information.

[No. 13.]

No. 2451-A., dated the 14th April 1913.

From—The Hon'ble Mr. H. LEMESURIER, C.S.I., C.I.E., I.C.S., Chief Secretary to the Government of Bihar and Orissa, Appointment Department,

To—The Registrar, High Court, Calcutta.

With reference to the your letter No. 1128, dated the 14th March 1913, I am directed to forward for the information of the Hon'ble Judges, a copy of the resolution of this Government on the choice made by the Indian Civilians of 1900, between the Judicial and the Executive Branches of the administration in Bihar and Orissa.

No. 2445-A., dated the 14th April 1913.

मंत्रिमंडल सचिवालय विभाग  
(बिहार राज्य अभिलेखागार निदेशालय)



REFERENCES TO FORMER CASES.

- 16
- (1) Appointment, A, April 1896, No. 1 ( $\frac{8E}{1}$ ).
- (2) Appointment, B, June 1904, Nos. 8-9 ( $\frac{8E}{1}$  3-4).

बिहार सरकार

मंत्रिमंडल सचिवालय विभाग

(बिहार राज्य अभिलेखागार निदेशालय)

REFERENCES TO LATER CASES.

App't A. Helig 16. nos 1-14 -  $\frac{2C}{9}$  2 ab 16.

" " Jan'y 17. nos 1-14 -  $\frac{2C}{9}$  1/17.