

(1926) 03 MAD CK 0032
In the Madras High Court

Chengalvala Venkata Siva Rao

APPELLANT

Vs

Idarapalli Venkataratnam

RESPONDENT

Date of Decision : 12-03-1926

Acts Referred:

Citation : AIR 1926 Mad 953 : 97 Ind. Cas. 893 : (1926) 24 LW 179

Hon'ble Judges : Devadoss, J

Bench : Division Bench

Judgement

Devadoss, J.—The only point; urged in this second appeal is that the defendant was appointed to a new office and that the plaintiff who has

the preferential right to it is entitled to claim it. From the proceedings it is clear that the Collector directed one of the officers to be dispensed with

and the other to be retained. This proceeding of the Collector was under the Proprietary Village Service Act of 1894. In accordance with the

direction of the Collector the landholder acting u/s 15(2) dispensed with the services of one and retained the services of the other. It cannot be said

that the person who was retained in office was newly appointed to that office. He having been retained in the office the plaintiff has no right to the

office by virtue of any hereditary right. The point has been properly decided by the lower Courts and there is no reason to interfere with the decree

of the Subordinate Judge of Rajahmundry.

2. In the result the appeal fails and is dismissed with costs.