

Vol. 1 (1893) 1894

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(Despatch Abstracts)

Privilege leave to an officer drawing less than \$500

Referring the Board of War to certain correspondence containing the decision of the 17th that an officer in superior service drawing less than \$500 may be granted privilege leave irrespective of extra expense to the State when the leave does not exceed one month, but that when the leave is extended the State of the leave, within the first month, must be without extra expense to the State.

10/18/93

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THE UNIVERSITY OF CHICAGO

Spare copies

G.O., No. 672, 8th June 1899.

JUNE.

Referring the Board of Revenue to certain correspondence containing the decision of the Government of India that an officer in superior service drawing less than Rs. 100 may be granted privilege leave irrespective of extra expense to the State when the leave does not exceed one month, but that when this limit is exceeded the whole of the leave, including the first month, must be without extra expense to the State.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

READ—again the following papers:—

G.O., Nos. 138, 139, Financial, dated 26th February 1890.

Read—the following papers:—

From the Executive Engineer, Madura Division, to the Superintending Engineer, VI Circle, dated 16th January 1890, No. 589 S.E.

On receipt of your endorsement No. 590 M.W., dated 13th September 1889, expressing your opinion of article 162 (i) of the Civil Service Regulations that a substitute may be employed at Government expense during the absence on privilege leave of an officer whose pay is less than Rs. 100 per mensem for one month only, I made a reference to the Examiner, Public Works Accounts, inquiring if the rule would allow the entertainment at Government expense of a substitute for one month only in the place of a clerk who may be going on privilege leave for more than one month.

2. In his reply, a copy of which I enclose for your information, he states that it is not allowable to impose extra expense upon the State in such a case, but suggests that it would be well to refer the matter to Government for their orders.

3. I do not think it can be the intention that an individual who may apply for a month's privilege leave every year should have the benefit of drawing full pay and having his work done by a substitute at Government expense, while one who may have accumulated privilege leave is not to be allowed the same advantage even for one month of his total absence on leave.

4. As this point appears to be rather an important one, I have the honour to request the favour of your addressing the Government for the correct interpretation of the rule.

ENCLOSURE.

From Major C. H. P. CHRISTIE, R.E., Examiner of Public Works Accounts, Madras, to the Executive Engineer, Madura Division, dated 23rd December 1889, No. 911 S.E.—6.

With reference to your letter No. 109 C., dated 12th December 1889, I have the honour to inform you that I consider that, as the rule is worded, the proper interpretation of it is that the whole of the leave (including the first month) must be without extra expense to the State. It is quite possible, however, that this is not the intention and, if you think the interpretation is wrong, you might refer the matter through the Superintending Engineer for the orders of Government.

No. 1196 M.D.

Copy submitted to the Chief Engineer, Public Works Department, together with a copy of the Examiner's No. 911 S.E.—6 of 23rd December 1889, for orders of Government. It is certainly important and necessary that the correct interpretation of the rules 162 (i) and 294 (i) in the Civil Service Regulations should be decided by Government.

20th January 1890.

(Signed) A. L. SMITH, Lt.-Col., R.E.,
Superintending Engineer, VI Circle.

No. 468 C.

Transferred to the Financial Department for orders.

(Signed) R. DRAKE-BROCKMAN, Lt.-Col., R.E.,
27th January 1890. Ag. Joint Secretary to Government, P.W.D.

Referred to the Accountant-General for favour of his opinion.

2. If he considers that there is doubt—it would seem that there is—a reference to the Government of India or to the Comptroller-General will be advisable.

(Signed) J. GROSE,
31st January 1890. Chief Secretary.

From T. W. RAWLINS, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 7th February 1890, No. 401.

In reply to your endorsement, dated 31st January 1890, on reference from the Joint Secretary to Government, Public Works Department, No. 468 C., dated 27th idem, as to the interpretation to be put upon article 162 (i) of the Civil Service Regulations, I have the honour to state that I agree with the opinion expressed by the Examiner of Public Works Accounts that the article means that an officer in superior service drawing less than Rs. 100 may have privilege leave irrespective of extra expense to the State, when the leave does not exceed one month, and that when this limit is exceeded, the whole of the leave (including the first month) must be without extra expense to the State.

2. The note to the article, it seems to me, renders impossible any other conclusion.

Order—No. 138, Financial, dated 26th February 1890.

The Accountant-General's opinion will be communicated to the Public Works Department.

2. The Government does not doubt that the view of the case taken in both the offices of account is the right one, but a copy of these Proceedings will be forwarded to the Government of India, Department of Finance and Commerce, for information.

(True Extract.)

(Signed) J. GROSE,
Chief Secretary.

To the Public Works Department.
" Accountant-General.

Endorsement—No. 139, Financial, dated 26th February 1890.

Copy to the Government of India, Department of Finance and Commerce.

(Signed) J. GROSE,
Chief Secretary.

G.O., No. 276, Financial, dated 3rd April 1890.

Read—the following paper:—

From E. LAWRENCE, Esq., Under Secretary to the Government of India, Finance and Commerce Department, to the Chief Secretary to Government of Madras, dated Calcutta, 8th March 1890, No. 1155.

In reply to your communication No. 139, dated the 26th February 1890, I am directed to say that the Accountant-General, Madras, has correctly interpreted article 162 (i) of the Civil Service Regulations.

Order—No. 276, Financial, dated 3rd April 1890.

Communicated to the Public Works Department and the Accountant-General in continuation of G.O., No. 138, dated 26th February last.

(True Extract.)

(Signed) J. GROSE,
Chief Secretary.

To the Public Works Department.
„ Accountant-General.

READ—also the following paper :—

Proceedings of the Board of Revenue (Separate Revenue), Mis. No. 1843, dated 28th April 1899.

Resolution—Mis. No. 1843, dated 28th April 1899.

The Board requests the orders of Government on the question of the correct interpretation to be placed upon the note to Article 162 (1) of the Civil Service Regulations in connection with the following case :—

A clerk of the Kuttanguli Circle on Rs. 20 was first granted privilege leave for one month and an outsider who held no substantive post was appointed as a substitute in his place at Government expense under Article 294 (i) of the Civil Service Regulations. The clerk was subsequently granted an extension of privilege leave for seven days but without allowances so that no extra cost might be imposed on the State under the note to Article 162 (1) of the Civil Service Regulations which lays down that an officer drawing less than Rs. 100 a month may be granted one month's privilege leave as an annual holiday irrespective of the expense to Government, but that if such an officer desires to take privilege leave for more than one month the grant of the leave must be subject to the condition that no extra expense is thereby imposed on the State. The point for consideration is whether the absentee should be made to pay the substitute for the whole period of one month and seven days or for seven days only. The Accountant-General is of opinion that the privilege leave granted being for more than one month the extra expenditure for the whole period should be defrayed by the absentee—*vide* copy of his telephone message attached. The Board agrees that if the officer had applied for more than one month's privilege leave in the first instance he could not have enjoyed full pay. But he asked for only a month's leave and so much was granted originally. The conditions of the note to Article 162 (1) of the Civil Service Regulations appear to the Board to have been fulfilled by making him pay the substitute for seven days only; by which course Government is put to no more expense than it is prepared to undergo.

(True Extract.)

(Signed) C. G. TODHUNTER,
Acting Secretary.

To the Secretary to Government, Revenue Department,
through the Accountant-General.

ENCLOSURE.

Copy of telephone message from the Accountant-General, dated 14th April 1899.

“Your message of yesterday. The privilege leave being for more than one month, the extra expenditure for the whole period should be defrayed by the absentee.”

No. T. 21-Salt 1160.

Forwarded. The attention of Government is invited to the letter from the Government of India communicated in G.O., No. 276, Financial, dated 3rd April 1890, which directs that an officer in superior service drawing less than Rs. 100 may be granted privilege leave irrespective of extra expense to the State when the leave does not exceed one month, but that when this limit is exceeded the whole of the leave (including the first month) must be without extra expense to the State.

5th May 1899.

(Signed) W. H. DAWSON,
Offg. Accountant-General.

Endt. Mis. No. 1761, Revenue.

Transferred to the Financial Department.

OOTACAMUND,
15th May 1899.

(Signed) G. S. FORBES,
Secretary to Government.

ORDER—No. 672, Financial, dated 8th June 1899.

The Board of Revenue will be referred to the correspondence of 1890 printed in the proceedings read again above in which the Government of India decided that an officer in superior service drawing less than Rs. 100 may be granted privilege leave irrespective of extra expense to the State when the leave does not exceed one month, but that when this limit is exceeded the whole of the leave (including the first month) must be without extra expense to the State.

(True Extract.)

G. STOKES,
Chief Secretary.

To the Departments of the Secretariat.

„ the Board of Revenue.

„ all Heads of Departments under the Chief Secretary.

„ the Accountant-General.

Requesting the orders of Government on the question of the correct interpretation to be placed upon the note to Article 162(1) of the Civil Service Regulations.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Financial Department.

G.No.1897.

Note

This is a case in which a clerk on Rs.20 was first granted privilege leave for one month and was subsequently granted an extension of the privilege leave for 7 days. A substitute was appointed for the first month at Government expense under article 294(1) ^{rule} of the Civil Service Regulations, but the extension of leave for 7 days was granted without allowances to the absentee to avoid extra expense to the State with reference to the note to article 162(1) of the Civil Service Regulations. The Board was however informed by the Accty. General that as the privilege leave granted was for more than one month the extra expenditure for the whole period should be defrayed by the absentee. As the clerk did not apply ^{for} more than one month's privilege leave in the first instance, the Board considers that the conditions of ^{the note to} article 162(1) of the Civil Service Regulations have been fulfilled by making him pay the substitute for 7 days, the Government being put, as the Board views it, to no more expense than it is prepared to undergo.

2. A similar case was decided by the Govt. of India in 1890, and the Acctt. General draws attention to it. In this case both the Examiner, P.W. Accounts and the Accountant-General expressed the same view that the rule as worded must be interpreted to mean that an officer in superior service drawing less than Rs. 100 may be granted privilege leave irrespective of extra expense to the State when the leave does not exceed one month, but that when this limit is exceeded the whole of the leave (including the first month) must be without extra expense to the State. On a reference to the Govt. of India this ^{view} was confirmed by it.

3. There is no doubt that real hardship is entailed in ^{some} cases, especially of short extensions due to sickness or circumstances over which the absentee has no control; but as the rule stands no other interpretation appears possible than that given above and it is submitted that the correspondence of 1890 may be communicated to the Board of Revenue. A draft order is submitted for approval.

*Vide his letter in
Ct. Chapin*

*Vide Hays
in G.O. No. 138 Ait,
d. 26 Feb 1890.*

*G.O. No. 276 Ait,
d. 30 April 1890.*

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DEPARTMENT.

Read again G.O. No. 133 Financial, dated 26th February 1890 (a of current, enclosures & order)

" " G.O. No. 276 Financial, dated 3rd April 1890 (a of current & order).

C. No. 1897 From the Board of Revenue (Dep. Revenue No. 1843, dated 28 April 1899 (A)

Endt " Accountant General " 7.21. Salt " 5 May 1899. (A)

Endt " Revenue Dept " 17.6.1. " 15 " 1899. (A)

" " " " " " 189 .

ORDER No. 67278-6-99.
P.S.

The Board of Revenue will be referred to the correspondence of 1890 printed above in which the Government of India decided that an officer in superior service drawing less than Rs. 100 may be granted privilege leave irrespective of extra expense to the State when the leave does not exceed one month, but that when this limit is exceeded the whole of the leave (including the first month) must be without extra expense to the State.

*Ans
2-6-99*

18/6/99

To
The Depts. of the Acctt.
" Board of Revenue.
All Heads of Depts. under
the Chief Secy.
The Acctt. Genl.

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20-6-99.

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