

Edl (1915) Department.

his' SERIES.

G.O. No. 679480

DATED 23-6-15

[Despatch Abstract.]

Mr J. H. Stone

Addressing the govt. of India for com-
 mending the irregularity in the front of
 Jurlough to — in 1897 which would
 result from the commutation of the
 special leave taken in 1894 into
 Jurlough.

C.No. 1578

3.5.15

2



From

J. H.

one

1915

I. E.

Instruct

To the Honble Mr. Rajagopalachari C.I.E.

Secretary to Government, Educational Department, Madras.

Sir

I have the honour to request Government to be good enough to take steps to have the special leave granted to me in 1894 converted into furlough with retrospective effect, ~~in~~ the fact that I was granted furlough in 1897 within three years of the expiry of the special leave being condoned.

Articles 232 - 240 of the Civil Service Regulations do not appear to contemplate a conversion of this kind, my prayer therefore is that my case may be treated as special, not coming under any rule.

The circumstances under which the leave in question was granted to me, are, so far as I know

then as follows.

I applied for the leave on the ground of my father's state of health. I did not then wish to take long leave nor to make it impossible for me to take long leave for three years after the expiry of the short leave for which I was applying, and under the rules then in force, which did not allow combination of privilege with other leave, it was only by taking special leave that I could attain these ends.

After I got home I applied to have my special leave commuted into furlough and for the period to be extended. I think to a year. This to my surprise and disappointment was refused because Mr. Bilderbeck the Professor of English in the Presidency College represented that his state of health made leave necessary for him and it was considered that I was the only officer left to act for him. My claims

3/ 4
For a first furlough were therefore overruled in favour of a much senior officer.

I returned to Madras in July and was appointed to act for Mr Biddenbeck and subsequently when Mr G. H. Stuart took leave to act also as Principal of the Presidency College in marked supersession, I may remark, of Mr Biddenbeck and other officers senior to me. This office I held from 17.12.95 till 1.11.97 when Mr Stuart returned from furlough. I took furlough on leave 14.97 which as Mr Biddenbeck was available for the superintendence of English under the convenience of Government well enough. At that time of course college vacations could not be combined with furlough.

I have only taken one furlough since

1897, in 1905-06, and had two

years furlough to my credit when

I attained the age of 53. I have
now been obliged to take special leave

again and of this unless the request I

am now making be granted more than

four months will be on loss of pay.

It will be observed that the chief ground
on which I ask for special treatment is
the refusal of furlough in 1894. This
led to my taking furlough in 1897 within
three years of my last return to duty but I
submit that this was of no advantage to
me and a convenience to Government since
the whole vacation was thereby included in
my furlough.

5/

b

I have the honor to

be

Your most obedient servant

J. Stone

C.No. 1575 Edl, from the Mr J. N. Shaw, No. 6, dated 8. 4. 1915.

Memorandum. No. 1575/1, dated 7. 5. 1915.

Referred to the A.G.
for favour of early remarks.

Secy
6.5.15 GA
6/5/15

GA
7/5/15

Notes in CB
7.5.15

To the A.G. (with consent in original
to be returned with reply)

mb
7/5

GA
7/5

10-3-14.

EDUCATIONAL DEPARTMENT.

Received 18 MAY 1915 1915
CURRENT No. 1800 Eol
Registered 19.5 1915
Subject.

Regarding the commutation of special leave taken by
Mr. J. H. Stone into Furlough.

ENCLOSURES.
No. Five
Spare copies

No. G.A. 64 3523

Dated the 18th May 1915.

FROM

K. L. DATTA, Esq. M.A.,

The ACCOUNTANT-GENERAL, MADRAS,

To

THE SECRETARY TO THE GOVERNMENT OF MADRAS,

Educational Department.

SIR,

With reference to Government Memorandum No. 1575-1 dated
7th May 1915, referring to me for remarks letter from the Hon'ble
Mr. J. H. Stone, requesting Government to commute the special
leave taken by him in 1894 into furlough, I have the honour to
state that such commutation will result in the irregular grant
of furlough availed of by him in 1897 and that there is no rule
in the Civil Service Regulations under which such irregularity
can be condoned.

I have

I have the honour to be,

Sir,

Your most obedient servant,

J. McHenry
1875

Asstt. Accountant-General.

Mal

J.

[L. & M.]
55

5,000-29-3-12.

Educational DEPARTMENT.

NOTE FILE.

9
Col CN^o 1575

3. 5. 15



Dear Mr. Rajagopalachari

I am sending
by an official letter about
my pay during leave.
I do not know whether
the Madras Government
can do what I am
asking for. I imagine
not.

lg
I explained my case

was consultation because I did not
want to trouble Government if the thing
were merely impossible.

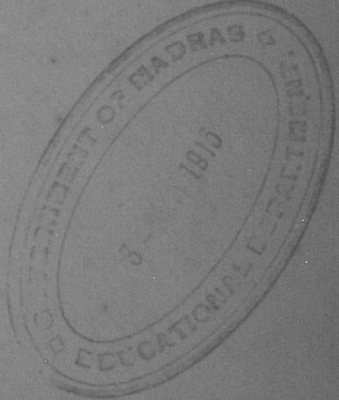
He seemed to attach importance^{to} whether
if that in 1894 came to furlough
instead of Special leave furlough would have
been granted. Perhaps your person was aware
this. My case would be stronger if this

~~can be stated.~~ My best point of course is

that I refused to commute my Special
leave in 1894 into what would have been
my first furlough.

Yours sincerely

L. S. Moore



to the Accountant and
Chief Accountant General
at the India Office
and the latter whose
views would no doubt
have considerable weight
admitted that such a
conversion is not un-
precedented and held
out decided hopes of its being
frankly recommended
by Government.

I explained to him that I

Educational Department

Submitted that Mr. Stone's official letter may, in the first instance, be referred to the A.G. for early remarks. The draft memorandum placed below is for approval.

Sa CA
6-5-15 6/5/15

[Handwritten signature]

[Memorandum no 1575-1 Edl., dated the 7th May 1915]
Cur. no 1800 Edl., from the A.G. no. GA-64-3523818-5-15

The A.G. states that the commutation asked for by Mr. Stone will result in the irregular grant of furlough availed of by him in 1897 and that there is no rule in the Civil Service Regulations under which such irregularity can be condoned.

2. From the Do. on page 1 supra it would appear to be the opinion of the Deputy Accountant General at the India office that ^{present} ~~these~~ request ^{possibly} ~~could~~ be granted, if it were shown that furlough could have been sanctioned to Mr. Stone in 1894 instead of special leave if he had so applied. The A.G. has not ^{now does the G.O. sanctioning the leave in 1894 throw any light on this point.} ~~replied~~ on this point specifically. For orders whether he may now be asked us. to offer his remarks on this.

3. Another argument advanced by Mr. Stone in favour of his request is that the Govt. refused to commute his special leave in 1894 into

page 7 of 7

⊕
* fo. no 17R
29.1.94

page 4 of 7



Go. 364 Sol
25-5-94.

NOTES.

Page 3 12

what would have been his first furlough. It is true that Mr. Stone applied from home in March 1894 for the commutation of the special leave into furlough and for its extension to fifteen months as Mr. Bilderbeck, a senior officer ^{also} applied for leave at that time and as Mr. Stone was the only person who could take Mr. Bilderbeck's place, the extension asked by Mr. Stone was refused. The question of the commutation ^{of the} leave already granted him was not however, considered then. He therefore seems to have some ground for complaint. If the commutation had been sanctioned he would have naturally postponed the leave taken by him in 1897 to such a date as to avoid the irregularity which he now requests to be condoned.

See CA
21-5-15 24/5/15
A. J. for remarks
please with reference to
A at former page and
B on this page.

Eolus 1800-1
26/5/15

26/5/15

25/5/15

NOTES.

Page 13

Office of the A.G.

It is within the powers of the Local Government to commute the special leave granted to the Hon'ble Mr. Stone in 1894 into Furlough. If this is done, the second furlough availed of by him in 1897 without medical certificate would, as already stated, be irregular as he did not render 3 years continuous service on the 14th March 1897, Article 308 (b) iv 2 of the Civil Service Regulations. There is no rule in the Civil Service Regulations under which this irregularity can be condoned.

J. M. S. 2/5

A. A. G.

A.G. No 78

2.6.15

To

The Secy., to Govt.,

Edl. Deptt. U.O.



Notes in CN

4.6.15

Although there is no provision in the C.S.R. for condoning the irregularity of the furlough taken ~~other~~ in 1897, the Secretary of State ~~appears~~ it is submitted, competent to sanction the ~~infractions~~ from the rule in the C.S.R. The question now for consideration is whether it is desirable to address him in the present case. Submitted that the Financial department may be consulted. Their attention may be specially directed to the

opinion of the Dy. Accountant General at the India office referred to by Mr. Stone in his O.O. on page 1 supra.

5.6.15 CA 5/6/15 Dir Co

3513
FINANCIAL

Recd 5.6.15

Exlus 1800-2

5.6.15

Recd 7.6.15

Financial Dept

For A. S.

Mr. J. H. Stone has taken leave of absence out of India (so far as the present case is concerned) on the following or the following occasions:-

- Special leave for 5 months and 12 days from 10th Feb. 1894 to 22nd July 1894.
- Furlough for 1 year 7 months and 1 day from the 14th March 1897.
- Combined privilege leave and special leave on urgent private affairs for 6 months from 6th March 1910.

As the total period of special leave admissible to an officer

675
History of Services

G.O. 240 S.P. 32.7.15 U

This is wrong.
Special leave

in the aggregate is
not limited to six
months, but an officer
cannot be granted
more than 6 months
at a time. The ar-
ticle that applies
in this case is not
316 but 318 (a)

pl. 4 ante

is 6 months (vide art 316 C.S.R) he
can draw ~~leave~~ leave allowances
only for 18 days during his
special leave. In order to
protect him from loss Mr Stone
requests that his special leave
taken in 1894 may be
commuted into furlough. He is
^{not} now eligible for furlough as he
is over 55 years of age - vide
art 301 C.S.R.

2 The Commutation of
special leave into furlough
asked for can be sanctioned
by the local Govt. But as a
result of such Commutation
the furlough granted to him
in 1897 item (b) above becomes
irregular as he had not then
had three years continuous service
as required by art 308 C.S.R.
The A.G. points out that there are
no rules in the C.S.R. under which
this irregularity can be condoned.
The Educational dept suggest
that the Govt of India may be
addressed with a view to obtain

Special leave does
not interrupt
continuous service.
Art 22 C.S.R.

p. 4 ante

p. 4 ante

the sanction of the Secy of State.

3. The case for addressing the Govt of India is stated to be that before the expiry of his special leave in 1894 Mr Stone applied to Govt for its being commuted into furlough of 15 months for which he was then eligible and leave was refused because a senior officer Mr Bilderbeck had also applied for furlough and there was no one competent to take the place of the latter except Mr Stone himself. From these facts it is inferred that the refusal to grant furlough to Mr Stone conduced to administrative convenience and was in the Public interests. It seems hardly possible that on such grounds the Secy of State will condone the irregularity. In his doc on page 1 ante Mr Stone states that the Deputy Accountant General, India office whom he consulted in

Govt 3642d AN
25.5.1894.

Page 6 of 40.
chd.

Page 3 + 4 C.F.

the matter had told him that such a concession was not unprecedented and that his case might be favourably considered if he had in 1894 asked for furlough instead of special ^{leave} ~~leave~~ furlough would have been granted. There is nothing in the records to show this. Presumably there would have been no objection to grant him furlough as he was eligible for it. No precedent is traceable for addressing the Govt of India in such a case. Orders are solicited as to ^{whether} the proposal to address the Govt of India may be accepted.

See 11.6.15.

^{was} 11.6.15. I think I will may agree to support the proposal. If the special leave granted in 1894 is commuted into furlough Mr. Stone's continuous service between 1894 & 1897 then he went on furlough

Under G.O. R. No 1750
8 29. 1. 94. T

(Indices from 1896 were searched.)

Recd at 662
12/6/15

[Faint, mostly illegible handwritten notes on the left page, possibly bleed-through from the reverse side.]

[Faint handwritten notes in the top right margin of the left page.]

X
Mr. Stone returned from
Special leave in July 1894.
He went on furlough in March 1897.
Period in the interval is
2 1/2 years and 8 months (about)

para 1570 of the
report Vol I
(1894)
has been removed

Letter 1397 of 21-2-14 (para 4)
and
page 89-90, 138 of 21-2-14. D

has been removed

will be about 4 months short of 3 years.

I may point out that the ~~Board~~ Disutilization Commission recommended the abolition of this rule in article 308, and this was one of the modifications in the C. S. R. That this Govt welcomed.

In the draft of the rule sent to us by the S. G. I. this provision for about three years continuous service has been excised.

[Handwritten initials and date:]
C. J. 14 6.15

I thought that Special leave up to a max of 6 months on each occasion could be taken twice on furlough pay. If so, & if this is only Mr. Stone's 2nd spell of special leave why will he not get furlough pay during the non-privileged leave portion?

How much furlough could Mr. S. have taken during his service & how much has he actually taken?

has only taken 1 year 9 m. furlough

[Handwritten signature/initials:]
14/6

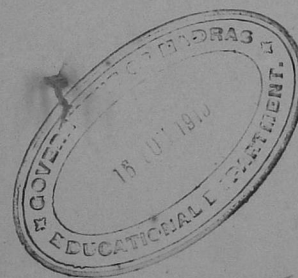
We are asked to commute into furlough special leave taken in 1894 & we could do this though a request of this sort preferred after a lapse of 21 years is surely very unusual. But, if we were to commute, we should have to ask the G. of I. to waive the rule which requires an interval of 3 years between spells of furlough because the furlough taken in 1897 was less than 3 years after the time of 1894.

Mr. Stone has had only about $1\frac{3}{4}$ year furlough in his service which is much less than he might have taken & the proposed concession would give him full furlough pay for the whole period of special leave taken in 1915 whereas otherwise he can get furlough pay for only about half a month of that leave & nothing for the rest (outside the priv. leave portion).

I do not think Fin? read object to India being addressed but I doubt their complying.

MS
15/6

Eolup.



Notes in CO

16-6-15

Jul 20 3513-1
15-6-15

See
15/6

NOTES.

Page 2

Educational Dept

A draft letter to the Govt. of India is submitted for approval.

17.6.15

It is a week's case: and I share with the C.S. his death cheer Miss Compying.

If it is decided that Miss should be addressed, the draft should be for approval.

Bonus 2)
19.6.15

H.R. and the (Phil)

18/6

There seem to be extenuating circumstances justifying this application.

19.6.15

I have made a slight amendment which may induce the Govt. of India to take a lenient view.

21.6.15

18/6

EDUCATIONAL DEPARTMENT.

C.No.1575 Edl., from Mr. J.H. Stone, .. dated the 8--4-1915
C.No.1800 " from the Accountant-General, G.A.64-3523, a/ " 18--5-1915.

ORDER:
Mis.

679 Edl. 23. 6. 15

The Government of India will be
addressed.

LETTER:

680 Edl. 23. 6. 15

To

The Secretary to the Government of India,
Department of Education.

Sir,

I am directed to address you on the
subject of the commutation into furlough
of the special leave taken in 1894 by
Mr. J.H. Stone, the local Director of
Public Instruction.

2. Mr. J.H. Stone joined the
educational service on the 4th January
1886. In consequence of his father's

state of health he applied for and obtained special leave on urgent private affairs for five months and 12 days from the 10th February 1894. The reasons for the application for special leave, while he was eligible for furlough, are now stated to be that he did not then wish to take long leave, nor to make it impossible for him to take long leave for three years after the expiry of the short leave, and that the rules in force at that time did not permit of the combination of privilege leave with other leave. After he got home, Mr. Stone applied, in March 1894, for an extension of the leave to fifteen months and requested that the whole leave might be commuted into furlough. The Local Government, however, for administrative reasons, declined to sanction the extension applied for.

3. Mr. Stone returned to duty on

the

*In March last
With effect from the 6th March
last, owing to the death of his
son ^{who was killed} in action in France, he
has been ~~given~~*

24 23
the 22nd July 1894. Later on, he availed
himself of furlough for one year, seven
months and one day, from the 14th March

1897. ~~He has now taken~~ combined privilege
leave and special leave on urgent private
affairs for six months ~~from the 14th March~~

~~the 14th March 1915~~

4. Under article 318 of the Civil
Service Regulations Mr. Stone can draw
leave allowances only for about 18 days
of his present special leave of about
five months. In view of this fact he
applies for the commutation into furlough
of the special leave taken by him in
1894. It is within the powers of the
Local Government to commute the special
leave and the Governor in Council
proposes to commute ^{it} accordingly; but
such commutation ^{it} would result in the
grant of furlough in 1897 being rendered
irregular, as Mr. Stone had not then
rendered three years' continuous

4- 25 24

service since return from leave in 1894. The Governor in Council is aware that there is no rule under which such an irregularity in the grant of furlough can be condoned. In view, however, of the special circumstances of the case, viz., that Mr. Stone was refused long leave in 1894 for administrative reasons, and that, if his request made in March 1894 had been complied with, he would probably not have taken long leave in 1897, I am to solicit that sanction may be obtained for condoning the irregularity in the grant of furlough in 1897, which would result from the commutation of the special leave taken in 1894 into furlough. I am to add that Mr. Stone has, during a total service of more than 29 years, taken furlough for less than one year and ten months.

I have etc.

[Handwritten signature]

When given for copying—
 When copied—
 When examined—
 When signed—

191 .

READ AGAIN G.O. No. , DATED
 191 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH BITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.—

A = Copy in full.
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