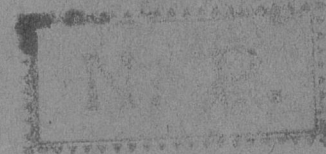


ORDINARY PRINTED.

G.O., No. 2104211

DATED 1-4-05



[Despatch Abstract.]

Mr. R. A. Nelson:-

Addressing the Govt of India on the subject of the specific leave rules applicable to —, Principal, Law College, Madras.

FURTHER PAPERS.

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

Recd.

Regd.

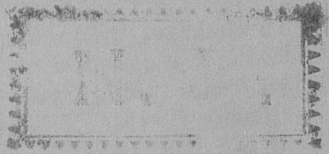
} 1905.

Enclosures

Spare copies

ORIGINAL

G.O., &c., Nos. 210, 211, 1st April 1905.



APRIL.

Mr. R. A. Nelson.

Addressing the Government of India on the subject of the specific leave rules applicable to
—, Principal, Law College, Madras.

EDUCATIONAL DEPARTMENT.

READ—the following paper :—

From W. DOBBIE, Esq., Accountant-General, Madras, to the Secretary to Government, Educational Department, dated 21st March 1905, No. G. 1523/13955.

In endorsement No. A.D.H./332, dated 4th January 1905, on letter from the Director of Public Instruction, my office reported that Mr. Nelson, Principal of the Law College, was eligible for leave under the Indian Services Leave Rules. Although there can be no question that for the reasons embodied in G.O., No. 67, dated 7th February 1905, the European Services Leave Rules are not applicable to Mr. Nelson, it occurred to me that it might not have been the intention of the Government of India that the removal of the appointment held by him from the cadre of the Educational Service should debar him for the privilege of obtaining leave under the more favourable leave rules, which was extended to other officers of the Educational Department who were similarly situated at the time of the reorganisation of that Department in 1896. For this reason and in view of the fact that the principle appears to have been accepted by the Secretary of State that Educational officers appointed in England are eligible for the more favourable rules, I considered it advisable to refer for the decision of the Government of India the question whether the European Services or the Indian Services Leave Rules are applicable to Mr. Nelson. I enclose, for the information of Government, a copy of my letter to the Government of India, No. G. 1425/13004, dated 27th February 1905, with a note of all the orders on Mr. Nelson's case to facilitate reference.

2. As the Government of India have, in an urgent telegram received by me yesterday, directed that I should refer the question to them through Government, I request the favour of an early reference being made in the matter to enable me to issue an amended last-pay certificate for Mr. Nelson should it be finally decided that he is subject to the European Services Leave Rules.

3. Pending the receipt of final orders I am issuing a last-pay certificate showing the allowances admissible to Mr. Nelson while on leave on medical certificate granted to him under the Indian Services Leave Rules.

ENCLOSURES.

From W. DOBBIE, Esq., Accountant-General, Madras, to the Secretary to the Government of India, Finance Department, dated Fort St. George, 27th February 1905, No. G. 1425/13004.

I have the honour to submit, for the orders of the Government of India, the case of Mr. R. A. Nelson, Principal of the local Law College, who is serving under the Government of Madras in that capacity under the conditions of his re-engagement for a further period of five years as set forth in paragraph 4 of the Government of India, Financial Department, despatch to the Secretary of State, No. 108, dated 28th March 1901.

2. The question on which the favour of orders is requested is whether the European Services or the Indian Services Leave Rules are applicable to his case.

3. In reporting recently on Mr. Nelson's eligibility for leave my office stated that furlough was not admissible to him under the Indian Services Leave Rules, his service for leave being reckoned from 2nd May 1896, the date on which his pensionable service commenced under the Secretary of State's despatch No. 46, Public (Educational), dated 16th May 1902, communicated in the Government of India letter, Home Department (Educational), No. 568, dated 9th July 1902. This view is based on the existing orders in the Civil Service Regulations. The officers to whom the European Services Leave Rules apply are mentioned in article 297 of the

Department. Prior to the re-organisation of the Law College was on the non-graded list of appointments, and all the officers holding the appointments were subject to the European Services Leave Rules, the more favourable leave rules being applicable only to the graded branch of the Educational Services, under article 330 (c) of the Civil Service Regulations, 2nd edition. When the re-organisation took place in 1896 all these appointments on the non-graded list were transferred to the Indian Educational Service except that of Principal of the Law College. In the absence therefore of orders under which Mr. Nelson can be brought under the European Services Leave Rules he has been treated as an officer under the Indian Services Leave Rules.

4. I am doubtful, however, whether it is the intention of Government that he should be so treated. In paragraph 11 of the Government of India Financial despatch to the Secretary of State, No. 351, dated 11th December 1895, the principle appears to have been accepted that Educational officers appointed in England are eligible for the more favourable rules, and although in paragraph 16 of the same despatch it was stated that the appointment of Principal of the Law College had been removed from the cadre of the Educational Service, it was probably not intended that by its removal the concession of eligibility for the more favourable leave rules should not be applicable to the holder of that post. For this reason I refer the matter for the decision of the Government of India.

5. Mr. Nelson has suddenly been ordered home on medical certificate, and it is therefore necessary to come to a decision on the point now referred to the Government of India. I therefore request the favour of very early orders being passed on the question to admit of a last-pay certificate being prepared for him.

Mr. Nelson's Case.

Prior to the re-organisation of the Educational Department in 1896, the post of Principal, Law College, was on the non-graded list of European Educational Service with nine other appointments as given in paragraph 15 of letter from the Director of Public Instruction, No. 10313, dated 19th September 1893, read in G.O., No. 830, Educational, dated 13th November 1893. All the officers holding the appointments were subject to the Indian Services Leave Rules because article 330 (c) of the Civil Service Regulations, 2nd edition, was applicable only to the graded branch of the Educational Service. When the Educational Department was re-organised in 1896 all the other appointments referred to above as on the non-graded list except that of Principal, Law College, were transferred to the Indian Educational Service, the Government of India having accepted the view of the Madras Government that the post of Principal, Law College, should be removed altogether from the cadre of the Educational Service as it was not strictly an educational appointment—Government of India despatch to the Secretary of State, No. 351, dated 11th November 1895. While therefore all the other appointments on the non-graded list of the European Educational Service were transferred to the Indian Educational Service the post of Principal, Law College, remained as a separate and distinct appointment. The holder of the post, Mr. Nelson, therefore continues to be subject to the Indian Services Leave Rules, as it cannot be held that paragraph 11 of the Government of India despatch of 11th November 1895 stating that all educational officers appointed in England would be eligible for the more favourable leave rules is applicable to him. Mr. Nelson was engaged as Principal of the Law College for a term of five years from 2nd May 1891 to 1st May 1896.

2. During this period his pay was fixed at Rs. 1,200 per mensem, but his service was not to qualify for leave or pension—paragraph 4 of the agreement forwarded with Secretary of State's despatch No. 3, Public (Educational), dated 16th April 1891. In the advertisement inviting applications for the appointment it was stated that the Principal's salary would be paid from the College funds and that he would be permitted to take consulting or chamber practice but not court or any other kind of business.

3. The second period of Mr. Nelson's engagement extended from 2nd May 1896 to 1st May 1901. It was entered into on the same terms given above for the first period, but in addition he was permitted to draw exchange compensation allowance and to practice in the Courts of Madras City—Secretary of State's despatch No. 7, Public (Educational), dated 25th July 1895, G.O., No. 265, dated 28th April 1896, and G.O., No. 523, Educational, dated 29th August 1896.

4. Mr. Nelson is now serving under his third engagement which extends from 2nd May 1901 to 1st May 1906. He has been permitted to receive Rs. 1,250 per mensem, the maximum salary of his appointment, with exchange compensation allowance, and declared to be eligible for furlough and leave allowances after he had served two years from date of re-engagement—Government of India despatch No. 108, dated 28th March 1901, Secretary of State's despatch No. 80, Public (Educational), dated 28th June 1901, read in G.O., No. 447, Educational, dated 12th August 1901.

Section—Secretary of State's despatch No. 46,
OFI in G.O., No. 426, Educational, dated 24th
the concessions granted to officers in the Educa-
tional re-organisation of 1896 except leave under the more
favourable rules have been extended to Mr. Nelson. In none of the orders has the latter
concession been granted to Mr. Nelson. He therefore remains subject to the Indian Services
Leave Rules.

ORDER—No. 210, Educational, dated 1st April 1905.

The Government of India will be addressed.

(True Extract.)

H. D. TAYLOR,
Ag. Secretary to Government.

LETTER—No. 211, Educational, dated 1st April 1905, to the Secretary to the Govern-
ment of India, Home Department.

I am directed to address you on the subject of the specific Leave Rules applicable
to Mr. R. A. Nelson, Principal of the Madras Law College. The question was raised
in the Accountant-General's letter to the Finance Department of the Government
of India, No. G. 1425/13004, dated 27th February 1905, but that Department has
instructed him to refer it through the Madras Government.

2. A note on Mr. Nelson's case prepared by the Accountant-General is enclosed
for reference. One of the conditions of Mr. Nelson's re-engagement for a third term of
five years recommended in the despatch from the Government of India to the Secretary
of State No. 108, Finance and Commerce Department (Salaries, Establishments, etc.—
Education), dated 28th March 1901, was that Mr. Nelson should be eligible for
furlough and leave allowances after he had served two years from the date of re-
engagement. This condition among others was approved in the despatch from the
Secretary of State, No. 80, Public (Educational), dated 28th June 1901, forwarded
with Mr. Cowie's letter No. 299, Home Department (Education) of the 31st July
1901. Subsequently in the despatch from the Secretary of State, No. 46, Public
(Educational), of the 16th May 1902, forwarded with Mr. Williams's letter No. 568,
Home Department (Education) of the 9th July 1902, Mr. Nelson was allowed to count
for pension the service rendered by him from the 2nd of April 1897, a date which
should apparently be read as 2nd May 1896. Mr. Nelson reported his arrival on the
2nd May 1891.

3. In the correspondence referred to in the foregoing paragraph the question
whether the Indian or the European Services Leave Rules should be held applicable to
Mr. Nelson's case was not considered. I am directed to say that His Excellency in
Council is unaware of any reason other than the technical reasons advanced by the
Accountant-General, for subjecting the Principal of the Law College to Leave Rules
less favourable than those which apply to the members of the Indian Educational
Service, and accordingly recommends that the concession made in 1896 to other officers
in his position be extended to Mr. Nelson.

H. D. TAYLOR,
Ag. Secretary to Government.

Exd. A. F. Eccleston.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., Nos. 210, 211, EDUCATIONAL, DATED
1st APRIL 1905.

[SUBJECT.—Leave rules applicable to Mr. Nelson.]

From the Accountant-General, dated 21st March 1905, No. G. 1523/13955.

Please see the notes and orders in G.O., No. 67, Educational, dated 7th February
1905.

The draft placed below is submitted for approval.

P. T. THARYAN—26-3-05.

Type urgent.

A. GALLETTI—27-3-05.

Page 3 of the draft has been typed.

P. T. THARYAN—27-3-05.

A. GALLETTI—27-3-05.

Why is the date 1st May 1896 selected? Did Mr. Nelson only join on 1st May
1891?

In the despatch, dated 16th May 1902, the Secretary of State refers to 2nd April
1897, this being an obvious error. The Government of India letter says 2nd April
1896.

H. D. TAYLOR—28-3-05.

Mr. Nelson joined the service on 2nd May 1891 and his engagement began on
Page 564 of the History of services of this date vide—preamble of his agreement
Gazetted officers, 1904. in G.O., No. 360, Educational, dated 18th
May 1891. The period of his first
engagement thus expired on 1st May 1896 as stated at the close of paragraph 2 of the
draft.

2. The date, 2nd April 1897, mentioned in the Secretary of State's despatch, dated
16th May 1902, is a mistake for 2nd April 1896. This is based on the date of his
agreement, 2nd April 1891, but as stated above the service began not on the date of
the agreement but on the date of joining (reporting arrival) and this date is the 2nd
May 1891.

P. T. THARYAN—28-3-05.

Draft approved by Honourable Member.
Circulated to His Excellency the Governor for approval.

H. D. TAYLOR—29-3-05.

J. T[HOMSON]—30-3-05.

H. D. TAYLOR—30-3-05.

A[MPHILL]—31-3-05.

Issue.

H. D. TAYLOR—1-4-05.

[G.O., Nos. 210, 211, Educational, dated 1st April 1905.]

CURRENT No.

548



From

[Name]

W. Dobbin Esq

[Designation]

Assistant General

[Station]

Madras

No. 1523

13955

Dated

21 March

1905.

Received

22-3-1905

Enclosures

2

Registered

190

SUBJECT.

*Re the title of Mr. Wilson
Request the favour of an early reference being
made to enable this Office to issue an amended
Last Day certificate to Mr. Wilson, Principal,
Law College, Madras.*

BACK PAPERS.

8057 d/7-2-05	80477 d/14-8-05
8080 830 d/13-11-93	80265 d/28-4-1896
80479-80 d/18-95	80523 d/19-8-1896
80636 d/10-12-00	

FURTHER PAPERS.

808059 d/12-8-01	80447 d/12-8-01
80223	80426 d/24-7-02

To

The Secretary to Government,

Educational Department.

Sir,

In Endorsement No.A.D.H./332, dated 4th January 1905, on letter from the Director of Public Instruction my office reported that Mr. Nelson, Principal of ^{the} Law College, was eligible for leave under the Indian Services Leave Rules. Although there can be no question that for the reasons embodied in G.O.No.67, dated 7th February 1905, the European Services Leave Rules are not applicable to Mr. Nelson it occurred to me that it might not have been the intention of the Government of India that the removal of the appointment held by him from the Cadre of the Educational Service should debar him from the privilege of obtaining leave under the more favourable leave rules, which was extended to other officers of the Educational Department who were similarly situated at the time of the reorganisation of that Department in 1896. For this reason and in view of the fact that the principle appears to have been accepted by the Secretary of State that Educational officers appointed in England are eligible for the more favourable rules, I considered it advisable to refer for the decision of the Government of India the question whether the European Services or the Indian Services Leave Rules are applicable to Mr. Nelson. I enclose for the information of Government a copy of my letter to the Government of India, No.C.1425/13004,

dated

READ AGAIN G.O., No. , dated

" " " " " " " "

READ ALSO:-

C. No. 548, From the *ag.*, No. *1523*/*13955*, dated *21-3-* 1905.

" " " " " " " " 190

" " " " " " " " 190

ORDER

No. 210, dated 1-4-1905.

PS.

31-3-05

*copy letter in hand
+ print.
1/4/5*

*Despo
3/4/5*

The Govt of India will be addressed.

42301

2613/5

Letter No. 211 dated 1-4-05

To the Secretary to the Govt of India
(Home Deptt)

Sir,

I am directed to address you on the subject of the specific Leave rule applicable to Mr. R.A. Nelson, Principal of the Madras Law College. The question was raised in the Accountant General

Pages 5-7 of Lt.

Pages 9 & 10 of Lt.

In 80.410 447 d/12-8-01 F

80

80

In 80. no 426 d/ 24-7-02. G.

Port of India no 9 1425-1300 is
27th February 1905 but that Despatch
has instructed him to refer it through
the Madras Govt.

2. A note on Mr. Nelson's case
prepared by the Accountant General
is enclosed for easy reference. One of the
conditions recommended by Mr. Nelson
re-engagement for a third term of
five years recommended in the Despatch
from the Port of India to the Secretary of
State no 108 Finance & Commerce Deptt
(Salaries, Establishments &c - Education)
dt 28th March 1901 was that Mr. Nelson
should be eligible for furlough & leave
allowances after he had served two
years from the date of re-engagement.
This condition among others was approved
in the Despatch from the Secretary of State
no 80 Public (Educational) dt 28th
June 1901 forwarded with Mr. Cowie's
letter no 299 Home Deptt - Education
of the 21st July 1901. Subsequently in
the Despatch from the Secretary of State
no 46 Public (Educational) of the 16th May
1902 forwarded with Mr. Williams's
letter no 568 Home Deptt - Education
of the 9th July 1902 Mr. Nelson was ^{allowed}

[S. 13. de p. 111 cap 2 April 197
which seems to be wrong]

the second of April 1894,
a date which ~~is~~ should
apparently ~~be~~ be
read as 2nd May 1896.
Mr Nelson reported his
arrival on the 2nd May
1891.

allowed to count for pension the ser-
vice rendered by him ~~from~~ ^{from} the expira-
tion on 1st May 1896 of the period of
his first engagement. J

3. In the correspondence referred
to in the foregoing paragraph the ques-
tion whether the Indian or the Euro-
pean Services Leave Rules should be
held applicable to Mr. Nelson's case was
not considered. I am directed to say
that His Excellency in Council is un-
aware of any reason other than the
technical reasons advanced by the Ac-
countant General for subjecting the
Principal of the Law College to Leave
Rules less favourable than those which
apply to the members of the Indian Edu-
cational service, and accordingly re-
commends that the concession made in
1896 to other officers in his position
be extended to Mr. Nelson.

A.G.
27-3-5.

28.3.05
U
303.05

31-3-05

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[Handwritten text, possibly a date or reference]

[Handwritten text, possibly a list or notes]

[Handwritten text, possibly a date or reference]

Despatch for signature.

Despatched in print.

READ AGAIN G.O., No.
190 .

, DATED

CURRENT No.

9 P
Part 1-28

Print with notes
show part 1-28

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—

- A = Print in full.
- B = Not to be printed.
- P = Print abstract only.
- Q = Print heading only.