Educational (1906) Department.

1

ORDINARY PRINTED.

G.O., No. 561-2

DATED 24-8-06

29

[Despatch Abstract.]

Mr J Webster - Addressing the Government of India on the subject of the grant of leave to Instructor in Mechanical Engineering, Engineering College, Madras, on half pay from the 1st of May to the 31st of July 1906, under the note to rule 1 under clause (O) of art 196 of the Civil Service Regulations.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.	1906.	*Enclosures*
Regd.		*Spare copies*

G.O., &c., Nos. 561, 562, 24th August 1906.

Mr. J. Webster.

Addressing the Government of India on the subject of the grant of leave to —, Instructor in Mechanical Engineering, Engineering College, Madras, on half pay from the 1st of May to the 31st of July 1906, under the note to rule 1 under clause (c) of article 196 of the Civil Service Regulations.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—the following papers :—

I

Letter—from W. Dobbie, Esq., Accountant-General.
To—the Secretary to Government, Educational Department.
Dated—the 9th July 1906.
No.—G. 587/4119.

I have the honour to report the following case for orders.

Mr. J. Webster, Instructor in Mechanical Engineering in the College of Engineering, Madras, was re-engaged for a further term of five years from the 30th January 1906 on a pay of Rs. 450 per mensem on the old conditions and subject to the further condition that in the event of his having to take leave, the arrangement will terminate—*vide* G.O., No. 38, Educational, dated 20th January 1906. It is now reported that owing to ill-health he has not joined duty after the vacation of the College which commenced on the 1st May and ended on the 1st July 1906 inclusive.

2. As under article 264, Civil Service Regulations, the right to receive allowances during vacation is contingent on an officer returning to duty except when the vacation is combined with leave and as in the present case the officer is not entitled to any leave, no allowance is admissible during any part of the vacation.

Mr. Webster has already drawn allowances for May, which I have placed under objection pending receipt of the orders of Government. His bill for June has been returned unpassed.

II

Letter—from Colonel H. D. Love, r.e., Principal, College of Engineering, Madras.
To—the Director of Public Instruction, Madras.
Dated—the 13th July 1906.
No.—403-C.

I have the honour to forward an application from Mr. J. Webster, Instructor in Mechanical Engineering, for leave from 2nd to 31st July 1906, in continuation of the vacation. The application is supported by a certificate countersigned by the Civil Surgeon, Ootacamund, which states that Mr. Webster is suffering from enteric fever, and that leave to 31st of July is necessary.

2. Under the terms of Mr. Webster's contract—*vide* your Ref. on C. No. 4077 of 1905, dated 30th January 1906, it appears that in the event of his having to take leave the agreement will terminate. I take it however that these words were intended to relate to leave out of India, and that they were not intended to apply to a case like the present. Your early instructions on this point are requested.

3. I learn that the Accountant-General has disallowed Mr. Webster's pay for June, and that he holds his pay for May under objection. I have the honour to enquire whether Mr. Webster may be allowed to resume duty at the termination of the period specified in the medical certificate.

4. Under the column in leave application headed "Section of Civil Service Regulations under which leave is applied for," I have entered article 196, note, as this appears to govern the case. I am of opinion that Mr. Webster has exhibited such special ability that it is desirable on public grounds to retain him.

5. I would bring to notice that Mr. Webster was required to remain on duty during the vacation of May and June 1905—*vide* my No. 275-C, dated 20th May 1905—and I hope that it may be found possible to take this circumstance into account, when considering the leave which may be granted him on the present occasion.

III

Endorsement, N. Ref. on Cur. No. 5346, dated 27th July 1906.

Submitted to Government through the Accountant-General.

A. G. Bourne,
Director of Public Instruction.

IV

Endorsement No. A.D.H./34, dated 3rd August 1906.

Forwarded in continuation of this office letter No. G-587/4119, dated 9th July 1906.

2. Although paragraph 9 of Mr. Webster's original agreement contemplated the possibility of his being absent from duty by reason of sickness or on leave the understanding on which he has been re-engaged as stated in G.O., No. 38, Educational, dated 20th January 1906, is that he should have no leave at all. The sanction of the Government of India will, therefore, be necessary under article 196 (1) of the Civil Service Regulations to the grant of leave under the note to that article.

3. It may be mentioned that as Mr. Webster did not return to duty immediately after the vacation of the College which extended from 1st May to 1st July 1906, any leave granted to him will reckon from the commencement of the vacation as vacation can only be combined with other leave if the combined period is for not less than six months under article 277.

4. As regards the fact that he did not avail himself of the vacation of 1905, it is observed that any privilege leave which but for his agreement he might have earned thereby cannot be combined with vacation under article 272.

W. Dobbie,
Accountant-General.

To the Secretary to Government, Educational Department.

V

Telegram—from the Secretary to Government, Educational Department.
To—the Principal, College of Engineering, Madras.
Dated—11th August 1906.
No.—37.

Has [Mr.] Webster rejoined and [if so] on what date?

VI

Telegram—from the Principal, College of Engineering, Madras.
To—the Secretary to Government, Educational Department.
Dated—the 11th August 1906.

Your No. 37. [Mr.] Webster rejoined 1st August.

Order—No. 561, Educational, dated 24th August 1906.

The Government of India will be addressed.

(True Extract.)

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

To the Director of Public Instruction.
,, Accountant-General.

Letter—from H. D. TAYLOR, Esq., I.C.S., Acting Secretary to the Government of Madras, Educational Department.
To—the Secretary to the Government of India, Home Department.
Dated—Ootacamund, the 24th August 1906.
No.—562., Educational.

I am directed to address the Government of India on the subject of an application for leave received from Mr. J. Webster, Instructor in Mechanical Engineering in the College of Engineering, Madras.

2. Mr. Webster was selected for the post by the Secretary of State on a salary of Rs. 350 per mensem and sent out on an agreement for five years. The agreement was enclosed in the despatch from the Secretary of State to the Government of India, No. 6, dated 1st March 1901, copy of which was forwarded with Mr. Williams' letter No. 137, Education, dated 16th April 1901. At the end of the period Mr. Webster was, under the sanction conveyed in the Secretary of State's telegram, dated 1st January 1906, a copy of which was forwarded with the Home Department Endorsement No. 16 (Education), of the 13th idem, re-engaged for a further period of five years on a salary of Rs. 450 per mensem on the former conditions except as regards salary but subject to the further condition that in the event of his having to take leave the arrangement would terminate.

3. Owing to an attack of enteric fever Mr. Webster was unable to rejoin on the expiry of the College vacation which commenced on the 1st of May and ended on the 1st of July 1906. He was permitted to rejoin on the 1st of August and has submitted an application for leave, supported by a medical certificate, from the 2nd to the 31st of July. The Accountant-General reports that, under the note to rule 1 under clause (*o*) of article 196 of the Civil Service Regulations, the sanction of the Government of India is necessary to the grant of this leave and that, as Mr. Webster did not return to duty immediately after the vacation of the College, any leave granted to him should reckon from the commencement of the vacation. A copy of the Accountant-General's endorsement is enclosed.

4. His Excellency in Council considers that this is a hard case and I am accordingly directed to request that the Government of India will be pleased to sanction the grant of leave to Mr. Webster on half-pay from the 1st of May to the 31st of July 1906 under the note to rule 1 under clause (*o*) of article 196 of the Civil Service Regulations. The Principal of the College reports that Mr. Webster has exhibited such special ability that it is desirable on public grounds to retain him.

NOTES CONNECTED WITH G.O., Nos. 561, 562, EDUCATIONAL, DATED 24TH AUGUST 1906.

[Subject.—*Grant of leave to Mr. Webster, Instructor in Mechanical Engineering, College of Engineering, from 1st of May to 31st July 1906.*]

From the Accountant-General, dated 9th July 1906, *No. G.*-587/4119.

Mr. Webster was first appointed on a five years' agreement in 1901—*vide* G.O., No. 236, Educational, dated 2nd May 1901. He was to count his salary from the 30th of January 1901. His term of five years, therefore, ended by the 29th of January 1906. But his services were re-engaged for a further period of five years on a pay of Rs. 450 a month from the 30th January 1906. This re-engagement was made "on the old conditions and subject to "the further condition that in the event of his having to take leave the arrangement "will terminate."

G.O., No. 38, Educational, dated 20th January 1906.

2. The long vacation of the College of Engineering began on the 1st May 1906 and the College reopened on the 2nd July 1906. Mr. Webster, it is stated, could not join his duty on the day of reopening of the College owing to ill-health. The Accountant-General states that as under Article 264, Civil Service Regulations, "the "right to receive allowances during vacation is contingent on an officer returning to "duty except when the vacation is combined with leave and as in the present case "the officer is not entitled to any leave no allowance is admissible during any part of "the vacation."

3. Mr. Webster has already drawn his pay for May; but it is kept under objection by the Accountant-General pending the orders of Government, as to the validity of his claims thereto under the circumstances. The bill for June has been returned unpassed.

4. It is for orders as to whether the Director of Public Instruction may be asked u.o. to offer his remarks on the question.

P.R.—14-7-06.

It appears that Mr. Webster came up to Ootacamund for the holidays and is now laid up here on account of an attack of enteric.

2. The condition that in the event of Mr. Webster's taking leave during the further period of his engagement the arrangement will terminate, was imposed under the orders contained in the notes with G.O., No. 446, Educational, dated 30th June 1905. The expression used was "if he goes or has to go on leave." This seems to include leave on account of illness also. It seems hard that he should lose pay for the vacation period also but before considering whether the Government of India should be addressed on this subject the Director's opinion may be asked u.o. The Secretary has already directed that a reference should be made to him—*vide* orders on the current itself.

P. T. Tharyan—14-7-06.

If there were any possibility of Mr. Webster's rejoining his duties at an early date the absence from duty might be specially treated as leave or condoned without loss of vacation pay; but if, as stated, Mr. Webster is laid up with enteric, it seems exceedingly doubtful whether he will be fit for duty for some time to come, and whether he will not have to go to England.

H. D. Taylor—15-7-06.

To the Director of Public Instruction for remarks.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION.

I learn from Colonel Love that Mr. Webster has returned to Madras and the Civil Surgeon reports that he will be fit to return to duty on the 31st instant. I hope it will therefore be possible to accord special treatment to his case. I am submitting an application for leave from 2nd to 31st July and permitting him to rejoin (at his own risk) on the 1st August.

A. G. BOURNE—22-7-06.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

See Mr. Nelson's case.

The leave application may be awaited but this is another case of leave combined with vacation.

H. D. TAYLOR—25-7-06.

From the Director of Public Instruction, dated 27th July 1906, *No.* 5346.

Under clause (10) of Mr. Webster's original agreement printed with G.O., No. 236, Educational, dated 2nd May 1901, he was not entitled to any pension or gratuity on retirement but clause (5) provided "that the party of the first part will not on any "pretence absent himself from his duties without having first obtained the permission "of Government or its authorized officers," and clause (9) "that if the party of the first "part shall observe and comply with all the provisions of these presents there shall "be paid to him for such a time as he shall be actually in the service and perform his "duties a salary at and after the rate following, viz., Rs. 350 per mensem. But that "in the event of his temporary absence from duty by reason of sickness or on leave "or otherwise he shall be paid such salary only as shall be determined by the rules "from time to time in force in the department to which he shall for the time being "belong." Under this agreement therefore Mr. Webster was eligible for leave—sick-leave or other leave.

2. In G.Os., No. 446, Educational, dated 30th June 1905, and No. 38, Educational, dated 20th January 1906, the further concession was granted and the condition imposed that Mr. Webster's pay would be raised by Rs. 100 but that in the event of his having to take leave the arrangement would terminate. The re-engagement was otherwise on the conditions on which he was originally engaged. Is not the real effect of Mr. Webster's taking leave therefore that he thereby loses his increase and that otherwise he continues to serve on the terms contained in his original agreement? If so, the Local Government can grant him leave under that agreement with such leave allowance as he may be entitled to under the rules to which he belongs. These rules are those for Indian services contained in Chapter XIV of the Civil Service Regulations. Mr. Webster does not belong to the old graded or to the Indian Educational Service and cannot therefore come under the European Service rules. Under the Indian Service rules an officer on leave on medical certificate can draw half average salary for the first fifteen months—article 340 (*a*).

This was not the spirit of the new agreement. We cannot revert to the terms of the old agreement.

H. D. TAYLOR.

Article 297 (*c*) and (*d*), Civil Service Regulations, Fourth Edition and article 330 (*c*) of the Second Edition.

3. If Mr. Webster has to retain the increase and take leave for the period during which he was absent, this may be done under article 196 (*o*) (1) of the Civil Service Regulations under which leave for a period not exceeding six months and on allowances not exceeding half pay may be given. But in that case the sanction of the Government of India is necessary under the note to that article as pointed out by the Accountant-General. Leave from the commencement of the vacation (1st May 1906) to the 31st July 1906 may therefore be recommended to the Government of India on half average salary which is what an officer similarly placed is entitled to under ordinary circumstances.

Page 9, Engineering College Calendar for 1906.

P. T. THARYAN—7-8-06.

C. G. MACKAY—8-8-06.

In paragraph 3 of his letter the Principal, College of Engineering asks whether Mr. Webstor may be allowed to rejoin duty at the expiry of the term mentioned in the medical certificate—*i.e.*, on 1st August. The Principal may be asked by telegram whether Mr. Webster has actually rejoined, and on what date. The Director of Public Instruction stated that he was permitting him to rejoin.

H. D. TAYLOR—11-8-06.

The telegram placed below to the Principal of the College of Engineering may be despatched.

H. D. TAYLOR—11-8-06.

Telegram No. 37, *dated 11th August* 1906.

Telegram from the Principal, College of Engineering, dated 11th August 1906.

The Principal, College of Engineering, states that Mr. Webster rejoined on 1st August 1906.

P. T. THARYAN—11-8-06.

C. G. MACKAY—13-8-06.

India may be asked to sanction the grant of leave to Mr. Webster from 1st May 1906 to 31st July 1906 on half pay under article 196/(*o*), note 1, Civil Service Regulations.

Vide Accountant-General's letter, dated 3rd August 1906, No. A.D.H./34.

H. D. TAYLOR—14-8-06.

Yes, a hard case.

G. S. F[ORBES]—16-8-06.

Please draft.

H. D. TAYLOR—16-8-06.

The draft placed below is submitted for approval.

P. T. THARYAN—17-8-06.

C. G. MACKAY—18-8-06.

Type please.

H. D. TAYLOR—19-8-06.

Typed and resubmitted.

P. T. THARYAN—20-8-06.

H. D. TAYLOR—21-8-06.
G. S. F[ORBES]—21-8-06.
L[AWLEY]—23-8-06.

Issue.

H. D. TAYLOR—24-8-06.

[G.O., Nos. 561, 562, Educational, dated 24th August 1906.]

A

[E.]
1,500—12-12

G.O. No 561-562
24-8-06

EDUCATIONAL DEPARTMENT.

6

CURRENT FILE.

CONTENTS.

	From	Number.	Date.	Pages.
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[1324].	Principal, College of Engg.	Tel	4-8-06	

[P. T. O. FOR PUT UP PAPERS.

PAPERS PUT UP WITH CURRENT No.

Papers of the department to which the current belongs.

Number.	Date.	Original (=O) or spare copy (=S. C.).	Remarks. (In this column such of the papers as have been removed for copying, printing, &c., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.
383-84	1-6-06			
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627	16-9-05			
573-74	22-8-05			
446	30-6-05			
370	1-6-05			
196	29-3-05			
109-110	21-2-05			
236	2-5-01			
~~126~~	~~5-3-01~~			
439-40-	8-9-00.			

Papers of other departments.

Department.	Number.	Date.	Original (=O) or spare copy (=S. C.).	Despatcher to note the return of the papers to the departments concerned.

No 38 = 20-1-06 copy
" 833/05 copy
" 573-4 of 05 copy

Ed

Stock Form No. 135
3,700—[illegible]-6-05.

CURRENT No. 1113.

Recd 11/7

7

EDUCATIONAL DEPARTMENT.

Received .... 190 , Registered 10 JUL 1906 190 .

LOCAL & MUNICIPAL SECRT.

Subject.

Stating that no allowance is admissible to Mr J. Webster Instructor in Mechanical Engineering in the college of Engineering Madras since he has not joined duty after the vacation contrary to the condition that his arrangement will terminate in the event of his having to take leave

ENCLOSURES.

No.

Spare copies

No. G587
4119

Station Madras, Dated the 9 July 1906.

From (Name) W. Dobbie, Esq.,

(Designation) Accountant-General

DPI for report
by [illegible]

To The Secretary to the Government of Madras,
Educational Department.

Sir,

I have the honour to report the following case for orders.

Mr. J. Webster, Instructor in Mechanical Engineering in the College of Engineering, Madras, was re-engaged for a further term of 5 years from the 30th January 1906 on a pay of Rs.450 per mensem on the old conditions and subject to the further condition that in the event of his having to take leave, the arrangement will terminate. Vide G O. No 38 Edl., dated 20th January 1906. It is now reported that owing to ill-health he has not joined duty after the vacation of the College which commenced on the 1st May and ended on the 1st July 1906 inclusive.

B

2. As under Article 264, Civil Service Regulations

Regulations the right to receive allowances during vacation is contingent on an officer returning to duty except when the vacation is combined with leave and as in the present case the officer is not entitled to any leave no allowance is admissible during any part of the vacation.

Mr. Webster has already drawn allowances for May, which I have placed under objection pending receipt of the orders of Government. His bill for June has been returned unpassed.

I have the honour to be,
Sir,
Your most obedient servant,

W. Dobbie
Accountant-General.

B./1 400—14-3-06.

No. 403. c

Dated 13 July 1906.

From

Colonel H. D. LOVE, R.E.,
Principal, College of Engineering, Madras,

To The Director of Public Instruction
Madras.

Sir,

Enclosures. 2

I have the honor to forward an application from Mr. J. Webster, Instructor in Mechanical Engineering for leave from 2nd to 31st July 1906, in Continuation of the Vacation. The application is supported by a certificate Countersigned by the Civil Surgeon Ootacamund, which states that Mr. Webster is Suffering from Enteric fever, and that leave to 31st of July is necessary.

2. Under the terms of Mr. Webster's Contract vide your Ref. on C. No 4077 of 1905, dated 30th January 1906, it appears that in the event,

+ 2769 / 27.4.6

event of his having to take leave the agreement will terminate. I take it however that these words were intended to relate to leave out of India, and that they were not intended to apply to a case like the present. Your early instructions on this point are requested.

3. I learn that the Accountant General has disallowed Mr. Webster's pay for June, and that he holds his pay for May under objection. I have the honor to enquire whether Mr. Webster may be allowed to resume duty at the termination of the period specified in the medical certificate.

4. Under the Column in Leave application headed "Section of Civil Service Regulations under which leave is applied for", I have entered article 196 note, as this appears to govern the case. I am of opinion that Mr. Webster has exhibited such

Special

special ability that it is desirable on public grounds to retain him.

(5) I would bring to notice that Mr. Webster was required to remain on duty during the vacation of May and June 1905, Vide. My No. 275 C dated 20th May 1905, and I hope that it may be found possible to take this circumstance into account, when considering the leave which may be granted him on the present occasion.

I have the honor to be,
Sir,
Your most obedient Servant,
Col. R.E.,
Principal

ae
13.7.56

Department of Public Instruction
Engineering College Madras

No 403. C Dated 13 July 06

DIRECTOR OF PUBLIC INSTRUCTION
14 JUL 1906
C.5346/6
MADRAS.

Despatched 13 July 06 Encl. 2

Received.

Application for Leave (other than Casual)

Recommending the ——— on behalf of J. Webster Esq. Instructor in mechanical Engineering from 2nd July to 31st July 1906.

Edl. R. F/3 …0—15-9-03

PUBLIC INSTRUCTION OFFICE, MADRAS.

Please quote this in the reply.

Ref. on C. No. 5346 of 1906.
Dated 27th July 1906.

Current No. 5346 of 1906, From The Principal, College of Engineering, Madras No. 403/C dated 13-7-06

Submitted to Government through the Accountant-General.

For Director of Public Instruction

J.P. 22-7-06

N.V.S.

O. F. 23
500—10-4-06.

12 11 458

IV

Gazetted Audit Department.

Office of the Accountant=General, Madras,
Fort St. George, the 8th *of* Augt 1906.

No. $\frac{\text{A.D.H.}}{34}$

From

W. DOBBIE, Esq.,
ACCOUNTANT-GENERAL, MADRAS,

It w. appear necessary to grant Mr Webster sick leave on 1/2 pay from the commencement of vacation to the date of reopening

ENDORSEMENT.

Forwarded in continuation of this office letter no $\frac{G587}{4119}$ d: 9th July 06.

G.O. no. $\frac{236}{2\text{-}5\text{-}01}$ J Although paragraph 9 of Mr. Webster's original agreement contemplated the possibility of his being absent from duty by reason of sickness or on leave the understanding on which he has been reengaged as stated in Govt. order no. B. 38 Educational d: 20th January 1906. is that he should have no leave at all. The sanction of the Govt. of India will, therefore, be necessary under article 196 (1) of the Civil Service Regulations to the grant of leave under the note to

Assistant ~~Accountant-General,~~
for ~~Accountant-General.~~

To

The Secretary to Govt.
Educational
~~Depart~~

13 12 1

O. F. 23
500—10-4-06

Gazetted Audit Department.

Office of the Accountant-General, Madras,
Fort St. George, the 3rd *of* Augt 190 6.

No. A.D.H.

68

From

W. DOBBIE, Esq.,
ACCOUNTANT-GENERAL, MADRAS,

ENDORSEMENT.

that article.

It may be mentioned that as Mr. Webster did not return to duty immediatily after the vacation of the College which extended from 1st May to 1st July 1906, any leave granted to him will reckon from the commencement of the vacation and vacation can only be combined with other leave, if the combined period is for not less than six months under article 277.

As regards the fact that he did not avail himself of the vacation of 1905, it is observed that any privilege leave which

Assistant Accountant-General,
for *Accountant-General.*

To

O. F. 23
500—10-4-06.

Gazetted Audit Department.

Office of the Accountant-General, Madras,
Fort St. George, the 3 *of* Augt 1906.

7 8

No. A.D.H./34

From

W. DOBBIE, Esq.,
Accountant-General, Madras,

ENDORSEMENT.

but for his agreement he might have earned thereby cannot be combined with vacation under art 272.

Assistant Accountant-General,
for Accountant-General.

To

To The Secretary to Govt.
Educational
Department

Educational Departt

Telegram from the Secretary to Govt. Educational Departt to the Principal College of Engineering, Madras, No 37 dt 11th August 1906.

"Has Webster rejoined and on what date."

—

R 15 Rej 11/8

ock
8,700

Ed CURRENT No. 1324

VI

15
9 P

INDIAN TELEGRAPHS.

Code Class. DS

Monthly Number. 1017

To (Office) Ootacamund

From (Office) Ms Chepauk.

Words.	Day.	Hour.	Minute.	Official Instructions.
6/2	11	16	10.	Ofe.

To (Person) Madras. Educational

From* (Person) Principal Engineering College

LOCAL & MUNICIPAL
11 AUG 1906
SECRETARIAT.

Your number 37. Webster rejoined first august.

32 Word Form.

F.C.I.

W
11/8

Recd. from LN. At Hrs. Mts. by

Sent to LN. At Hrs. Mts by

Telegraph Master.

* In foreign telegrams the *Person from*, if telegraphed, should be written after, but separated from the text.

G G P—No 465 T—13 10 1905—9600000

OOTACAMUND 11-8 06

Edl INDEXED 3 CURRENT No. 1288

Stock Form No. 135
3,700—17-6-05.

EDUCATIONAL DEPARTMENT. 16

Received .... 190 , *Registered* 6. 8. 1906

Subject.

Submitting an application for leave on medical certificate on behalf of Mr. J. Webster, Instructor in Mechanical Engineering College of Engineering, Madras.

ACCOUNTANT GENERAL'S OFFICE
23 JUL 1906
MADRAS

ENCLOSURES.	
No.	2
Spare copies	

N. Ref on Current No. 5346/06

Station Madras, *Dated the* 27th July 1906.

From (Name) The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.

(Designation) Director of Public Instruction,
Madras

To The Secretary to the Government of Madras,
Educational Department.

/Through
The Accountant-General/

Sir,

B

Ed
30/7

Application for leave of absence (other than casual leave) on behalf of Mr. J. Webster, Instructor in Mechanical Engineering College of Engineering, Madras.

Name of Applicant.	Designation.	Salary per mensem.	Sections of the latest edition of the Civil Service Regulations under which leave is applied for.	Period.	Amount of leave allowance—monthly rate.	Name of substitute, if any.	Amount to be paid to substitute—monthly rate.	Several kinds of leave (except casual) enjoyed by the applicant during his whole service, together with the period of each leave.	In the case of applications for privilege leave, the amount of casual leave enjoyed during the period qualifying for privilege leave.	Recommendation of the Inspecting officers, &c., and remarks as to the eligibility of the applicant for leave.	Decision of the Inspector or the Director.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13
		RS. A. P.			RS. A. P.		RS. A. P.					
Mr. J. Webster	Instructor in Mechanical Engineering, College of Engineering, Madras	450 - -	C. S. Regs, Art. 196, N.R.	One month (2nd July to 31st July inclusive)				Nil		Recommended H. D. Love Col. R.E. Principal.		

DECLARATION.—I hereby declare that I have no intention of retiring or of taking furlough, special leave, subsidiary leave, leave on private affairs, or leave on medical certificate, for three months after my return to duty.

Signature of the Applicant. J. Webster
Instr. in Mechl Engg
College of Engg
Madras

NOTE.—(i) The record of service verified up to date should invariably accompany this application
(ii) The declaration should be signed when the application is for privilege leave.

6

CIVIL MEDICAL FORM No. 31.

(*Vide* Paras. 478, 481 and 482, C. M. C.)

"Non-Gazetted Officers."

HS
10.7.06

No. 51.

19

Medical Certificate.

I, ______________________________

______________ do hereby certify that ______________

Mr. John Webster

is in a bad state of health, and I solemnly and sincerely declare that, according to the best of my judgment, ~~a change of air is essentially necessary to his recovery,~~ ~~and that~~ the circumstances of his case are such as to render leave of absence ~~for a period of~~ ______________ highly desirable, ~~the leave to date from~~ to the 31st July 1906

Left thumb impression.

STATION, Ootacamund
6th July 1906.

B Harris — *Name.*
Asst Surgeon — *Rank.*
Designation.

B.

No. ______________ of 190 .

Countersigned.

C H Pelk
Major IMS
Civil Surgeon

Ootacamund
6th July '06

Surgeon-General,

Surgeon-General with the Government of Madras.

MADRAS, ______________ 190 ______________

[P. T. O.

Statement of case of Mr. John Webster

Rank and Name Instructor in Mechanical Engineering

Department The College of Engineering, Madras

Age 29 years

Disease Enteric fever

Habits Temperate

Total service 5 ½ years

Amount of previous sick leave with dates Nil

Date of return from last sick leave and from what station Nil

MEDICAL HISTORY

The nature of present illness, its symptoms, causes and duration, &c., should be stated here.

Mr. Webster first took to his bed on the 16th June, from which date he has been ailing from continuous fever with severe headache, abdominal distension, & constipation. For a week previously he was feeling "out of sorts". The temperature ranges between 101 & 104 with slight morning remissions; the tongue is thickly coated & white, & is said to be more or less so even in health. For the past few days the temperature has been normal in the mornings with a slight evening rise.

B. H.

[L & M. / 56]
1,[illegible]-30-11-05

LOCAL AND MUNICIPAL DEPARTMENT.

NOTE FILE.

2

[Notes connected with G.O. No. 561/562 Edn dated 24-8-

[E.A / 2.]
1,000—29-5-06.

EDUCATIONAL DEPARTMENT.

C. No. 1113 From the Accountant-General No. G.587/4119, dated 9-7-1906.

SUBJECT.

Grant of leave to ~~Enquiring whether~~ Mr. Webster, Instructor in Mechanical Engineering, College of Engineering, from 1st of May to 31st July 1906 ~~Can have any right for allowances during the vacation seeing that he did not join his duty on the date of reopening of the College.~~

Press
Please print & show proof
M.H. 29-8-06

J. Mr. Webster was first appointed on a five years' agreement in 1901 — vide G.O. No. 236 Edn dated 2-5-1901. He was to count his salary from the 30th of January 1901. His term of five years therefore ended by the 29th of January 1906. But his services were re-

G.O. No. 38 Edn. 20-1-06. B. engaged for a further period of five years on a pay of Rs 450 a month from the 30th January 1906. This re-engagement was made "on the old conditions and

ibid "subject to the further condition that in the event of his "having to take leave the arrangement will terminate."

Vide pages 9 & 11 of the Calendar for 1906. 2. The long vacation of the College of Engineering began on the 1st May 1906 and the College reopened on the 2nd July 06. Mr. Webster, it is stated, could not join his duty on the day of reopening of the College owing to ill-health. The Accountant-General states that as under Art: 264 C.S.R. "the right to receive allowances during vacation is con-"tingent on an officer returning to duty except when the "vacation is combined with leave and as ~~he~~ in the present "case the officer is not entitled to any leave no allowance "is admissible during any part of the vacation".

3. Mr. Webster has already drawn his pay for

May; but it is kept under objection by the Accountant General pending the orders of Government, as to the validity of his claims thereto under the circumstances. The bill for June has been returned unpassed.

4. It is for orders as to whether the D.P.I may be asked u.o to offer his remarks on the question.

V.B.I
14/7/6

Mr. Webster was first appointed on a five years [illegible] 1901 [illegible] by [illegible] 1901. He [illegible] from the 30th of January 1901. The term of five years therefore ended by the 29th of January 1906. He was then re-engaged for a further period of five years on a pay of Rs. 450 a month from the 30th January 1906. The re-engagement was made on the condition that [illegible] the leave [illegible] terminate.

2. The long vacation of the College began on the 1st May 1906 and the College reopened on the 2nd July. Mr. Webster, it is stated, did not join his duty on the reopening of the College owing to ill-health. The Accountant General [illegible] under Art. 180 C.S.R. the right to vacation allowance during vacation is contingent on an officer returning to duty except when the vacation is [illegible] [illegible] case the officer is not entitled to [illegible] is admissible [illegible]

G.O. 446 E.D.
30-6-05

Vide pages 9 & 11 of the Calendar for 1906.

2028

may; but it is kept under objection by the Accountant General pending the orders of Government, ~~as~~ as to ~~the~~ ~~validity of~~ his claims thereto under the circumstances. The bill for June has been returned unpassed.

V.B.I
14/7/6

4. It is for orders as to whether the D.P.I may be asked u.o to ~~offer~~ his remarks on the question.

V.B.I
14/7/6

It appears that Mr. Webster came up to Ootacamund for the holidays and is now laid up here on account of an attack of enteric.

2. The condition that in the event of Mr. Webster's taking leave during the further period of his engagement the arrangement will terminate, was imposed under the orders contained in the notes with G.O. No 446 E.D. of 30th June 1905. The expression used was "if he goes or has to go on leave". This seems to include leave on account of illness also. It seems hard that he should ~~leave~~ lose pay for the vacation period also but before considering whether the Govt. of India should be addressed on this subject the Director's opinion may be asked u.o. The Secretary has already ~~marked~~ directed that a reference should be made to him - vide orders on the current itself.

Agree
14/7/6

If there were any possibility of Dr Webster rejoining his duties at an early date the absence from duty might be specially treated as leave or condoned without loss of vacation pay.

22 38

but if, as stated, Mr Webster is laid up with enteric, it seems exceedingly doubtful whether he will be fit for duty for some time to come, and whether he will not have to go to England.

LOCAL & MUNICIPAL
25 JUL 1906
SECRETARIAT.

To the
D.P.I. for opn. remarks.

dep 16/7/6

H.W.T. Aayler
16-7-06.

Ed(u) no. 518 Ds
16.7.06

Offg. Under Secy. D.P.I.

Ed. Ack. 37 Dy 24-7-06

I learn from Col. Lane that Mr Webster has returned to Madras and the Civil Surgeon reports that he will be fit to return to duty on the 31st instant. I hope it will therefore be possible to accord special treatment to his case.

I am submitting an application for leave from 2nd to 31st July and permitting him to rejoin (at his own risk) on the 1st August.

A. Bourne
22. 7. 6

Local & Munl. Dept.

The leave application may be awaited. but this is another case of leave combined with vacation

See Mr. Nelson's case.

H.W.T. Aayler
25-7-06.

R
notes 561-62 Edl

23 48

From the Director of Public Instruction, No.5346,
dated 27th July 1906.

J. Under clause (10) of Mr. Webster's original agreement printed with G.O. No.256 Edl., dated 2nd May 1901, he was not entitled to any pension or gratuity on retirement but clause (5) provided "that the party of the first part will not on any "pretence absent himself from his duties without "having first obtained the permission of Government "or its authorized officers,"- and clause(9) "that "if the party of the first part shall observe and "comply with all the provisions of these presents "there shall be paid to him for such a time as he "shall be actually in the service and perform his "duties a salary at and after the rate following, "viz, Rs.350 per mensem. But that in the event of "his temporary absence from duty by reason of sickness or on leave or otherwise he shall be paid such "salary only as shall be determined by the rules "from time to time in force in the department to "which he shall for the time being belong." Under this agreement therefore Mr. Webster was eligible for leave - sick leave or other leave.

C. 2. In G.Os. No.446 Edl., dated 30th June 1905,
B. and No.38 Edl., dated 20th January 1906, the further concession was granted and the condition imposed that Mr. Webster's pay would be raised by Rs.100 but that in the event of his having to take leave the arrangement would terminate. The re-engagement was otherwise on the conditions on which he was originally engaged. Is not the real effect of Mr. Webster's taking leave therefore that he thereby loses his increase and that otherwise he continues

to

This was not the spirit of the new agreement, we cannot revert to the terms of the old agreement

to serve on the terms contained in his original agreement? If so, the Local Government can grant him leave under that agreement with such leave allowance as he may be entitled to under the rules to which he belongs. These rules are those for Indian services contained in chapter XIV of the Civil Service Regulations. Mr. Webster does not belong to the old graded or to the Indian Educational Service and cannot therefore come under the European Service rules. Under the Indian service rules an officer on leave on medical certificate can draw half average salary for the first fifteen months - Article 340(a).

Article 297(c) & (d) C.S.R. Fourth Edition & Article 330 (c) of the Second Edition.

3. If Mr. Webster has to retain the increase and take leave for the period during which he was absent this may be done under Article 196(c)(1) of the Civil Service Regulations under which leave for a period not exceeding six months and on allowances not exceeding half pay may be given. But in that case the sanction of the Government of India is necessary under the note to that Article as pointed out ~~in~~ by the Accountant General. Leave from the commencement of the vacation (1st May 1906) to the 31st July 1906 may therefore be recommended to the Government of India on half average salary which is what an officer (similarly placed) is entitled to under ordinary circumstances.

Page 9, Engineering College Calendar for 1906.

P. J. Hartzgen
7/8/06

(5) W. Mackay
9.8.06

(~~[illegible] the [illegible] view on the point at once~~)

In para 3 of his letter (p. 9 Cal) the Principal College of Engg. asks whether Mr Webster may be allowed to rejoin duty at the expiry of the term mentioned in the Medical Certificate - 12 or 13 August. The Principal

p. 6 Cal

Notes 561-62 S.D.S.

note on page 3 supra.

may be asked by telegram whether Mr Webster has actually rejoined, and on what date. The D.P.I. stated that he was permitting him to rejoin

H. G.
11-8-06

Telegram to Principal, Coll. of Eng.,

No. 37 d/ 11-8-06. Stet

"Has Webster rejoined and on what date."

~~If not when does he propose rejoining.~~

H. Maynard
11.8.06

Desp'd 11/8/6

From the Principal, College of Engineering, telegram d/ 11/8/06

Page 16 of current

The Principal, College of Engineering states that Mr. Webster rejoined on 1st August 1906.

P. Thackeray
11/8/6

S. Amorkey
13-8-06

India may be asked to sanction the grant of leave to Mr. Webster from 1st May 06 to 31st July 06 on half pay under art 196(1) note 1 C.S.R.

No. A.D.H./34.4.

Vide AG's letter p 12 of file 3-8-06

H.D.
14-8-06.

Yes except case

Please draft

H. Maynard
16-8-06

The draft placed below is submitted for approval.

B.B. 17/8/06

See

18/8/06

Type please.
H.S.
19.8.06

Typed & re-submitted.

B.B. 20/8/06

H.S.
21-8-06.

I H.M.
II H.E. the Governor

21/8

23.8.06.

Issue
28.8.06

[Lrs etc Nos 561, 562
Issd dy 24-8-06]

Recorded

Nob
561-62-Edn

Educational Department.

27 10P

C. No.1113, from the Accountant General, No.G.587/4119, d/ 9--7--1906.

C. No.12[illegible]3, from the Director of Public Instruction, No.5346, d/27-7-1906.

desp mins + print 24/8/6

23.8.06.

ORDER:-- 561 d/ 24-8-06
P.S.

The Government of India will be addressed.

P.T.T.
17-8-06.

C.G.M.
18-8-06.

To

The D.P.I.
" A.G.

Despd 24/8/6

N82
24.8.06

LETTER:-- 562 d/ 24-8-06

To

The Secretary to the Govt.of India,
Home Department.

despd 24/8/6.

Sir,

I am directed to address the Government of India on the subject of an application for leave received from Mr. J.Webster, Instructor in Mechanical Engineering in the College of Engineering, Madras.

G.O. No.236 J.
2-5-1901.

2. Mr. Webster was selected for the post by the Secretary of State on a salary of Rs.350 per mensem and sent out on an agreement for five years. The agreement was enclosed in the Despatch from the Secretary of State to the Government of India No.6, dated 1st March 1901, copy of which was forwarded with Mr. Williams' letter No.137 Education, dated 16th April 1901. At the end of the period Mr.Webster was under the sanction conveyed in the

Printed with G.O.
No.236,d/2-5-1901.J.

Secretary

Printed with G.O. No.38, d/20-1-1906 B.

Secretary of State's telegram dated 1st January 1906, a copy of which was forwarded with the Home Department Endorsement No.16 (Education) of the 13th idem, re-engaged for a further period of five years on a salary of Rs.450 per mensem on the former conditions except as regards salary but subject to the further condition that in the event of his having to take leave the arrangement would terminate.

Para.1 of A.G.'s letter - page 1 of current.

Endt. on pages 12 & 13 of current.

3. Owing to an attack of enteric fever Mr. Webster was unable to rejoin on the expiry of the College vacation which commenced on the 1st of May and ended on the 1st of July 1906. He was permitted to rejoin on the 1st of August and has submitted an application for leave, supported by a m Medical certificate, from the 2nd to the 31st of July. The Accountant General reports that under the note to Rule 1 under clause (o) of article 196 of the Civil Service Regulations, the sanction of the Government of India is necessary to the grant of this leave and that as Mr. Webster did not return to duty immediately after the vacation of the College any leave granted to him should reckon from the commencement of the vacation. A copy of the Accountant General's endorsement is enclosed.

4. His Excellency in Council considers that this ~~the case~~ is a hard ~~one~~ case and I am accordingly directed to request that the Government of India will be pleased to sanction the grant of leave to Mr.

Webster

Para.4 of Principal's
letter - pages 9 and
10 of current.

Webster on half pay from the 1st of May to the 31st of July 1906 under the note to rule 1 under clause (o) of Article 196 of the Civil Service Regulations. The Principal of the College reports that Mr. Webster has exhibited such special ability that it is desirable on public grounds to retain him.

I have etc.

P.T.T.
17-8-06.

C.G.M.
18-8-06.

HDJ
21.8.06

J. 23.8.06.

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G.O., No. ,DATED
190 .

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13 P
Ent. 1-7 P

No. 1113

I — A

II
Col. Love's letter no. 403-C
d/ 13-7-06. — A

III
Endt. of D.P.I. R. no. C-5846
27-July 1906 — A

TO G. No.

IV
Agy's endt. no. A-D-H/324 d/ 3rd Aug 1906. — A

V
Telegram to Principal C. E. College.
d/ 11-8-06. — A

GOVERNMENT.

VI
C- no. 1324 — A.

TO GOVERNMENT.

STATEMENT WITH DITTO.

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

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