

Government of Madras.

EDUCATIONAL DEPARTMENT.



Recd.

Regd.

} 1907.

Enclosures

Spare copies

G.O., No. 42, 24th January 1907.

15

Leave.

Informing the Syndicate of the Madras University that if a Registrar holds office for two consecutive periods of five years the two periods may be taken together for the purpose of calculating the — earned and available, subject to the limitation prescribed by Regulation 146.

Revised 30
Educational (1907) Department.

ORDINARY PRINTED.

G.O., No. 42

DATED 24-1-07

E

[Despatch Abstract.]

Leave. Informing the Syndicate of the Madras University that if a Regr holds office for two consecutive periods of five years, the two periods may be taken together for the purpose of calculating the leave earned & available, subject to the limitation prescribed by Reg 146.

BACK PAPERS.

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

FURTHER PAPERS.

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

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G.O., No. 42, 24th January 1907.

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers :—

I

G.O., No. 841, Educational, dated 27th December 1906.

ABSTRACT.—Making regulations for the University of Madras under sub-section (2) of section 26 of the Indian Universities Act VIII of 1904, and directing their publication in the *Fort St. George Gazette*.

II

Letter—from C. A. PATERSON, Esq., M.A., LL.B., Registrar, University of Madras.
To—the Secretary to Government, Educational Department.
Dated—Senate House, the 12th January 1907.
No.—98.

I have the honour, by direction of the Syndicate, to ask that Government will be pleased to give an authoritative interpretation of the third, fourth and fifth paragraphs of Regulation 146 on the following points :—

(1) Whether that regulation is retrospective with regard to leave in the same way as Regulation 145 is retrospective with regard to pension or gratuity.

(2) Whether leave earned in one period of five years, if not taken during that period, may be taken in a subsequent period, or whether each period of five years is to be regarded as self-contained as regards leave.

The Syndicate considers it desirable that the regulation should be retrospective and that it should be competent to grant to a Registrar the amount of leave which he may have earned by previous service, but which either he may not have taken during the time when it was earned or which the Syndicate may not have granted to him during that time; otherwise it might be necessary to grant leave to a Registrar at very inconvenient times both for himself and for the University so as to prevent the forfeiture of leave which had been duly earned.

I am further directed by the Syndicate to ask that Government will be pleased to treat this matter as *urgent* in view of the fact that the period of five years for which the present Registrar was appointed will expire on the 1st February next, and he is desirous of knowing exactly what his position will be as this would influence him in deciding whether he should enter into an engagement for a further period or not.

Order—No. 42, Educational, dated 24th January 1907.

The Syndicate will be informed that the intention of the regulation is that if a Registrar holds office for two consecutive periods of five years the two periods may be taken together for the purpose of calculating leave earned and available, subject to the limitation prescribed by Regulation 146.

2. As regards the leave earned by and due to the present Registrar, this regulation may be deemed to have retrospective effect.

(True Extract.)

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

To the Registrar, Madras University.

NOTES CONNECTED WITH G.O., No. 42, EDUCATIONAL, DATED
24TH JANUARY 1907.

[SUBJECT.—*Asking for an authoritative interpretation of the University Regulation
No. 146.*]

From the Registrar, Madras University, dated 12th January 1907, No. 98.

Regulation 145 of the Madras University says :—

“The tenure of the office of Registrar shall be limited to five years, but the same individual shall be eligible for reappointment. In the event of his being reappointed his service from the date of his first appointment shall qualify for pension or gratuity.”

2. Regulation 146 runs thus :—

“It shall be in the power of the Syndicate to dispense with the services of the Registrar at any time before the expiration of five years on payment to him of six months' salary, and it may at any time discharge him from its service without notice or compensation in the event of misconduct on his part or of a breach by him of any of the conditions on which he was engaged. In case the Registrar should wish to resign his office before the expiration of five years, he shall give six months' notice of his intention to resign.

“The salary of the Registrar shall be Rs. 600 per mensem, rising by annual increments of Rs. 50 per mensem to Rs. 800. If, at the completion of his term of five years, a Registrar be re-engaged, his salary shall be Rs. 850 per mensem rising by annual increments of Rs. 50 per mensem to Rs. 1,000 per mensem. If, at the completion of his second term of five years, a Registrar be re-engaged his salary shall continue to be Rs. 1,000 per mensem.

“The Registrar shall devote his whole time to the duties of his office, and shall not absent himself from his duties without the permission of the Syndicate.

“The Syndicate may grant to the Registrar leave of absence for one month on full pay for each eleven months of completed service, or for an accumulated period not exceeding four months in five years. The Syndicate may also grant him leave of absence on half pay—to which may be added a period of accumulated leave on full pay not exceeding three months—for a period not exceeding eight months in five years. Such leave on half pay shall not, except in the case of leave on medical certificate, exceed one and-a-half months for each completed year of service.

“In respect of leave on full pay the provisions of Chapter XII of the Civil Service Regulations, Fourth Edition, or of the corresponding chapter in subsequent editions shall otherwise, so far as may be, apply.”

3. The Syndicate asks for orders on the following two points, namely,—

(1) whether Regulation 146 is retrospective with regard to leave in the same way as Regulation 145 is retrospective with regard to pension or gratuity, and

(2) whether leave earned in one period of five years, if not taken during that period, may be taken in a subsequent period, or whether each period of five years is to be regarded as self-contained as regards leave.

4. The Registrar (Mr. Paterson) observes that “the Syndicate considers it desirable that the Regulation (146) should be retrospective and that it should be competent to grant to a Registrar the amount of leave which he may have earned by previous service but which either he may not have taken during the time when it was earned or which the Syndicate may not have granted to him during that time”, as otherwise “it might be necessary to grant leave to a Registrar at very inconvenient times both for himself and for the University, so as to prevent the forfeiture of leave which had been duly earned”.

5. *The first question* is whether Regulation 146 may be held to have retrospective effect. What the Syndicate wants to know apparently is whether a Registrar, who is now in office but who was employed previous to the issue of these Regulations, can, under Regulation 146, take leave for a period for which he would be eligible in respect of the service rendered by him if a similar Regulation had been

C. G. MACKAY. | in force at the time of his employment.
A | There appears to be no objection to the grant of leave in accordance with this

Regulation, although there is no express provision in the Regulations to this effect—*Cf.* Article 4 of the Civil Service Regulations which says that an officer's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.

6. *The second question* is whether leave earned in one period of five years, if not taken during that period, may be taken in a subsequent period. In other words, whether a Registrar, who is reappointed after the expiry of a term of five years, can take the leave earned by him during the period of reappointment, in addition to the leave earned by him during the previous five years, that is four months' leave on full pay or eight months' leave on half pay (including three months' leave on full pay).

7. If Regulation 146 is regarded as retrospective, then it seems to follow that That I submit should be conceded and understood.

C. G. MACKAY. | the leave earned in one period of five years may be taken in a subsequent period, but this privilege should be exercised only subject to the conditions that such leave is in accordance with the

H. D. TAYLOR—19-1-07. | limitations laid down in the Regulation.

The limitations appear to be—

(1) that the amount of leave on full pay admissible at one time is limited to four months in five years,

(2) that if leave on full pay is to be combined with leave on half pay, the amount of leave on full pay is to be limited to three months and the total period to eight months in five years, and

(3) that in respect of the grant of leave on full pay, the provisions of Chapter XII of the Civil Service Regulations should apply.

8. If it is held that the leave earned by a Registrar in a period of five years can be granted to him in a subsequent period, then the question will arise whether a Registrar may be granted leave on full pay for a period of six months, after he has put in, say, two years' service in his period of reappointment. But as it is

No. Four months at any one time is the maximum admissible.
H. D. TAYLOR. | distinctly laid down that the grant of the leave should be subject to the provisions of Chapter XII of the Civil Service Regulations, it does not appear that any leave on full pay can be earned by a Registrar by

Cf. Article 246 of the Civil Service Regulations, fourth edition.

H. D. TAYLOR. | duty performed while the maximum period of such leave for a period of five years is due to him. It does not therefore appear that a Registrar may be permitted to take more than four months' leave on full pay at one time.

9. Thus if a Registrar does not take leave on full pay for seven years, he will at the end of that period be eligible for only four months' leave on full pay and not for a longer period. Similarly at the end of seven years a Registrar will, provided he has not taken any leave previously, be eligible for a combined leave of fourteen months only—leave on full pay for three months and leave on half pay for (8 + 3) eleven months, that is, eight months for the first period of five years and three months for the remaining two years—*vide* paragraph 4 of Regulation 146.

10. In view of these circumstances, it is for consideration whether the Syndicate may be informed with reference to their second question that the leave earned in one

B | period of five years may be taken in a subsequent period provided the amount of such leave is in accordance with the limitations laid down in the Regulations.
H. D. TAYLOR.

T.K.—17-1-07.

Under the fifth paragraph of Regulation No. 146 of the University, the grant of leave on full pay to the Registrar is regulated by the provision of Chapter XII of the Civil Service Regulations. Article 246 of the Civil Service Regulations, which occurs in Chapter XII, says that "no privilege leave can be earned by an officer by "duty performed while three months' such leave is due to him". On the analogy of

C. G. MACKAY. | this rule, it does not appear that the Registrar can earn any leave on full pay while four months' such leave is due to him. In other words, if he does not take leave on full pay during the first period of five years, he cannot earn any further

C. G. MACKAY. | leave on full pay during the second period so long as he does not take any such leave.

As regards leave on half pay, it does not appear that he can, except a medical certificate, take more leave than one month and-a-half for each completed year of service.

K. RANGASWAMI AYYANGAR—18-1-07.

Submitted that the answer may be as at A and B.

C. G. MACKAY—19-1-07.

Yes. If a Registrar holds office for a second period of five years *consecutively*, the two periods may be taken together for the purpose of calculating leave earned and available, subject to the maxima imposed.

As regards the leave earned by and due to the present Registrar the resolution may be deemed to have retrospective effect.

H. D. TAYLOR—19-1-07.

Please draft accordingly for approval.

G. S. F[ORBES]—21-1-07.

A draft is placed below for approval.

T.K.—21-1-07.

K. RANGASWAMI AYYANGAR—21-1-07.

C. G. MACKAY—22-1-07.

H. D. TAYLOR—23-1-07.

G. S. F[ORBES]—23-1-07.

Issue.

H. D. TAYLOR—24-1-07.

[G.O., No. 42, Educational, dated 24th January 1907.]

Recd

Abstract of

Abstract

Go. no. 841 Ed. 8 27-12-06.

- making regulations for the University of
Madras under sub-section (2) of section 26 of the Indian
Universities Act VIII of 1907, and directing their publication
in the Fort St. George Gazette.

[E. & L.]
60
3,000-1-11-05.

NOTE FOR THE *Krishnaswami*
Ayangan

The D.R. wants the account page
page to be re-typed.

Please type per *7/9*
24-1-07.

[E.]
1,000-6-9-05.

6
EDUCATIONAL DEPARTMENT.

CURRENT FILE.

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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, etc., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.

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.

Red 13-1-07
178 15-1-07



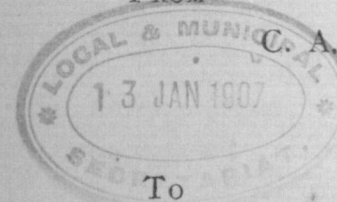
URGENT.
University of Madras.

Urgent
No. 98

Enclosures.

SENATE HOUSE, 12th January 1907.

FROM



C. A. PATERSON, Esq., M.A., LL.B.,

Registrar, University of Madras,

TO

The Secretary to Government,

Educational Department.

Sir,

I have the honour, by direction of the Syndicate, to ask that Government will be pleased to give an authoritative interpretation of the third, fourth, and fifth paragraphs of Regulation 146 on the following points:-

- (1) Whether that Regulation is retrospective with regard to leave in the same way as Regulation 145 is retrospective with regard to pension or gratuity,
- (2) Whether leave earned in one period of five years, if not taken during that period, may be taken in a subsequent period, or whether each period of five years is to be regarded as self-contained as regards leave.

The Syndicate considers it desirable that the Regulation should be retrospective and that it should be competent to grant to a Registrar the amount of leave which he may have earned by previous service but which either he may not have taken during the time when it was earned or which the Syndicate may not have granted to him during that time; otherwise it might be necessary to grant leave to a Registrar at very inconvenient times both for himself and for the University, so as to prevent the forfeiture of leave which had been duly earned.

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See no
bullet
imping*

Hand 2 2 38

I am further directed by the Syndicate to ask that Government will be pleased to treat this matter as urgent in view of the fact that the period of five years for which the present Registrar was appointed will expire on the 1st February next, and he is desirous of knowing exactly what his position will be as this would influence him in deciding whether he should enter into an engagement for a further period or not.

I have the honour to be

Sir

Your most obedient servant

C. A. Paterson,
Registrar.

No.

Dated

FROM

THE REGISTRAR OF THE
UNIVERSITY OF MADRAS,

To

Enclosures

SUBJECT.

Educational Department.

C. No.89, from the Registrar, Madras University, No.98, dated 12-1-1907.

Subject.

Asking for an authoritative interpretation of the
University Regulation No.146.

Regulation 145 of the Madras University says:-

145. The tenure of the office of Registrar shall be limited to five years, but the same individual shall be eligible for reappointment. In the event of his being reappointed his service from the date of his first appointment shall qualify for pension or gratuity.

2. Regulation 146 runs thus:-

146. It shall be in the power of the Syndicate to dispense with the services of the Registrar at any time before the expiration of five years on payment to him of six months' salary, and it may at any time discharge him from its service without notice or compensation in the event of misconduct on his part or of a breach by him of any of the conditions on which he was engaged. In case the Registrar should wish to resign his office before the expiration of five years, he shall give six months' notice of his intention to resign.

The salary of the Registrar shall be Rs. 600 per mensem, rising by annual increments of Rs. 50 per mensem to Rs. 800. If, at the completion of his term of five years, a Registrar be re-engaged, his salary shall be Rs. 850 per mensem rising by annual increments of Rs. 50 per mensem to Rs. 1,000 per mensem. If, at the completion of his second term of five years, a Registrar be re-engaged his salary shall continue to be Rs. 1,000 per mensem.

The Registrar shall devote his whole time to the duties of his office, and shall not absent himself from his duties without the permission of the Syndicate.

The Syndicate may grant to the Registrar leave of absence for one month on full pay for each eleven months of completed service, or for an accumulated period not exceeding four months in five years. The Syndicate may also grant him leave of absence on half pay—to which may be added a period of accumulated leave on full pay not exceeding three months—for a period not exceeding eight months in five years. Such leave on half pay shall not, except in the case of leave on medical certificate, exceed one and a half months for each completed year of service.

In respect of leave on full pay the provisions of chapter XII of the Civil Service Regulations, Fourth Edition, or of the corresponding chapter in subsequent editions shall otherwise, so far as may be, apply.

3. The Syndicate asks for orders on the following two points, namely,

(1) whether Regulation 146 is retrospective with regard to leave in the same way as Regulation 145 is retrospective with regard to pension or gratuity, and

(2) whether leave earned in one period of five years, if not taken during that period, may be taken in a subsequent period, or whether each period of five years is to be regarded as self-contained as regards leave.

Reus

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(Mr Paterson)

4. The Registrar observes that "the Syndicate considers it desirable that the Regulation (146) should be retrospective and that it should be competent to grant to a Registrar the amount of leave which he may have earned by previous service but which either he may not have taken during the time when it was earned or which the Syndicate may not have granted to him during that time", as otherwise "it might be necessary to grant leave to a Registrar at very inconvenient times both for himself and for the University, so as to prevent the forfeiture of leave which had been duly earned".

5. ^IThe first question is whether Regulation 146 ^{may be held to have} retrospective ~~is~~ effect. What the Syndicate wants to know apparently is whether a Registrar, who is now in office but who was employed previous to the issue of these Regulations, can, under Regulation 146, take leave for a period for which he would be eligible in respect of the service rendered by him ~~now~~ if a similar Regulation had been in force at the time of his employment. There appears to be no objection to the grant of leave ~~in accordance with this Regulation~~ in accordance with this Regulation, although there is no express provision in the Regulations to this effect. ^{cf. Articles of the CSP which says that an officer's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.}

6. ^{The} second question is whether leave earned in one period of five years, if not taken during that period, may be taken in a subsequent period. In other words, whether a Registrar, who is reappointed after the expiry of a term of five years, can take the leave earned ^{by him} during the period of reappointment, in addition to the leave earned by him during the previous five years, that is four months'

Cf. pages 31A, 31B, + 31C of the notes flagged W.

Am
A.

3 5 N 38
months' leave on full pay or eight months' leave on half pay (including three months' leave on full pay).

7. If Regulation 146 is regarded as retrospective, then it seems to follow that the leave earned in one period of five years may be taken in a subsequent period, but this privilege should be exercised ^{only} subject to the conditions that such leave is in accordance with the limitations laid down in the Regulation.

The limitations appear to be

- (1) that the amount of leave on full pay admissible at one time is limited to four months' in five years,
- (2) that if leave on full pay is to be combined with leave on half pay, the amount of leave on full pay is to be limited to three months and the total period to eight months in five years, and
- (3) that in respect of the grant of leave on full pay, the provisions of Chapter XII of the Civil Service Regulations should apply.

8. If it is held that the leave earned by a Registrar in a period of five years, can be granted to him in a subsequent period, then the question will arise whether a Registrar may be granted leave on full pay for a period of six months, after he has put in say 2 years' service in his period of reappointment. But as it is distinctly laid down that the grant of the leave should be subject to the provisions of Chapter XII of the Civil Service Regulations, it does

That I submit should be cancelled & understood.

Yes. It was an intended to be the Registrar's leave already earned.

15.07

Is. Four months at any one time in the

has been when able

1/2

cf. Article 246 of
the C.S.R., 4th Edition

6 4 12 48

does not appear that any leave on full pay can be earned by a Registrar by duty performed while the maximum of such leave for a period of five years is due to him. ^{period} It does not therefore appear that a Registrar may ~~not~~ then be permitted to take more than four months' leave on full pay at one time.

9. Thus if a Registrar does not take leave on full pay for seven years, he will at the end of that period be eligible for only four months' leave on full pay and not for a longer period. Similarly ~~xx~~ at the end of seven years a Registrar will, provided he has not taken any leave previously, be eligible for a combined leave of fourteen months only - leave on full pay for three months and leave on half pay for (8 + 3) eleven months, that is eight months for the first period of five years and three months for the remaining two years. Vide para. 4 of the Regulation 146.

10. In view of these circumstances, it is for consideration whether the Syndicate may be informed with reference to their second question that the leave earned in one period of five years may be taken in a subsequent period provided the amount of such leave is in accordance with the limitations laid down in the Regulations.

T.K.
17-1-07.

Under the fifth paragraph of Regulation No. 146 of the University, the grant of leave on full pay to the Registrar is regulated by the provision of Chapter XII of the C.S. Regulations - Article 246 of the C.S.R., which occurs in Chapter XII. Says that "The Registrar" no privilege "leave can be earned by an officer by "duty performed while three months' leave

The original of the notes connected with these Regs. became available only today.

Read

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58

Mr

"leave is due to him." On the analogy of this rule, it does not appear that the Registrar can earn any leave on full pay while four months such leave is due to him. In other words, if he does not take leave on full pay during the first period of five years, he cannot ~~take~~ ^{earn} earn more any further leave on full pay during the second period so long as he does not take any leave. As regards leave on half pay, it does not appear that he can, except on a medical certificate, take more leave than one month and a half for each completed year of service.

Mr

vide paragraph of Regn No 146.

RD
18.1.07

Secy.

Submitted that the answer may be as at A+B.

Mr
19/1/07

Gen. of a Registrar Lots Office for a second period of five years & consecutively the two periods may be taken together for the purpose of calculating leave earned and available, subject to the maxima imposed.

As regards the leave earned by and due to the present Registrar the resolution may be deemed to have retrospective effect.

Mr

RD
19.1.07

Recd

24/10/07

2

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6 P

Please Draft and for approval

J.F.
21/1

A draft is placed below for approval.

T.H.
21.1.07
21.1.07

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22.1.07

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H.D.
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READ AGAIN G.O., No. 841 Ed. dated 27-12- 1906.

READ ALSO:—

C. No. 59 From the Registrar, M. H., No. 98, dated 12 - 1 - 1907

190

ORDER.
P. S.

No. 42, dated 24-1-1907

The Syndicate of ~~the University~~
of ~~Madras~~ will be informed that
if a Registrar holds office for a
~~second~~ ^{consecutive} periods of five years ~~con-~~
~~tinuously~~, the two periods may be
taken together for the purpose of
calculating leave earned and

available, subject to the ~~maximum~~
~~paid down~~ 148
~~imposed by the Regulations of the~~
~~University~~

2. As regards the leave earned by and due to the present Registrar this regulation may be deemed to have retrospective effect.

To The Registrar - M. 440. first in imp.

$\frac{74}{21-1-07}$
 $\frac{100}{21-1-07}$
 $\frac{100}{22-1-07}$

