

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 486

Press
~~Mis.~~

Dated 13. 8. 1857

B.No. 8-9

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Not to be folded or roughly handled

Fort Saint George, Financial Consultation, 18th August 1857.

No. 8. Extract from a Despatch from the Honorable the Court of Directors, addressed to the Government of India in the Financial Department, No. 28 of 1857, dated the 17th April, No. 3032.

Letter from, in Judicial Department, dated 18th October 1856, No. 88.

Transmit papers having reference to the grant by the Lieutenant Governor of Bengal of leave of absence for four months, under Chapter 3 of the Civil Absentee Rules, to Mr. A. Sconce, Officiating Judge of the Sudder Court, and submit questions in relation to the same.

Para: 11. Mr. Sconce having applied for leave; on Medical Certificate, the Civil Auditor reported that he was not entitled to it under the Rules, having too recently returned from sick leave, application was then made by him for leave, under the Section which authorizes the grant on *special private affairs*, and the Lieutenant Governor of Bengal acceded to his request, with the *proviso* that half salary should not be drawn during the period of the leave, but only the lower rate allowed to Officers when absent on Medical Certificate.

12. We must pronounce this to have been a most irregular proceeding, in direct contravention of the Rules. The ground of Mr. Sconce's application was sickness, a ground which, if substantiated by Medical Certificate, renders it compulsory on the Government to grant the leave. Distinct rules have been laid down for the regulation of sick leaves, and though Mr. Sconce was not entitled to the advantages of the rules, he might nevertheless have been granted the leave, but without pay. That course ought to have been followed. It was never intended that incapacity from sickness should be admitted as the ground for granting special leave on private affairs, nor did we intend to leave it to the discretion of our several Governments, when granting special leave on private affairs, to determine the amount which should be drawn by the absentee within the prescribed limit of half salary. We wish the same rule to be applied in all cases, the grant of special leave on private affairs carrying with it a claim to the moiety of salary after return to duty.

Copy forwarded to the Government of Fort St. George for information and guidance.
(Signed) C. HUGH LUSHINGTON,
Secretary to the Government of India.

FINANCIAL DEPARTMENT, }
The 27th June 1857.

No. 9. ORDER THEREON, No. 486; dated 13th August 1857.
Ordered to be published in the Fort St. George Gazette, and also communicated to the Civil Auditor.

No. 486

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to the Civil Auditor.

Fort St. George, Z
13th August 1857-Z

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To the Civil Auditor Dispd. 24th
a Supd. of the Press. Supd. 13th PM
Inserted 14th August 1857