

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 46

Press
~~Mis.~~

Dated 27. 1.

1875

B. no 45.

Not to be folded or roughly handled

No. 4. Extract from the Proceedings of the Government of India, in the Financial Department, dated Fort William, the 17th December 1858, No. 7696.

Read letter from the Chief Secretary to Government of Fort Saint George, dated 30th October 1858, No. 714.

The Honorable the President in Council concurs in the view taken by the Madras Civil Auditor that no previous absence on Medical Certificate under the old regulations can be held to bar the privilege conferred by Clause II, Sec. XVIII, of the new Covenanted Civil Absentee Rules, of counting one year's absence on Medical Certificate both as "Service" and "Residence."

Copy of the above decision sent to the Government of Madras, in reply to its letter, No. 714, dated 30th October, and to the Home Department, for information.

Copy forwarded to the Civil Auditors, Fort William, Fort Saint George, Bombay, N. W. Provinces, and the Punjab, for information and guidance.

By order of the Honorable the President in Council.

(Signed) G. HUGH LUSHINGTON,
Secretary to the Government of India.

No. 5.

ORDER THEREON, No. 46; dated 27th January 1859.

To be Recorded.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

2.

From T. PYCROFT, Esquire, Chief Secretary to Government, Fort Saint George, to the Secretary to the Government of India.—(No. 714, dated 30th October 1858.)

SIR,

Finl. Dept. WITH reference to the decision of the Honorable the Court of Directors on the second

From Secretary to the Government of India,
dated 10th March 1856, No. 1225.

point of enquiry, communicated in para. 5 of their Despatch to the Government of India, dated the 28th December, No. 113 of 1855, I am directed by the Governor in Council to refer, for the orders of the Supreme

Dated 19th October 1858, No. 359.

Government, copy of a letter from the Civil Auditor, submitting a question raised by Mr. F. H. Crozier of the Madras Civil Service, who proceeded to England upwards of 12 years ago, on three years' Medical Certificate under the old Regulations, and who enquires whether, in the event of his being again obliged to return to Europe on Medical Certificate, any portion of the period of his absence would be allowed to count as "Residence" as well as "Service."

2. The Civil Auditor is of opinion that no previous absence on Medical Certificate under the old Regulations can be held to bar the privilege conferred by clause II, Sec. XVIII, of the new Rules of counting one year's absence on Medical Certificate both as "Service" and "Residence." But as the question, he states, has not yet been determined by competent authority, he submits it for the orders of Government. I am accordingly instructed to refer the point for the decision of the Government of India.

From F. LUSHINGTON, Esquire, Civil Auditor, to T. PYCROFT, Esquire, Chief Secretary to Government, Fort Saint George.—(No. 359, dated 19th October 1858.)

SIR,

IN Despatch from the Hon'ble Court of Directors, addressed to the Government of India, in the Financial Department, No. 113 of 1855, dated 28th December, it is declared, that a Civil Servant who has had leave under the old Rules to the extent of 4 years (the full period allowed to count as service under the new Rules) may nevertheless take an additional Sick leave under the provision of Sec. VI of the new Rules, viz., 15 months, with the privilege of retaining Office and of counting the leave as "Service."

The question has now been raised by Mr. Crozier, Civil and Session Judge of Nellore, who proceeded to England upwards of 12 years ago on three years Medical Certificate under the old Regulations, whether in the event of his being again obliged to return to England on Medical Certificate, any portion of the period of his absence would be allowed to count as "Residence" as well as "Service."

With advertence to the decision of the Hon'ble Court, in the 3rd para. of the Despatch, Financial Department, No. 70 of 1855, dated 1st August, that as the option of the old Rules had been advisedly withheld from Civil Servants, they did not intend that the Rules which had been substituted for them should operate with retrospective effect, it appears to me that no previous absence on Medical Certificate under the old Regulation can be held to bar the privilege conferred by Clause II, Sec. XVIII, of the new Regulation of counting one year's absence on Medical Certificate both as "Service" and "Residence." As this question however has not, so far as I am aware, been yet determined by competent authority, I have the honor now to submit it for the consideration of Government.

Handwritten signature

No. 7696

FINANCIAL DEPARTMENT, FORT WILLIAM, THE 17th DECEMBER 1858.

The Hon'ble the President in Council concurs in the view taken by the Madras Civil Auditor that no previous absence on Medical Certificate under the old regulations can be held to bar the privilege conferred by clause II, Sec. XVIII, of the New Covenanted Civil Absentee Rules, of counting one year's absence on Medical Certificate both as "Service" and "Residence."

Copy of the above decision sent to the Government of Madras, in reply to its letter, No. 714, dated 30th October, and to the Home Department, for information.

Copy forwarded to the Civil Auditors, Fort William, Fort Saint George, Bombay, N. W. Provinces, and the Punjab, for information and guidance.

By order of the Hon'ble the President in Council,

Handwritten signature
Secretary to the Government of India.

1858 Aug 139. 45

Handwritten notes:
The reply to the letter from the Govt. of Madras, 27/10/58, states that the Govt. of India concurs in the view taken by the Madras Civil Auditor that no previous absence on Medical Certificate under the old regulations can be held to bar the privilege conferred by clause II, Section XVIII of the New Covenanted Civil Absentee Rules of counting one year's absence on Medical Certificate both as "Service" and "Residence".
To be recorded.
27/11/59. J.E.

Cons. 5 Nov 58 - 1-2

*By Cons 10/11/58
Ministerial. 10/11/58. J.E.*