

MADRAS RECORD OFFICE.

Government of Madras.

of
Financial DEPARTMENT.

G.O. No.	<i>143</i>	Press
		~~Mis.~~
Dated	<i>17. 4.</i>	18 <i>60</i>

B. No. 14-15

3/3

Not to be folded or roughly handled

21-23

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*Proceedings of the Madras Government, Financial Department,
for the month of April 1860.*

No. 14. Read the following Proceedings of the Government of India, dated 24th March 1860, No. 2,538.

Read letter from C. H. LUSHINGTON, Esq., Secretary to the Government of India, Financial Department, to the Civil Auditor, Bombay, dated 24th March 1860, No. 2,527.

Financial Department.

I am directed to acknowledge the receipt of your letter No. 1,774, dated the 27th ultimo, soliciting instructions on the point as to whether an absentee under Section XIV of the Covenanted Civil Absentee Rules is entitled to draw his half salary for the period of his leave under that Section in the event of his exceeding the limit allowed, *viz.*, six months.

2. You seem to think that, as it is provided in Clause 2 of Section XIV of the Rules that no portion of the half salary allowed to be drawn will be claimable till the absentee shall have returned to his duty, and that as the absentee by overstaying his leave forfeits his appointment and is thus precluded from returning to his duty, he cannot be held entitled to any portion of the half salary allowed under the Rules.

3. In reply, I am desired to inform you that the Honorable the President in Council is of opinion that it could not have been contemplated by Clause 2 of Section XIV of the Covenanted Civil Absentee Rules that the allowance of half salary should be forfeited in cases in which Officers might have exceeded the limit of their leave under that Section, nor does it require, His Honor in Council considers, a strained interpretation of the word *duty* to support that view. Return to *duty* has always been used as nearly equivalent to return to active service. Servants on leave at home were always permitted to return to their *duty* whether they had any appointment or not. If the Officer were to leave the service altogether and not to return, the half salary would not be payable, and that the President in Council thinks is the true meaning of the limitation. His Honor in Council would accordingly lay it down as a Rule of interpretation that an absent Officer is entitled to draw his authorized allowances during absence on leave upon his *bona fide* return to the service, and when he is ready to take any appointment the Government to which he reports himself may give him. Any other interpretation would, His Honor in Council thinks, be contrary to the whole spirit of the Regulations and might operate very unequally by mere chance.

No. 2,538.

Ordered that a copy of the above letter be forwarded to the Civil Auditor, Fort William, for information and guidance, with reference to his communications Nos. 978 and 1,022, dated respectively the 15th and the 19th instant, and with an intimation that the case of Mr. A. R. Young adverted to in his communication of the 19th instant be governed by the above ruling; the original enclosures of the Civil Auditor's communication of the 19th instant being returned.

Ordered also that a copy of the above letter be forwarded to the Civil Auditors, North West Provinces, Punjab, and Madras, for information and guidance.

Ordered further that a copy of the letter be sent to the Departments* and Governments† noted in the margin, for information.

* Home, Foreign, Military, and Public Works Depts.
† Governments of Bengal, North West Provinces, Punjab, Madras, Bombay, and the Eastern Settlements.

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

No. 15.

ORDER THEREON, 17th April 1860, No. 143.
Ordered to be published in the Fort Saint George Gazette.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. S. T. Augustin.

Pro of Govt 20 April

Financial 1860 Department

From the Secy to the Govt of
India. Encl. 10/4/60
N^o 2527

dated 24 March 1860.

Recd. April -

2 1/2 pms.
Copies

N^o 143.

Forward for information
copy of a letter addressed to the
Civil Auditor Bombay informing
in reply to one from that Office
that an allowance
is entitled to draw his author-
ized allowances during absence
on leave under Sec. XXV of the
Consolidated Civil Service Rules
upon his bona fide return to the
Service.

With an order

Order thereon. 17th April 1860. No 143.

Ordered to be published
in the Fort St. George Gazette.

[Signature]

Let 27 April 1860

To the Secy of the Govt.
Gazette News.

1860