

## MADRAS RECORD OFFICE.

Government of Madras.

*Financial* DEPARTMENT.

G.O. No. 198

~~Press~~  
~~Mis.~~

Dated 8. 5. 1860

B. no. 27-28

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Not to be folded or roughly handled

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

No. 27. Read the following Extract from the Proceedings of the Government of India, in the Financial Department, dated 12th April 1860, No. 3,279.

Read the following papers relative to certain points connected with the Covenanted and Uncovenanted Civil Absentee Rules:—

Letter from Acting Civil Auditor, Madras, No. 65, dated 17th February last.

Do. from Civil Auditor, Fort William, No. 1,026, dated 16th ultimo.

RESOLUTION.—The Acting Civil Auditor at Madras solicits orders upon the following points connected with the Absentee Rules of the Covenanted and also of the Uncovenanted Service so far as the same may be applicable to them.

| Questions put by the Madras Civil Auditor.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Report of the Civil Auditor, Fort William.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Orders of Government in the Financial Department.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| Sec. III. If an officer is compelled by sudden illness to absent himself from office without waiting for leave, may he be granted retrospectively any privilege leave to which he would be otherwise eligible?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | As Sec. III of the Covenanted and Uncovenanted Rules provides that "no leave of absence shall have any retrospective effect, except in cases of severe illness, to be attested by medical certificate," I am of opinion that privilege leave which is now granted to an applicant when suffering from ill-health may be allowed to commence with retrospective effect like sick leave. This query of the Civil Auditor may therefore be answered in the affirmative.                                                                                                                                                                                                                                                                                                                                                                                               | The President in Council differs from the Civil Auditor, Calcutta.<br>His Honor is of opinion that the mere fact of the presentation of a medical certificate not being considered <i>a bar</i> to the grant of privilege leave, does not alter the essential condition under which such leave is granted, <i>viz.</i> , that it is not inconvenient to the Government; nor can the applicant under such circumstances claim privilege leave with retrospective effect in opposition to the established Rule. If in any case it is allowed it must be as a special case. |
| Sec. XII and XIII. As interpreted by the orders of Government in the Financial Department, No. 55, dated 5th December 1856, are the following conclusions correct? Though somewhat strange, they appear to me legitimate deductions from the above.<br>Supposing an officer take as an instalment of privilege leave the latter half of June, is he eligible to the remaining instalment<br>A. in July or any subsequent month to the close of the year? but if he neglect to take it before January, he can<br>B. obtain no leave under Sec. XII until the middle of May.<br>Again if he take his first instalment in June, and second in July, he is entitled to privilege leave again in January<br>C. after the completion of six months from the expiration of his last instalment: but if he do not avail himself of any but the first instalment he must wait till May, when 11 months will have elapsed from the date of his previous year's leave. | In one case the conclusion arrived at by the Civil Auditor appears to me to be correct in assuming that an officer having enjoyed privilege leave in one year by instalments is not eligible to a full month's indulgence of the next year until six months elapse from the date of his return from the last instalment of leave; but in the other case he is, I think, laboring under some misapprehension in supposing that an absentee returning from his first instalment leave and not having occasion to avail himself of the second instalment should be debarred from taking next year's privilege leave for one month till he may have served for 11 months, inasmuch as it is obvious from the Rule, dated 5th December 1856, that in both cases of instalment leave an interval of six months is only necessary for the grant of the next year's leave. | A. B. The President in Council directs that both of these questions be answered in the affirmative. If the whole months leave be not taken within the Calendar year, the balance, whatever it may be, will be forfeited, and a fresh leave can be granted only after the expiration of 11 months from the expiration of the leave that was taken.<br>C. In this case an officer would not be entitled to privilege leave until after the completion of 11 months from the expiration of one month after the commencement of the 1st instalment.                          |

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

| Questions put by the Madras Civil Auditor.                                                                                                                                                                                                                                                  | Report of the Civil Auditor, Fort William.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Orders of Government in the Financial Department.                                                                                                                                                       |
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| Sec. XV. Is there any meaning in the distinction of the wording of this Clause that furlough, if divided into 3 periods, may be taken after successive periods of 7 years' service, while if divided into two periods, the qualification is defined to be a residence in India of 10 years? | As Sec. XV provides that it may be taken after successive periods of 7 years' service in the one case, and in the other 10 years' service is necessary, I would observe that an actual service of 22 years is requisite for a member of the Civil Service to retire on full annuity, and that the framers of the Rules divided the leave in the manner adverted to; but this Rule has subsequently been so far modified as the second furlough, when divided into two instalments, may be taken after an uninterrupted residence of 7 years. | This question, the President in Council directs, be answered in the negative. Service is meant in both cases, subject of course to the provisions of the restrictive Rule noted in the following query. |
| Govt. Order, No. 41, of 10th December 1856.<br>FINANCIAL DEPARTMENT.<br>Under this Resolution, may an officer take furlough before the completion of six years from his return from absence on sick leave, provided his application be supported by a medical certificate?                  | The restrictive Rule of 6 years' service alluded to by Mr. Waterfield is applicable to furlough on private affairs; but when medical certificate supports the application that Rule is not resorted to in regulating the same.                                                                                                                                                                                                                                                                                                               | The President in Council agrees with the Bengal Auditor.                                                                                                                                                |
| Sec. XXII. Does this cancel the Order of the Government of India, Financial Department, dated 16th June 1841, that a Civilian on the out-of-employ list is entitled to salary from the date of appointment, provided he does not come under forfeiture by exceeding the time for joining.   | The Rule of June 1841, has not been superseded by Sec. XXII, as it is still acted upon in the case of officers receiving first appointment after return from furlough.                                                                                                                                                                                                                                                                                                                                                                       | The President in Council agrees with the Bengal Auditor.                                                                                                                                                |

\* Foreign, Home, Military, and Public Works Departments.

† Bengal, Madras, Bombay, North Western Provinces, Punjab, and the Straits Settlements.

‡ Civil Auditor's Fort William, Madras, Bombay, North Western Provinces and Punjab.

ORDER.—Ordered that a copy of the foregoing Resolution be sent to the Departments,\* Government† and Officers‡ noted in the margin, for information and guidance.

(A true Extract.)

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

No. 28.

ORDER THEREON, 8th May 1860, No. 198.

Ordered to be published in the Fort Saint George Gazette for general information,

(Signed) T. PYCROFT,  
Chief Secretary.

Exd. S. T. Augustin.

*Order thereon 8 May 1860. No. 198.*

*Ordered to be published  
in the Fort St. George Gazette  
for general information.*

*JP*

*To the Secy of the Govd.  
Gazette Press.*