

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 414

Press
~~Mis.~~

Dated 20. 8.

1860

B. No. 57-58

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Financial Department,
20th August 1860.*

Read the following papers :—

No. 57. From F. LUSHINGTON, Esq., Acting Accountant General, to the Chief Secretary to Government, Fort Saint George, dated 2nd August 1860, No. 129.

1. With reference to the accompanying copy of a Telegram from the Civil Auditor, Calcutta, and the Orders of the Government of India and Madras, quoted in the margin, I have the honor to recommend that the full salary of the appointments which became temporarily vacant during the absence of Mr. Forbes may be drawn by the acting incumbents.

202 *Government of India, 6th January 1860, Financial.*
102 *Madras Government, 23rd June 1846, Notification, Page 614.*
405 *Madras Government, 25th September 1853, Financial.*

2. Resolution of the Government of India, No. 202, 6th January 1860, Financial, rules that "Officers belonging to the General Department of Account and Finance in India going on Furlough, retain a lien on the appointment they may be holding at the time of taking furlough" and are entitled to return to such appointment on coming back to India, on the understanding that the Officer taking furlough will, during his furlough, be entitled only to the usual furlough allowance, leaving the whole of the salary of his appointment available for his locum tenens." And it appears to me from the peculiar wording of this resolution and the use of the words "locum tenens" that there can be no doubt as to the intention of the order, and propriety of the course I recommend.

TELEGRAPH MESSAGE.

From Calcutta Bengal. Civil Auditor.

To Madras. Accountant General.

Dated 31st July 1860.

Forbes has leave to England on Medical Certificate, he retains lien on appointment, but draws no pay. See Government Order, Finance Department, ninth January last.

(True Copy.)

(Signed) THOS. MURRAY,
Actg. 2nd Asst. Accountant General.

Referred for the report of the Civil Auditor.

FORT SAINT GEORGE,
2nd August 1860.

(Signed) T. PYCROFT,
Chief Secretary.

From W. J RAYNOR, Esq., Acting Civil Auditor, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 10th August 1860, No. 819.

In obedience to the orders of Government, I have the honor to report on the Acting Accountant General's letter of the 2nd instant, recommending that the full salary of the appointments which become temporarily vacant during the absence of Mr. F. C. Forbes, may be drawn by the acting incumbents.

2. Mr. Forbes having proceeded on a furlough of 12 months, on Medical Certificate, his case falls under the provisions of the Resolution of the Government of India, dated 6th January 1860, Financial Department, which rules that "Officers belonging to the General Department of Account and Finance in India going on furlough, retain a lien on the appointment they may be holding at the time of taking furlough, and are entitled to return to such appointment on coming back to India, on the understanding that the Officer taking furlough will, during his furlough, be entitled only to the usual furlough allowance, leaving the whole of the salary

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20th August 1860.

"of his appointment available for his locum tenens,"—and it is on the latter part of this Resolution that Mr. Lushington grounds his recommendation. I would beg to explain, however, that the Order quoted cannot, in itself, be considered as giving an Officer who may be acting in a temporary vacancy of this kind, a claim to the full salary of the post. The rules in regard to acting incumbents are clear. An Officer acting in a vacant appointment has no title to the full salary, unless he be confirmed in the appointment, or allowed to draw the full allowance under the special sanction of Government.

3. Under ordinary circumstances the sanction of the Local Government is sufficient, agreeably to the Order cited* by Mr. Lushington, to pass to an acting incumbent the full available salary of a vacant post; but in the present instance the sanction of the Government of India is, I consider, necessary; the appointment being directly under that Government, and who may probably have made other arrangements, pro tempore, in regard to the vacancy.

4. I may add that as this is the first case which has occurred, of furlough to an Officer of the Account Department, I have addressed the Financial Secretary, Calcutta, submitting for orders my construction of the Rule of 6th January 1860.

No. 58. ORDER THEREON, 20th August 1860, No. 414.

Ordered that a copy of the Acting Civil Auditor's letter be furnished to the Acting Accountant General, with reference to his communication of the 2nd instant, No. 129.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Financial Department

Proceedings of the Madras Government

Read the following papers

From the Ag. Accountant General.

(Dated 2nd August 1860. No. 129)

From the Ag. Civil Auditor.

(— 10th — 1860 — 129)

Order thereon, 20th August 1860. No. 414

Ordered that a copy of the Acting Civil Auditor's letter be furnished to the Acting Accountant General with reference to his communication of the 2nd instant, No. 129.

To the Ag. Acct. General. (Sup. 24)

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