

MADRAS RECORD OFFICE.

Government of Madras.

Finance DEPARTMENT.

G.O. No.	528	Press ~~Mis.~~
Dated	22. 10 ,	1860

B/m 49-50

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Financial Department,
22nd October 1860.*

No. 49. Read the following Extract from the Proceedings of the Government of India in the Financial Department, dated 12th September 1860, No. 9,549.

Read letter from W. J. RAYNOR, Esq., Acting Civil Auditor, Madras, to C. H. LUSHINGTON, Esq., Financial Secretary to the Government of India, Calcutta, No. 820, dated 10th August 1860.

Fixed Department.

Resolution of the Government of India, dated 6th January 1860, relative to the grant of furlough to Officers of the Account and Finance Department.

A question having arisen regarding the application of the rule contained in the order marginally quoted, I have the honor to solicit the instructions of Government on the subject, for the guidance of this Department.

2. My interpretation of the rule is, that it does not, in itself, give an Officer *acting* in a vacancy of the nature therein referred to, a claim to the full salary of the appointment, a title to which can only (as in the case of vacancies in general) be acquired, either by his being appointed to fill the vacancy *pro tempore*, or allowed to draw the full salary under the special sanction of Government; and that such sanction should be granted by the Supreme Government, under whose orders the General Department of Account and Finance directly is.

3. Copy of a letter addressed by me to the Chief Secretary to the Government of this Presidency, in the case which has occasioned this reference, is herewith submitted.

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

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 *alieu* 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 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.

Government of India, 30th August 1853, Financial Department (M. G. 25th September 1853, No. 405.)

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.

*Proceedings of the Madras Government, Financial Department,
22nd October 1860.*

FINANCIAL DEPARTMENT, FORT WILLIAM, THE 12TH SEPTEMBER 1860.

RESOLUTION.

The view taken by the Officiating Civil Auditor at Madras, appears to the Governor General in Council to be correct. A special order from this Government is necessary to enable the acting Officers to draw the full allowances of the appointments in which they act. In respect to the particular case which has occasioned the present reference, His Excellency in Council observes, that the ruling of the 9th January 1860, referred to in the Auditor's letter, was intended to apply to cases of *Covenanted* Officers, who alone can succeed permanently to appointments of the grade of that held by Mr. Forbes; but as in the present case, the Officer acting for Mr. Forbes is an *Uncovenanted* Officer, he must be restricted to the ordinary acting allowance

Ordered, that a copy of the foregoing resolution be sent to the Acting Civil Auditor at Madras, in reply to his letter, No. 820, dated 10th ultimo, and to the other Civil Auditors for information and guidance.

Ordered, also, that a transcript of the resolution be sent to all the local Governments for information, with reference to the communication from this Department, dated 9th August 1860.

(A true Extract)

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

No. 50.

ORDER THEREON, 22nd October 1860, No. 528.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

F.P. 20^a August / 60 No^o 57^o 8

31 October
Final 1860 Sep. 5

From

The Secy to the Govt of
India: n^o 9549.

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 to the Secretary of the
 Finance Department
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Exd. T. O'Connor.