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MADRAS RECORD OFFICE.

Government of Madras.

Finance DEPARTMENT.

G.O. No. 73-75.	302-303	Press ~~M.15.~~
Dated	22-4-	1862.

73-75 12/13

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
22nd April 1862.

No. 72. Read the following letter from Colonel R. HAMILTON, Deputy Military Secretary to Government; to the Military Secretary to Government, dated Fort Saint George, 27th March 1862.

I have the honor to request that you will be good enough to submit the following circumstances connected with the late grant of privilege leave to me, for the consideration of Government.

Notification Fort Saint George Gazette 11th February 1862, page 264.

Chap. II, Civil Auditor's Manual paras. 114 to 117.

2. At the time I applied for leave (which in the first instance was for the limited period of seventeen days, but from circumstances over which I had no control, became extended to 34 days) I had served in the Military Department of the Secretariat, the Officers so employed coming under the Civil Rules for leave, a sufficient period to entitle me to the benefit of three months' cumulative privilege leave.

On the 17th March 1862.

3. I had no wish to avail myself of this privilege at the time in question, but the circumstances above referred to (the dangerous illness of my wife) rendered it absolutely necessary for me to proceed with her to Coonoor, in fact it was altogether unavoidable, and I was *forced* to take the leave. I returned and resumed my duties at as early a date as practicable.

4. It will be observed by the Memo: accompanying, that I am now to forfeit the remaining portion of the advantage of previous service in the Department entitling me to cumulative leave, and I am further required to complete 11 months' additional service to obtain even a fresh leave limited to 30 days, so that the remainder of the 90 days' cumulative leave has, by my return to duty after 34 days' absence, been altogether lost to me.

5. I am unaware of the causes that led to the rules regarding privilege leave being placed under such apparently extraordinary restrictions, it being specially provided that in all cases of such leave no extra expense is to be caused to Government, the reason therefore for its forfeiture if only taken in part is not apparent and may be considered unnecessarily restrictive, especially as it might happen that the whole period if taken at once would overtask those undertaking the duty of the absentee.

6. I beg respectfully to represent that it does not appear that the public service is likely to be injuriously affected by the boon of cumulative leave being allowed to be taken by instalments.

No. 7727, dated 17th August 1860.

* Of 30 days.

7. It will be observed by reference to para. 3 of the letter from the Secretary to Government of India in the Financial Department, published at page 754 of the Fort Saint George Gazette, dated October 19th 1860, that objection does not exist to the privilege leave therein referred to* being taken by instalments, and I respectfully submit that the extension of this rule and its application to the cumulative leave of two or three months, may receive the consideration of Government.

8. The annexed paper (Proceedings of the Commission for investigating public Establishments of which I was a Member) enters fully into the question with reference to the Uncovenanted Service, and exhibits very clearly how far the Rules affect individual cases applicable alike to the Covenanted or Uncovenanted Service.

Referred to the Public Department, with advertence to para. 3 of letter published at page 754 of the Fort Saint George Gazette, dated 19th October 1860, with a view, if deemed expedient, to its being forwarded to the Government of India for consideration and orders.

FORT SAINT GEORGE,
31st March 1862.

(Signed) H. MARSHALL, Colonel,
Secretary to Government.

No. 149.

MEMORANDUM.

General Department.

In reply to Memorandum of the Deputy Secretary to Government, Military Department, dated 24th instant, the Officiating Civil Paymaster has the honor to state that Lieutenant Colonel Hamilton forfeits the whole of the unexpired portion of the leave obtained on the 11th ultimo, vide Clause 116 (*a*) of Chapter II of the Civil Auditor's Manual, and that he cannot obtain further privilege leave before the expiration of eleven months from date of return to duty, when he will be entitled to one month.

Fort Saint George Gazette, dated 19th October 1860, page 754.

(Signed) W. J. RAYNOR,
Officiating Civil Paymaster.

CIVIL PAYMASTER'S OFFICE,
Fort Saint George,
25th March 1862.

To the Military Secretary to Government.

No. 74. ORDER THEREON, 22nd April 1862, No. 302.

The Government observe that the Civil Paymaster is correct in his exposition of the Absentee Rules as they apply to Colonel Hamilton's case. They cannot exempt Colonel Hamilton from the operation of those Rules; but it is understood that the revision of the Rules is at present engaging the attention of the Home Government. His Excellency the Governor in Council resolves to forward Colonel Hamilton's letter to the Government of India, and to represent to that authority for communication to the Home Government, how hardly the Rules operate in the matter complained of by Colonel Hamilton in some other respects.

(Signed) T. PYCROFT,
Chief Secretary.

No. 75. To the Secretary to the Government of India, Financial Department, dated Fort Saint George, 22nd April 1862, No. 303.

I am directed by His Excellency the Governor in Council to state that this Government have received a letter from Lieutenant Colonel Hamilton, Deputy Secretary to Government in the Military Department—a copy of which accompanies—bringing to their notice certain circumstances connected with the late grant to him of privilege leave.

2. Colonel Hamilton's case is briefly this: Under date the 11th February last, being at that time entitled to three months' privilege leave, he obtained leave of absence from the 11th to the 28th February 1862 for the purpose of accompanying his wife—who was then dangerously ill and has since died—to the Neilgherry Hills. Mrs. Hamilton's illness continuing, her husband obtained an extension of his leave, and rejoined his office on the 17th March after an absence of 34 days. He has since been informed by the Civil Paymaster that he has forfeited the residue of his three months' privilege leave, that he cannot take privilege leave again until after doing duty for eleven months, and then for one month only.

3. There can be no doubt that the Absentee Rules have been correctly stated by the Civil Paymaster, and Colonel Hamilton has been so informed and that it is not in the power of this Government to grant him any relief. The Government however understand that the revision of the Absentee Rules is at present engaging the attention of the Home Government, and they have therefore instructed me to submit the following remarks for the consideration of the Government of India and for submission to the Secretary of State.

4. The Covenanted Civil Service Absentee Rules of the 8th June 1855 in their general spirit and bearing are fair and liberal, and a great boon to the Service. Unhappily they are subject to some conditions and restrictions, which in many cases formed no part of the original Rules and which, while they in no degree tend to the advantage of the State, seriously detract from their value to the public servants affected by them.

Proceedings of the Madras Government, Financial Department,
22nd April 1862.

5. The first of the restrictions to which this Government would advert is that now complained of by Colonel Hamilton, viz., that cumulative privilege leave cannot be taken in instalments. An Officer may have served at his post continuously for three years, or indeed for double or treble that time, and thereby qualified himself for three months' privilege leave, yet if he be compelled by circumstances to absent himself from his duty for a short period he must either take at once the entire period of three months which he may not require, or if he take any shorter time, though it be but for ten days or less, he forfeits all claim to the balance of the three months, and his score has to begin again. While this condition acts so hardly on individuals it has no tendency to benefit the public service. Its operation, so far as it has any, on the public interests is to lead men to take more leave than they absolutely require, being aware that if they do not take at once all to which they may be entitled according to the Rules, they will not obtain the balance at any future time. It is pointed out by Colonel Hamilton that this restriction does not exist as regards one month's privilege leave which may be taken in two instalments. The Madras Government would beg strongly to recommend that cumulative leave may also be allowed to be taken in instalments. If it be necessary to fix some minimum for the length of the instalment, it might be fixed at one month. Thus an individual entitled to three months' privilege leave and taking one month only might be allowed to take the remaining two months either at once or in two monthly instalments at any times when the requirements of the public service—which must of course be paramount—would admit. If he remained at his duty for eleven months after return from his one month's original leave, he should be again entitled to three months' leave.

6. A second point which the Government would notice in the present Leave Rules is, that provision of them which prohibits leave on Medical Certificate being taken in continuation of privilege leave, or rather, which, in the event of its being so taken, throws back the sick stoppages to the commencement of the privilege leave. Thus, if a public servant having earned three months' privilege leave by continuous service of three years, or it may be of a much longer period, takes his three months, falls ill on the last day of it, and is compelled to extend his leave on Medical Certificate, he forfeits the advantage of all the privilege leave already enjoyed. It is submitted that in such case the stoppages on account of sickness may fairly begin from the date on which the extended leave on Medical Certificate takes effect, and the period passed on privilege leave allowed on the original terms.

7. A third part of the Rules which bears hardly on many and especially on those who are in receipt of small salaries is that which debars the issue of any pay during privilege or special leave. Such restriction must frequently be productive of much inconvenience, and in not a few instances preclude public servants from availing themselves of the leave which they have honestly earned and much need. No risk could be run by allowing the salary in all such cases to be drawn monthly, as the instances in which servants on special or privilege leave do not rejoin their appointments at the expiration of their leave must be very rare indeed, and even these might be guarded against, if thought necessary, by requiring the absentee to furnish security that he would refund the amount that he might have drawn, in the event of his not resuming his duties.

8. The Government would remark that a compliance with the above requests will involve no increase of expense beyond that of the present sanctioned establishment. The Home Government have liberally disclaimed any desire to benefit pecuniarily by the operation of the Absentee Rules. Yet it is certain that the Covenanted Civil Service Absentee Rules do produce a saving of more than one lac of Rupees per annum for the Madras Presidency only.

9. The above remarks and suggestions apply primarily to the Covenanted Civil Absentee Rules, but the Government would wish them to be understood as applicable also to the Uncovenanted Civil Service Rules so far as they may admit of being applied to them, as well as to the Rules which regulate the grant of privilege leave to Military Officers in Civil employ.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Financial Department

Lord Leeds.

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say that the Jurors

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Financial Department.

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16th April

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96

Financial Department.

No. 303

To,

The Secretary to the Govt. of India.

Sir,

I have directed by His Excellency the Governor in Council to state that the Govt. have received a letter from Lieut.-Col. Hamilton, Deputy Secretary to Govt. in the Military Department, a copy of which accompanies, bringing to their notice certain circumstances connected with the late grant to him of privilege leave.

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6. A second point which the Govt. notice in the foregoing leave rules is, that provision of them which prohibits leave on medical Certificate being taken in continuation of privilege leave, or rather, which in the event of its being so taken,

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passed on privilege leave allowed on the original terms - If it be objected that leave would be taken on private affairs although the state of health of the person might clearly certify it to be extended, it is submitted that this might easily be obviated by a rule that when privilege leave was extended under a Medical Certificate, the certificate should state explicitly from what time the illness commenced, and the stoppages should take effect from that date -

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Covenanted Civil Servants absentees

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Fort St. George
22d April 1852

Finl 1862 Depatch

No 303.

To

The Secretary to the
Govt of India

11-8-12

D/ 22 April 1862
Replied to 4th May/62
No 469.

Bring to the notice of the Govt of India the hard working of the Covenanted Service the Rules in certain Cases particularly that relating to the grant of cumulative privilege having addressing the case of Lt Col. Hamilton Dy Military Secretary to Govt as an instance.

73 C 95

C 17 April