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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 314 Press / Mis.

93-94.

Dated 26-4- 1892.

415

93-94

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department, 26th April 1862.

No. 93. Read the following Extract from the Proceedings of the Government of India in the Financial Department, dated 15th March 1862, No. 2,231.

Read the following papers regarding several points connected with the Absentee Rules of the Uncovenanted Service:—

Office Memorandum from the Public Works Department, No. 1,821, dated the 28th May 1861.

Endorsement to Officiating Civil Pay Master, Fort William, No. 6,747, dated the 6th June 1861.

Report from ditto, dated 13th June 1861.

Resolution passed in this Department on the 27th June 1861, No. 8,155.

Office Memorandum from Public Works Department, No. 80, dated the 7th January 1862, with enclosures.

Endorsement to Civil Pay Master, Fort William, No. 821, dated the 7th February 1862.

Memorandum from ditto, dated 15th February 1862.

RESOLUTION.—Mr. A. G. Crommelin, an Uncovenanted Officer of the Public Works Department, holding the appointment of Executive Engineer on the Baree Doab Canal, obtained leave to Europe on Medical Certificate under an Order of this Government, dated the 12th December 1858, and reported his departure from India, on the 7th March 1859. While in England, he was allowed extensions of leave by instalments for another year, which carried his leave up to the 7th March 1861. But having, with the permission of the Secretary of State, left England to return to India via Bombay by a Steamer of the 12th February 1861, he did not arrive in Bombay till the 15th March following, *i. e.*, eight days after the expiration of his leave. By an Order of the Government of the Punjab, dated the 25th April 1861, which was subsequently confirmed by this Government, he was appointed to officiate as Controller and Examiner of Public Works Accounts in the Punjab and he reported his arrival at Lahore on the 27th April 1861.

The Public Works Department, in reporting these circumstances in May last, enquired whether special leave on one-third allowances could be granted to Mr. Crommelin for the period occupied in travelling from Bombay to Lahore, and was informed in reply that, as Mr. Crommelin had exceeded the leave granted to him under Section V. of the Absentee Rules of the Uncovenanted Service, he was "not entitled to any special leave that would carry allowances with it."

Mr. Crommelin now enquires, whether the period between his landing at Bombay and arriving at Lahore (viz., from the 15th March to the 27th April 1861) may be allowed to count for pension, and solicits orders as to whether any retrenchment should be made in the case of Mr. Purdon, another Uncovenanted Officer of the Public Works Department in the Punjab, who, with the sanction of the Secretary of State, exceeded his sick leave for two years by two months, and was allowed special leave to rejoin his appointment for two months more, during which he received half salary.

The Public Works Department, in referring Mr. Crommelin's enquiry for consideration and orders, raises the following general questions connected with the grant of leave of absence to Uncovenanted Servants:—

1. To what allowances is an absentee entitled during the third year of sick leave?

2. What is the correct construction of the passage in the Resolution passed in this Department, on the 14th October 1857, declaring that an absentee on special leave is entitled to the rates of allowances granted under Clause 3 of Section 5 of the Absentee Rules (cited in the margin)?

"During one year of the entire period of absence under this "rule, the absentee will be subjected to a deduction of one-"half, and during the remainder, to a deduction of two-"thirds of his allowances, provided, however, that he shall "in no case draw a larger sum than Rupees 6,000 (£600) per "annum."

3. Is the permission given to an Uncovenanted Officer by the Secretary of State to return to his duty a mere formality, or does it entitle him to retain his appointment if he exceeds his leave; and, in the latter case, does the excess and the time occupied in joining count towards pension?

Proceedings of the Madras Government, Financial Department, 26th April 1862.

The Civil Pay Master, Fort William, whose opinion on the subject was called for, replies in regard to the case of Mr. Crommelin, that "when an Uncovenanted Officer forfeits his appointment by overstaying his leave, he is not entitled to special leave, inasmuch as he has no "appointment to join, consequently the period intervening between the date of Mr. Crommelin's "return to Bombay, and that of his assuming charge of his office at the Punjab, cannot count as "service qualifying for pension."

With reference to the first and second questions raised by the Public Works Department, the Civil Pay Master reports that an absentee, during the third year of sick leave, is entitled to one-third of his salary, and during special leave to one-third or one-half, according as the period of his absence on sick leave shall or shall not have exceeded twelve months; and that it is, therefore, necessary to recover from Mr. Purdon the difference between half and one-third of his salary during the period of his special leave.

His Excellency the Governor General in Council concurs in the views of the Civil Pay Master, and observes, with regard to the third point referred for consideration by the Public Works Department, that the question whether an Uncovenanted Servant, who has the permission of the Secretary of State to return to his duty, is entitled to retain his appointment, depends on the circumstances under which that permission was given. If an Officer merely applies to be allowed to return to his duty on a particular Steamer, without explaining that his leave will expire before he can reach India, the permission of the Secretary of State (which would then be given as a matter of course) cannot be held to imply that it was intended he should retain his appointment contrary to the letter of the rules; but if, on the other hand, the Officer explains to the Secretary of State that his leave will be exceeded, it may fairly be inferred that it was intended that his claim to his appointment should not be forfeited, and in this case he might be held to be entitled to special leave and to count such special leave as service qualifying for pension. Every case, however, must be considered on its merits. No general ruling can be passed.

Ordered, that a copy of the foregoing Resolution be forwarded to the Public Works Department, for information and further orders, and that the original papers received from that Department, with Memorandum, No. 80, dated the 7th January 1862, be returned, copies being kept in this office for record.

Ordered, also, that copies of the foregoing Resolution be forwarded, for information and guidance, to the Departments, Governments and Officers noted below:—

Foreign, Home, Military, and Marine Departments.

Governments of Bengal, Madras, Bombay, the North-Western Provinces and the Punjab.

Civil Pay Masters, Bengal, Madras, Bombay, the North-Western Provinces, and the Punjab.

(A true Extract.)

(Signed) C. BERNARD,
Under Secretary to the Government of India.

No. 94. ORDER THEREON, 26th April 1862, No. 314.

Communicated to the several Departments of the Secretariat.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor

No. 2231

om the Proceedings of the Government of India, in the Financial Department, d. 15th March 1862.

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nt to Officiating Civil Pay Master, Fort William, No. 6747,
the 6th June 1861.

n ditto, dated 13th June 1861.

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(A true Extract)

Under-Secretary to the Government of India.

Fin'l 1862 Dept

From
The Under Secy to the
Govt of India. Fin'l Dt
2231.

Of 15th March
& 15th April } 1862
3 [illegible]

No 316

Comg for information & guidance the Resolution of that Govt on certain papers regarding several points connected with the absentee Rules of the Uncovenanted Service –

With an Order

To the Rev. Depr
Pub. Works do
Military — do.
Fin'l. —
Jud'l —
Poll —
Marine —
Ecclesiastical —
Educational
Railway —

No 314 – 26 April 1862.

Communicated to the several Departments of the Secretariat.

JP

Despd 28th

Recd of 9 May

11-8-13

93 & 94