M.R.O. 1—77,006—8-6-37.

(1) Number of pages 14

(2) Date of repair 13.7.39

(3) Initials of the Referencer A

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 394 Press ~~Mis.~~

35-36

Dated 19. 6 1868.

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35-36

Not to be folded or roughly handled

13/7/39

Proceedings of the Madras Government, Financial Department, 19th June 1863.

Read again letter from T. ONSLOW, Esq., Civil and Sessions Judge of Masulipatam, with Civil Paymaster's Endorsement thereon; and also Memorandum, dated 1st instant, No. 233, recorded in Proceedings of the 2nd idem, No. 854.

Read also the fol' wing papers :—

No. 35. From T. ONSLOW, Esq., Ootacamund; to the Chief Secretary to Government, Madras, dated 11th June 1863.

Having just received through the High Court a copy of the Order of Government dated 2nd June1863, No. 854, forwarding at the same time a Memorandum from the Civil Auditor regarding my application for an extension of three months on Medical Certificate to the effect, that I had exhausted my leave and not entitled to an extension "*drawing pay*," I have the honor to request you will explain to His Excellency the Governor in Council that when I applied for an extension, I had not the slightest idea that I was not entitled to additional leave "*drawing pay*," or I should never have applied.

Under such circumstances I trust His Excellency the Governor in consideration of the unintentional mistake on my part, will allow me to cancel my application for additional medical leave, and allow me to resign the service from the expiration of my present sick leave on the 1st of July next, with the retiring pens'on, according to the terms of the Despatch of the Right Honorable the Secretary of State under date 25th November 1862, and that the sanction of Government may be given to my drawing my pension in India.

I respectfully request that the three months' notice previous to resigning the service may not be required of me or I shall be greatly inconvenienced at the pecuniary loss it would entail upon me, as I was quite ignorant of the ruling quoted by the Civil Paymaster, and fully thought I am entitled to an extension of Medical Certificate, "*drawing pay*."

No. 36. From W. J. RAYNOR, Esq., Officiating Civil Paymaster; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated 17th June 1863, No. 254.

General Department.

In continuation of my report, dated 30th ultimo, on the application of Mr. T. Onslow for an extension of the leave granted to him on the 21st February 1862, I have the honor to state that on examining the register of leave obtained by that gentleman I find that he was permitted on the 18th November 1851 to proceed to Europe on sick leave for three years on condition of resignation of the service.

2. The Covenanted Civil Service Absentee Rules of 1843, which were in operation at that time, did not permit an Officer to proceed to Europe except upon furlough; and Mr. Onslow had already taken his furlough between 1843 and 1845. The permission granted to him in 1851 to proceed to Europe on sick leave (forfeiting appointment and allowances) seems therefore to have been granted irrespective of and without reference to those rules.

3. Under these circumstances I am inclined to think that, Mr. Onslow cannot be considered to have had sick leave under the rule of 1843, inasmuch as the said rules did not contain any provision for leave such as that granted to him on the occasion referred to, and that he need not therefore have applied for the leave obtained by him in February 1852 *under Section IX* of the rules now in force, which contain nothing to debar an Officer circumstanced like Mr. Onslow from obtaining sick leave to the full extent allowed by them.

4. If Government agree in the above view of the case, Mr. Onslow's leave may be altered and he be declared to have been granted leave under Section VI of the rules of 1855. The extension solicited by him may also then be granted, with retention of appointment, under Clause 5 of that Section.

Proceedings of the Madras Government, Financial Department,
19th June 1863.

No. 37. ORDER THEREON, 19th June 1863, No. 394.

Ordered that a copy of the Officiating Civil Paymaster's letter of the 17th instant be furnished to Mr. Onslow; and adverting to the circumstances under which he solicited permission to resign the Civil Service, that he be informed that the Government will be prepared to grant him the extension of leave applied for, with retention of appointment, on his intimating his wish to avail himself of it. Mr. Onslow's application to resign the service will remain in abeyance in the meantime.

(Signed) A. J. ARBUTHNOT,
Chief Secretary

Exd. T. McMootry.

General Department.-

Civil Pay Master's Office,
Fort Saint George,
17th June 1863.

No. 254

From,

W. J. Raynor Esqre.,
Offg. Civil Pay Master.

To,

The Honorable A. J. Arbuthnot
Chief Secretary to Government.

Sir,

1st.- In continuation of my report dated 30th ult.o on the application of Mr. J. Onslow for an extension of the leave granted to him on the 21st February 1862, I have the honor to state that on examining the register of leave obtained by that Gentleman I find that he was permitted on the 18th November 1851 to proceed to Europe on sick leave for three years on condition of resignation of the service.-

2nd.- The Covenanted Civil service Absentee rules of 1843. which were in operation at that time, did not permit an officer to proceed to Europe except upon furlough; and Mr. Onslow had already taken his furlough between 1843 & 1845.- The permission granted to him in 1851 to proceed to Europe on sick leave (forfeiting appointment & allowances) seems therefore to have been granted irrespective of and without reference to those rules.-

3rd.- Under these circumstances I am inclined to think that, Mr. Onslow cannot be considered to have had sick leave under the rules of 1843, inasmuch

inasmuch as the said rules did not contain any provision for leave such as that granted to him on the occasion referred to and that he need not therefore have applied for the leave obtained by him in February 1862 under Section IX of the rules now in force, which contain nothing to debar an Officer circumstanced like Mr. Onslow from obtaining sick leave to the full extent allowed by them.—

If Government agree in the above view of the case, Mr. Onslow's leave may be altered and he be declared to have been granted leave under Section VI of the rules of 1855. The extension solicited by him may also then be granted, with retention of appointment, under clause 5 of that Section.—

I have the honor to be,
Sir
Your most Obedient Servant.
W. Mansfield
Offg. Civil Pay Master.—

from J. Dubois, attorney
for
Christian Long
Kansas

Having just received this letter
from — & by the order of Court dated
2d June 1868 in 854, Ordering &
directing — Immediate Mandamus to issue
by application prior 4 months. If 3 months
on Medical Certificate, & the effect, that
on 4th inst, having pay, & know the
reason why not paid — & the Ap-
plicant signed petition that the Applic
calling for Govt Counsel
for an extension, should not the Applicant
but Shall not be entitled to additional leave
Drawing Pay" or I should have
Applied —
Understand Gillam, Counsel Should be
Calling the Govt Counsel in consideration of
the matter, and make an application
this a.m. to cancel my Application

Petition for
Mandamus
Dist of Kansas
Daly
Filed 17th June 1868
D. J.
D. 252
F. No 1366 1/63
P. 4425
30

Petition a
further request on
behalf of Buckles' attorneys
for an Extension of
time to file Record

for additional medical leave,
I have to assign as reason for
my petition for my present sick leave
on the 1st of July last, with the attesting
papers, namely the Certificate of the
Physician, & Surgeon of the Hospital at Port Hudson the Secretary of
State was dated 25th Nov. 1862, that
the sanction of Your Excellency being
duly given for
I respectfully expect to be in 3 months
active service, desiring to have
my leave be equivalent to my absence
from
duty in consequence of the Resignation
would entail upon me, as I anticipate
the ruling power of the Civil Department
of the State would be extended to an extension
of medical Certificate, bearing date
I am to remain
Sir
Your obt. Servt.
Thos. Parker
Lt. Col.
Received
June 11/63

Financial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again letter from Mr L. Onslow, Civil and Sessions Judge of Masulipatam, with Civil Paymaster's Endorsement thereon; and also Memo dated 10th Instant No 233 recorded in Proceedings of the 2nd Idem No 854.

Read the following letters:

From L. Onslow Esq
(Dated 11th June 1863)

From the Offg Civil Paymaster
(Dated 17th June '63. No 254

Order. 19th June 1863 No 394.

Ordered that a Copy of the Offg Civil Paymaster's letter of the 17th Instant be furnished to Mr Onslow; and adverting to the circumstances

Financial Dept
C. Proceedings

Read
C. Onslow Esq
C. Collector

Rec'd 25th June 1863
Ans'd 10th July 1863 Dept 21

Rec'd 19th June 1863
Ans'd 19th June 1863

10 No 394

Copy sent to Consult Counsel the 3 Schedules came for opinion & advice on the Draft of the Petitions and Draft of the Superintending Officer's Precedent Letter. He prays he allowances &c. Reign the Petitioner resign the Office of Collector dated 25th May 1863 Paym his pay in full

35-37

circumstances under which he
solicited permission to resign
the Civil Service, that he be
informed that the Government
will be prepared to grant him
the extension of leave applied for,
with retention of appointment,
or his intimating his wish to
avail himself of it. Mr. Onslow's
application to resign the service
will remain in abeyance in the
mean time.

W

To C. Onslow Esq
Dataramund. 13 dispd. 19

Fort St George

Fort 1863. Department.

No. 394

PROCEEDINGS OF GOVERNMENT,

Dated 19 June 1863.

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