M.R.O. 1—77,005—8-6-37.

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(2) Date of repair

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 421 Press Mis.

21-23

Dated 11-9- 1865.

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21-23

Not to be folded or roughly handled

19

Read the following papers :—

No. 21. PROCEEDINGS OF THE BOARD OF REVENUE, dated 28th June 1865, No. 3537.

READ—

Proceedings of the Board of Revenue, dated 26th May 1865, No. 2796.

Read the following letter from W. WILSON, Esq., Head Assistant Collector of the Kistna District, to the Honorable the Members of the Board of Revenue; dated Madras Club, 24th May 1865.

Abstract.—Requesting to be allowed the privilege of taking, at a subsequent period, the portion of the leave granted in *Fort Saint George Gazette* of 19th April, not availed of by him, and soliciting permission to resume charge of his office after returning from Masulipatam.

Mr. Wilson will be permitted to resume charge of his office as proposed. His request to be held entitled to avail himself of the remaining portion of his leave hereafter will be referred to the Civil Paymaster, for report.

Proceedings of the Board of Revenue, dated 12th June 1865, No. 3160.

Read the following Official Memorandum from W. DONALD, Esq., Chief Assistant in charge of Civil Paymaster's Office, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue; dated Fort Saint George, 3rd June 1865, No. 53.

Abstract.—Stating that Mr. Wilson cannot be allowed to avail himself of the remaining portion of his accumulated privilege leave at a future date.

The object of the Board in referring Mr. Wilson's application to the Civil Paymaster was to ascertain from that Officer whether, under Clause 8 of the Revised Absentee Rules, and with adverence to paragraph 5 of the Secretary of State's Despatch, it was not competent to the Board to grant Mr. Wilson his leave in instalments, as he desired. The Civil Paymaster will now be requested to report his opinion on this point.

READ ALSO the following Memorandum from W. DONALD, Esq., Chief Assistant in charge of Civil Paymaster's Office, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue; dated Fort Saint George, 13th June 1865, No. 74.

With reference to the Proceedings of the Board of Revenue, No. 3160, of the 12th instant, the undersigned has the honor to state that Government alone can grant to Mr. Wilson, at a future time, the unavailed portion of his privilege leave.

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1. RESOLVED that the foregoing papers be submitted for the consideration of Government.

2. It will be observed that Mr. Wilson obtained three months' privilege leave, and cancelled a portion of it at his own desire. The Civil Paymaster is of opinion that Government alone can permit Mr. Wilson to avail himself of the unexpired portion of his leave at a future time.

3. The Board are under the impression that when the Government were pleased to depute to them the power to grant privilege leave to the officers serving under them, the power to grant this leave in instalments was included. If so, the Board would request that the Civil Paymaster's apparent misconception of the intentions of Government may be corrected.

4. It may be held, however, that in the present case, even although the Board had the power to grant leave in instalments, they could not comply with Mr. Wilson's request, as he had applied for and obtained the full period of leave to which he was entitled. The Board, there-

Examiner of Claims.

fore, resolve to request that Government will be pleased to declare Mr. Wilson to be entitled to the balance of his leave, under the provisions of Clause 8 of the Revised Absentee Rules.

(True Extracts).

(Signed) R. A. DALYELL,
Acting Secretary.

To W. Hudleston, Esq., Acting Secretary to Government, R. D.

Transferred to the Financial Department, for disposal, with reference to G. O., dated 19th June 1865, No. 304.

3rd July 1865. (Signed) W. HUDLESTON,
Acting Secretary to Government.

Referred to the Examiner of Claims for report.

19th July 1865. (Signed) A. J. ARBUTHNOT,
Chief Secretary.

No. 22. From W. DONALD, Esq., Examiner of Claims, Fort Saint George, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated 27th July 1865, No. 22.

Statement Department,

I have the honor, with reference to Government Endorsement, dated the 19th instant, upon Proceedings of the Board of Revenue, No. 1782, dated the 28th ultimo, to report that I do not consider that Mr. Wilson is entitled to the unavailed portion of his privilege leave, as I am of opinion that the last sentence of Section 8 of the Revised Civil Service Furlough and Absentee Rules is not applicable to cases like the present.

2. It appears to me, from the preceding part of that Section, that the privilege of taking accumulated privilege leave in portions was intended to meet the case of officers who, when applying for leave, inform Government, or the authority who grants the leave, that they wish to enjoy a part only of what is due to them without forfeiting the balance; and was not meant for those who, like Mr. Wilson, ask for, and quit their station upon the grant of, the full leave due to them, and who *of their own accord* return to duty before the expiry of the same. The recent application for leave by Mr. C. G. Master illustrates my meaning.

No. 23. ORDER THEREON, 11th September 1865, No. 421.

The Governor in Council concurs in the opinion of the Examiner of Claims. It was clearly not intended that an officer, after having applied for, and obtained, the full amount of leave due to him, but returning to his duty of his own accord before the expiration of his leave, should be allowed to take the balance at a future time. Such a practice would cause much inconvenience in those cases in which an officer is appointed to act. As, however, Mr. Wilson may have acted under the impression that the rules made him eligible to the privilege which he applies for, His Excellency in Council will not object to his obtaining the balance of the privilege leave lately granted to him, should the requirements of the public service admit of such leave being granted to him when he applies for it.

2. The Governor in Council does not deem it expedient to vest in the Board of Revenue the power of granting leave in instalments. Such applications should be submitted to Government; and in modification of the orders at present in force, the Governor in Council resolves to direct that whenever the leave applied for shall be in excess of one month, or whenever, though not in excess of one month, the grant of leave may entail the appointment by Government of an acting officer, the application shall be invariably submitted for the orders of Government.

(True Extract).

Chief Secretary.

To the Revenue Department.
„ Accountant General.
„ Examiner of Claims.

Exd. J. H. Burns.

No. 2,796.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 26th May 1865.

Read the following letter from W. WILSON, Esq., Head Assistant Collector of the Kistna District, to the HONORABLE THE MEMBERS of the Board of Revenue, dated Madras Club, 24th May 1865:—

ABSTRACT.—Requesting to be allowed the privilege of taking, at a subsequent period, the portion of the leave granted in "Fort Saint George Gazette" of 19th April, not availed of by him, and soliciting permission to resume charge of his office after returning from Masulipatam.

Mr. Wilson will be permitted to resume charge of his office as proposed. His request to be held entitled to avail himself of the remaining portion of his leave hereafter will be referred to the Civil Paymaster, for report.

(A true Extract.)

(Signed) R. A. DALYELL,
Acting Secretary.

To W. Wilson, Esq., Madras Club.
„ W. Donald, Esq., Chief Assistant, in charge of Civil Paymaster's Office.
„ G. Thornhill, Esq., Collector of the Kistna District.

Exd. J. Wright.

No. 4.

Read No. 3560 of 1865.

1663. Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 26th May 1865.

Despatched

Received

No. 2,796.

Permitting Mr. Wilson to resume charge of the office of Head Assistant to the Collector of the Kistna District, and stating that his request to be held entitled to avail himself hereafter of the remaining portion of the privilege leave granted to him in "Fort Saint George Gazette" of 19th April will be referred to the Civil Paymaster.

No. 3,160.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 12th June 1865.

Read the following Official Memorandum from W. DONALD, Esq., Chief Assistant, in charge of Civil Paymaster's Office, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Fort Saint George, 3rd June 1865, No. 53:—

ABSTRACT.—Stating that Mr. Wilson cannot be allowed to avail himself of the remaining portion of his accummulated privilege leave at a future date.

The object of the Board in referring Mr. Wilson's application to the Civil Paymaster was to ascertain from that Officer whether, under Clause 8 of the Revised Absentee Rules, and with advertence to paragraph 5 of the Secretary of State's Despatch, it was not competent to the Board to grant Mr. Wilson his leave in instalments, as he desired. The Civil Paymaster will now be requested to report his opinion on this point.

(A true Copy and Extract.)

(Signed) R. A. DALYELL,
Acting Secretary.

To W. Donald, Esq., Chief Assistant, in charge of Civil Paymaster's Office.

Exd. J. Wright.

Examiner of Claims.

Read. 4.8.

Remitted with the Bd's Proc. dated 28th June 1865 No. 3587.

1865. Department

No.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 12th June 1865.

Despatched

Received

No. 3,160.

Requesting to report whether it is not competent to the Board to grant privilege leave to Mr. Wilson in instalments.

No. 3,587.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 28th June 1865.

Read Board's Proceedings, under date 26th May 1865, No. 2,796.
Do. do. do. 12th June „ „ 3,160.

Read also the following Memorandum from W. DONALD, Esq., Chief Assistant, in charge of Civil Paymaster's Office, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Fort Saint George, 13th June 1865, No. 74:—

With reference to the Proceedings of the Board of Revenue, No. 3160 of the 12th instant, the undersigned has the honor to state that Government alone can grant to Mr. Wilson, at a future time, the unavailed portion of his privilege leave.

1. Resolved that the foregoing papers be submitted for the consideration of Government.

2. It will be observed that Mr. Wilson obtained three months' privilege leave, and cancelled a portion of it at his own desire. The Civil Paymaster is of opinion that Government alone can permit Mr. Wilson to avail himself of the unexpired portion of his leave at a future time.

3. The Board are under the impression that when the Government were pleased to depute to them the power to grant privilege leave to the officers serving under them, the power to grant this leave in instalments was included. If so, the Board would request that the Civil Paymaster's apparent misconception of the intentions of Government may be corrected.

4. It may be held, however, that in the present case even although the Board had the power to grant leave in instalments, they could not comply with Mr. Wilson's request, as he had applied for and obtained the full period of leave to which he was entitled. The Board, therefore, resolve to request that Government will be pleased to declare Mr. Wilson to be entitled to the balance of his leave under the provisions of Clause 8th of the revised Absentee Rules.

(A true Copy and Extract.)

Acting Secretary.

To W. Hudleston, Esq., Acting Secretary to Government, R. D.,
with copy of Board's Proceedings, dated 26th May and 12th June 1865,
Nos. 2,796 and 3,160.

Copy to G. Thornhill, Esq., Collector of the Kistna District.

Exd. J. Wright.

Examiner of Claims.

No. 22

Patents Department.

Office of Examiner of Claims,

FORT SAINT GEORGE,

27th July 1865.

From

THE EXAMINER OF CLAIMS,

Fort Saint George.

To

THE SECRETARY TO GOVERNMENT, Fort Saint George

Financial Department.

Sir,

I have the honor with reference to Government Endorsement dated the 19th instant 1865, upon Proceedings of the Board of Revenue No 1782 dated the 28th Ultimo, to report that I do not consider that Mr Wilson is entitled to the unavailed of portion of his Privilege Leave, as I am of opinion that the last sentence of Section 8 of the Revised Civil Service Furlough and Absentee Rules is not applicable to cases like the present.

2. It appears to me from the preceding part of that Section that the Privilege of taking accumulated Privilege Leave in portions was intended to meet the case of Officers who, when applying for Leave, inform Government, or the Authority who grants the Leave, that they wish to enjoy a part only of what is due to them without forfeiting the balance; and was not meant for those who, like Mr Wilson, ask for, and quit their Station upon the grant of, the full Leave due to them, and who of their own accord return to duty before the expiry of the same. The recent application for Leave by Mr C. G. Master illustrates my meaning.

I have the honor to be,
Sir,
Your most obedient Servant,

W. Edwards

Examiner of Claims.

Pro 23 June 65. No 1494-495.

19 June 65 Ltr to Fin. Dept.

Transmitted to the Fin. Dept. for disposal with refce to G.O. of 19th June 65 No 304.

Secretary

3d Asst. Secy

Fin. Dept.

19 July 1865.

Examiner of Claims

Madras

Dated 28th June 1865.

No 1782.

Board of Revenue

Proceedings of the Board of Revenue.

No 3,587. 2 inc

Requesting to declare Mr Wilson Head Assistant Collector of Kistna District to be entitled to balance of the privilege leave of three months, not availed of by him, under Clause 8 of revised absentee Rules.

Fort St George 19th July 1865.

Ch. Asst. to Sec. to Govt.

Fin. Dept. 21 July 65.

Ch. Asst. to Sec. to Govt.

Fin. Dept. 20 July 65.

Mr Wilson

F. No 360.

Financial Department.

11 A

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following Papers

Proceedings of the Board of Revenue No. 2 under 26th May & 28th June 1865
Nos. 3186 & 3587

Letter from the Examiner of Claims — " — 27th July. No. 22
September

Order thereon 11th ~~August~~ 1865. No. 421.

The Governor in Council concurs in the opinion of the Examiner of Claims. It was clearly not intended that an Officer, after having applied for, and obtained the full amount of leave due to him but returning to his duty of his own accord before the expiration of his leave, should be allowed to take the balance at a future time. Such a practice would cause much inconvenience in those cases in which an Officer is appointed to act. As, however, Mr. Wilson may have acted under the impression

Proceedings of the Board of Revenue
Nos. 3186 & 3587
Read 11th Sept. 1865
13
From the Examiner of Claims
No. 22
Dated 27th July 1865
Rec'd 2nd Sept.
Answered
Sept. 11th 1865
No. 421

Sir,

With reference to the Proceedings noted in the margin, I have the honor to request that you will be pleased to move the Government to cancel the Order passed on the 11th August last, No. 421, and to direct that Mr. Wilson be allowed to draw the balance of his leave, amounting to 22 days, at such time as he may find it convenient to do so.

I have &c.
(Signed) W. Taylor
Secretary to the Board of Revenue

To
The Chief Secretary to Government
Fort St. George

Examiner's Office
Madras, 27th July 1865

Sir,

With reference to the Proceedings noted in the margin, I have the honor to request that you will be pleased to move the Government to cancel the Order passed on the 11th August last, No. 421, and to direct that Mr. Wilson be allowed to draw the balance of his leave, amounting to 22 days, at such time as he may find it convenient to do so.

I have &c.
(Signed) W. Taylor
Secretary to the Board of Revenue

To
The Chief Secretary to Government
Fort St. George

C2 Sept
R4 "
22

I do not think that the Govt ought to delegate this power to the Board. — and I do not see why any reference need be made to the Govt of India, this evidently that leave can be split up into two portions —

As regards Mr Wilson he has no claim of right but I would let him have his leave if not inconvenient

WTD

The decision of the Examiner of Claims has been acted upon

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impression that the rules made him eligible to the privilege which he applies for, His Excellency in Council will not object to his obtaining the balance of the privilege leave lately granted to him should the requirements of the public service admit of such leave being granted to him when he applies for it.

2 The Governor in Council does not deem it expedient to vest in the Board of Revenue the power of granting leave in instalments - such applications should be submitted to Government, and in modification of the orders at present in force, the Governor in Council resolves to direct that whenever the leave applied for shall be in excess of one month

or whenever though not in excess of one month, the grant of leave may entail the appointment by Government of an acting officer, the application shall be invariably submitted for the orders of Government.

To the Revenue Dept.
— Accts General
— Examiner of Claims

Despr 15/9/66

29- Lo 40

Proc of Septembers 7

Financial 1865. Department.

No. 421

PROCEEDINGS OF GOVERNMENT.

Dated 11th September 1865.

Sept 26 to Sept 65

25.8.05

21 @ 23