

(1) Number of pages 16
(2) Date of repair 1-9-8
(3) Initials of the Referencer G

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No.	89	Press Mis.
Dated	26-2-	18 67.

58-59

Not to be folded or roughly handled

*Proceedings of the Madras Government, Financial Department,
26th February 1867.*

No. 58. Read the following letter from the Examiner of Claims, to the Chief Secretary to Government, Fort Saint George; dated Fort Saint George, 19th January 1867, No. 61.

I have the honor, by direction of the Accountant General, to forward, in compliance with Mr. W. H. Kerr's request, copy of a letter from that gentleman to me, dated London, 2nd ultimo, appealing against my decision in the matter of his leave preparatory to sick leave to Europe, as given in my Memorandum to his Agents here, No. 306, dated 4th September 1866, a copy of which is also herewith sent.

2. My refusal to admit Mr. Kerr's claim to preparatory leave, and its accompanying moiety of salary up to the date of his departure from Bombay, was based upon the ruling of the Government of India, in their letter, dated 24th

"An Officer of the Madras Presidency, when proceeding on furlough, must be considered on furlough from the date of his leaving Beypore, or any other port within the limits of his own Presidency, and not from the date of his leaving Bombay, unless it should so happen that that port is not more distant from his station than the ports of his own Presidency."

April 1863, No. 1787, Financial (noted on the margin), for I am of opinion that the spirit of this ruling applies to Officers proceeding to Europe on sick and other leave from ports in the Western Coast of this Presidency.

3. It is observed* that the Government of India, Foreign Department, granted Mr. Kerr 19 days' leave "to proceed to Bombay preparatory to embarking for Europe;" but, in the

* *Fort Saint George Gazette*, of 10th April 1866, page 555.

face of the orders quoted above, I do not consider that I should have been justified in passing to Mr. Kerr moiety of salary for any period subsequent to the date of his departure from Mangalore, without special orders from the Government of India, Financial Department.

er that I should have been justified in passing to Mr. Kerr moiety of salary for any period subsequent to the date of his departure from Mangalore, without special orders from the Government of India, Financial Department.

4. With regard to Mr. Kerr's pleas that he had to appear before a Medical Committee at Bombay in order to obtain his leave, and that, being under the orders of the Government of India, it was not necessary for him to embark from his own Presidency, I would remark, first, that, under the Civil Rules (vide Section 10 and Appendix), the Certificate of the attending Surgeon requires to be countersigned by "the principal Medical authority at the nearest principal station"; second, that, in the case of Mr. R. Taylor, of the Bengal Civil Service, lately Acting Deputy Accountant General here, an Officer employed under the Government of India, the ruling quoted in paragraph 2 above was enforced by this office, and he was granted preparatory leave only from 14th to 18th November last, as, on the 19th idem, he sailed from Mangalore for Bombay, en route to Europe on furlough.

No. 306.

OFFICIAL MEMORANDUM.

When returning Mr. W. H. Kerr's bill, for moiety of pay from date of giving over charge of office to that of embarkation, received with Messrs. Arbuthnot and Co.'s letter of the 31st ultimo, the undersigned has the honor to state that a bill on the abovementioned account was passed on the 22nd June 1866.

2. Mr. Kerr is not entitled to pay up to the date he embarked at Bombay, but only up to the date prior to that on which he sailed from the port in South Canara, viz., 5th March 1866.

ACCOUNTANT GENERAL'S OFFICE,
FORT SAINT GEORGE,
3rd September 1866.

(Signed) W. DONALD,
Examiner of Claims.

To Messrs. Arbuthnot and Co., Agents, Madras.

*Proceedings of the Madras Government, Financial Department,
26th February 1867.*

From W. H. KERR, Esq., Madras Civil Service, and late Superintendent of Coorg, to the Examiner of Claims, Fort Saint George; dated 14, Saint James' Square, London, 2nd December 1866.

Adverting to your Memorandum, No. 306, of the 4th September last, to the address of Messrs. Arbuthnot and Co., I have the honor to point out, in explanation of my having claimed preparatory leave, and, consequently, half pay, up to the date of my embarkation from Bombay—

1st.—That it was necessary that I should appear before a Medical Committee, in order to obtain my leave, and that, up to the time of my doing this at Bombay, I was, as a *matter of fact*, necessarily on preparatory leave.

2ndly.—That of the two places, Madras and Bombay, to which I had the option of proceeding from Mercara for this purpose, and for final embarkation to Europe, Bombay was not only the nearest and the most easily accessible, but actually entitled me to the shortest preparatory leave; and

3rdly.—That I had my Medical advice applied for, and obtained permission from the Government of India to embark from Bombay.

2. I beg to submit, therefore, that, as, if I had made a long land journey and proceeded to Madras, there would have been no objection made to my claim for the full preparatory leave allowed for that journey, and as my employment under the Government of India rendered my embarking from my own Presidency unnecessary, the circumstance of my having taken advantage of a steamer to travel for a part of the distance to the Head Quarters of the nearest Medical Committee, by sea, ought not to bar my claim to the allowance to which I would otherwise have been entitled.

3. Should you concur in this, I have the honor to request that you will intimate your decision to my Agents, Messrs. Arbuthnot and Co., who hold in their hands a receipt for my half pay up to the 14th of March. If otherwise, I beg to request that you will obviate the necessity of a further long delay, by submitting the point for the orders of the Madras Government.

From E. H. LUSHINGTON, Esq., Secretary to the Government of India, Financial Department, to the Civil Paymaster, Fort Saint George; dated Fort William, 24th April 1863, No. 1787.

In reply to your letter, No. 337, dated 17th March 1863, I am directed to state that your inquiries are not so specific as they ought to have been.

2. An Officer of the Madras Presidency, when proceeding on furlough, must be considered on furlough from the date of his leaving Beypore, or any other port within the limits of his own Presidency, and not from the date of his leaving Bombay, unless it should so happen that that port is not more distant from his station than the ports of his own Presidency.

3. I am to request that you will be good enough to state more clearly the point which is referred for decision in your 5th paragraph, and that you will mention the case which has suggested the reference, it being inexpedient to decide mere abstract questions connected with the rules.

No. 59. To the Secretary to the Government of India, Financial Department, dated Fort Saint George, 26th February 1867, No. 89.

I am directed by the Right Honorable the Governor in Council to forward, for the consideration of His Excellency the Governor General in Council, the correspondence noted in the margin, and to request the decision of the

Letter from the Examiner of Claims to the Chief Secretary to Government, Fort Saint George, dated 19th January 1867, No. 61, with one enclosure.

Government of India on the case therein referred to.

2. On the 14th March 1866, Mr. W. H. Kerr, of the Madras Civil Service, Superintendent of Coorg, was granted nineteen days' leave of absence, to proceed to Bombay, preparatory to embarking for Europe on Sick Certificate.

*Proceedings of the Madras Government, Financial Department,
26th February 1867.*

3. Mr. Kerr, having given over charge of his office, proceeded to Bombay, embarking for that Presidency from Mangalore, a Port on the Western Coast, within the Madras Presidency, on the 5th March 1866.

4. The Examiner of Claims refuses to pass Mr. Kerr's claim for a moiety of his pay from the date of giving over charge up to the date of embarkation from Bombay, remarking that Mr. Kerr is entitled to a moiety of his pay only up to the date prior to that on which he embarked from Mangalore.

5. Copies of Mr. Kerr's letter, appealing against this refusal, together with a letter from the Examiner of Claims to the Chief Secretary to Government, dated 19th January 1867, No. 61, explanatory of the grounds on which his refusal was based, are herewith forwarded. It will be seen that the Examiner based his refusal on the ground that, notwithstanding the Notification granting leave to Mr. Kerr, preparatory to embarking from Bombay, he was debarred from allowing Mr. Kerr's claim by the ruling of the Government of India, communicated in Mr. Secretary Lushington's letter, dated 24th April 1863, No. 1787, Financial Department, a copy of which is appended.

6. I am to add that the Governor in Council is of opinion that Mr. Kerr's claim to a moiety of his pay from the date of his giving over charge, up to the date of his embarkation from Bombay, should, under the circumstances, be admitted.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. J. H. Burns.

No 1787.

57
G. S.
4

From C. H. Lushington, Esquire,
Secretary to the Government of India,
Financial Department;

To The Civil Paymaster, Fort Saint George,
Fort William, Council Chamber, the 24th April 1863.

Financial Department.

Sir,

In reply to your letter, No 337, dated 17th March 1863, I am directed to state that your inquiries are not so specific as they ought to have been.

2. An Officer of the Madras Presidency when proceeding on furlough, must be considered on furlough from the date of his leaving Rangoon, or any other port within the limits of his own Presidency, and not from the date of his leaving Bombay, unless it should so happen that that port is not more distant from his station than the ports of his own Presidency.

3. I am to request that you will be good enough to state more clearly the point which is referred for decision in your fifth paragraph, and that you will mention the case which has suggested the reference, it being inexpedient to decide more abstract questions.

questions connected with the rules.

I have the honor to be
Sir,

Your most obedient servant

(Signed) E. W. Lushington

Secretary to the Government of India

(True copy)
W. Donald
Examiner of Claims

In 40 26 of 67

No 306

Account. General's Office
Fort Saint George
3rd September 1866

Official Memo.

When returning Mr. W. H. Kerr's
Bill for moiety of pay from date of giving over
charge of office to that of embarkation, received with
Messrs. Arbuthnot & Co's letter of the 31st ultimo the
undersigned has the honor to state that a bill on
the abovesaid account was posted on the 22nd
June 1866.

Mr. Kerr is not entitled to pay up
to the date he embarked at Bombay, but only up to
the date prior to that on which he sailed from the port
in Southamara viz 5th March 1866.

To Messrs. Arbuthnot & Co
agents & Messrs.

Signed W. Donald
Examiner of Claims

14 St. James's Square
London
December 28th 1866

From W. H. Kerr Esq
Madras Civil Service & late Capt of Foot
To The Examiner of Claims
Fort Saint George

Sir, Adverting to your Memo No 306 of the 14th
September last to the address of Messrs. Arbuthnot & Co
I have the honor to point out in explanation of my
having claimed preparatory leave and consequently
half pay up to the date of my embarkation from
Bombay.

1st That it was necessary that I should appear
before a Medical Committee in order to obtain my
leave.

leave, and that up to the time of my doing this at Bombay, I was as a matter of fact, necessarily on preparatory leave.

2^dly That of the two places Madras and Bombay to which I had the option of proceeding from Mercara for this purpose and for final embarkation to Europe, Bombay was not only the nearest and the most easily accessible but actually entitled me to the shortest preparatory leave.

3^dly That had my Medical advice applied for and obtained permission from the Government of India to embark from Bombay.

2^d - I beg to submit therefore that, as if I had made a long land journey and proceeded to Madras, there would have been no objection made to my claim for the full preparatory leave allowed for that journey, and, as my employment under the Government of India rendered my embarking from my own Presidency unnecessary, the circumstance of my having taken advantage of a steamer to travel for a part of the distance to the head quarters of the nearest Medical Committee, by sea, ought not to bar my claim to the allowance to which I would otherwise have been entitled.

3. Should you concur in this I have the honor to request that you will intimate your decision to my equals Messrs. Subbitt and Co. who hold in their hands a receipt for my half pay up to the 1st of March. I beg to request that you will obviate the necessity of a further long delay by submitting the point for the orders of the Madras Government.

I have the honor to be
Sir, Wm. W. Kerr
late Capt. of Co. of
Mad. Civil Service

(True Copies)

D. W. Murray

Actg. Secy Assistant
Accountant General's Office.

74

See p. 26/27

393

Office of Examiner of Claims
Fort Saint George
19th January 1867.

No. 64.

From
The Examiner of Claims
Fort Saint George
To The Chief Secretary
to Government
Financial Department

Sir,
I have the honor, by direction of the Accountant General, to forward in compliance with Mr. W. W. Kerr's request, copy of a letter from that Gentleman to me dated London 2nd July, appealing against my decision in the matter of his Leave preparatory to Sick Leave to Europe, as given in my Memorandum to his Agents here, No. 306 dated 14 September 1866, a copy of which is also herewith sent.

2. My refusal to admit Mr. Kerr's claim to preparatory Leave and its accompanying moiety of salary up to the date of his departure from Bombay was based upon the ruling of the Government of India in their letter dated 24th April 1863, No. 1787, Financial, (noted on the margin) for sum of opinion that the spirit of this ruling applied to Officers proceeding to Europe on Sick and other Leave from ports in the Western Coast of this Presidency.

"The Officer of the Madras Presidency, when proceeding to Europe, must be considered on furlough from the date of his leaving Bombay, or any other port within the limits of his own Presidency, and from the date of his leaving Bombay, multiple it should be kept in mind that that port is not more distant from his station than the ports of his own Presidency."

3. It is observed that the Government of India, Foreign Department, granted Mr. Kerr 19 days Leave to proceed to Bombay preparatory to embarking for Europe; but, in the face of the orders

* Fort St. George Gazette
of 10 April 1866 page 556.

quoted

quoted above, I do not consider that I should have been justified in paying to Mr. Kerr moiety of salary for any period subsequent to the date of his departure from Mangalore without special orders from the Government of India, Financial Department -

4. With regard to Mr. Kerr's plea that he had to appear before a Medical Committee at Bombay in order to obtain his Leave, and that, being under the orders of the Government of India, it was not necessary for him to embark from his own Residency, I would remark 1st that under the Civil Rules (vide Section 10. and Appendix) the Certificate of the attending Surgeon requires to be countersigned by "the principal Medical Authority at the nearest principal Station" - 2^d that in the case of Mr R. Taylor of the Bengal Civil Service, lately acting Deputy Accountant General here, an Officer employed under the Government of India, the ruling quoted in para 2 above, was enforced by this Office, and he was granted preparatory Leave only from 14 to 18 November last, as on the 19th idem he sailed from Mangalore for Bombay en route to Europe on Purlough -

I have the honor to be

Sir,

Your most obedient Servant

R. Donald,
Examiner of Claims

dispt 2/3.

13/1

Financial Department.
No. 89.

To

The Secretary to the Government
of India,
Financial Department.

Sir,

I am directed by the
Right Honorable the Governor
in Council to forward for
the consideration of His
Excellency the Governor
General in Council the
correspondence noted in
the margin, and to request
the decision of the Govern-
ment of India in the
case ^{therein} referred to.

2 On the 14th March
1866 Mr W H Fort, of
the Madras Civil Service,
Superintendent of Coorg
was granted nineteen days
leave

+ Letter from the Examiner of Claims to the
Chief Secy to Govt. Fort. dated
14th January 1867. No 61. with one
enclosure.

will

To the Secretary to the Government

from
1867. 26th Feb 1867

The Examiner of Claims

The Chief Secretary to Govt.
14th Jan 1867.

1867. 26th Feb 1867

21st Feb.

Enclosure

No 26

Enclosure in case,
Claims with Mr W H Fort
request, copy of the letter from
letter to his address regarding
against the decision of his
office relating to Mr Fort's
leave preparatory to his
leave to India

228-27
1867-1

50
57

leave of absence, to proceed
to Bombay, preparatory
to embarking for Europe
on sick certificate.

3 Mr. Kerr, having
given over charge of his
office, proceeded to Bombay,
embarking for that Presidency
from Mangalore, a Port
on the Western Coast
within the Madras
Presidency, on the 5th March
1865.

4 The Examiner of
Claims refused to pass
Mr. Kerr's claim for a
moiety of his pay from
the date of giving over
charge, up to the date
of embarkation from
Bombay, remarking
that Mr. Kerr is entitled
to a moiety of his pay
only up to the date prior
to

1572
to that on which he embark-
ed from Mangalore.

5 Copies of Mr. Kerr's
letter appealing against
this refusal, together with
a letter from the Examiner
of Claims to the Chief
Secretary to Government
dated 19th January 1865 No.
61, explanatory of the
grounds on which his
refusal was based, are
herewith forwarded. It
will be seen that the
Examiner based his
refusal on the ground
that, notwithstanding the
notification granting leave
to Mr. Kerr, preparatory
to embarking from Bombay,
he was debarred from allow-
ing Mr. Kerr's claim by
the ruling of the Government
of India communicated
in

58-59
in Mr. Secretary Lushington's
letter dated 24th April 1860
No. 1787 Financial Department
a copy of which is appended.

193 (3)

b I am to add that
the Governor in Council
is of opinion that Mr.
Herri's claim to a mislay
of his pay from the date
of his giving over charge
up to the date of his
embarkation from Bombay
is ^{admitted} under the circumstances,
to ^{be} ~~admitted~~.

Recd 26 February 1867

Financial 1867 Department
26 Feb 67
The Secy to the Govt
J. C. D. L.

I have &c

6/9

713
Fort St George
28 Feb 1867