M.R.O. 1—77,006—8-6-37.

(1) Number of pages 53

(2) Date of repair 1

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 26	Press / Mis.
41-42	
Dated 21-1-	1868.

5/5

41-42

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department, 21*st January* 1868.

No. 41. Read the following letter from the Mint Master, to the Chief Secretary to Government, Fort Saint George ; dated Madras, 8th January 1868, No. 448.

I have the honor to request the favor of your bringing under the consideration of Government the hardship of the existing rules regarding privilege leave to subordinates, as applied to mechanics and other workmen, and exemplified by the following case.

Apprentice M. A. Peters, employed as a Turner in the Mint, was granted privilege leave for the month of September last, and which was eventually extended through October and November, making ultimately three months' cumulative privilege leave, to which he was entitled, but which was only granted in consideration of the bad state of his health and with due regard to the exigencies of the Service, it not having been requisite to appoint any one to act in his place. His health continued bad, so bad that he was unable, although in Madras, to return to the Mint on the 1st December, but he did rejoin on the 5th, was, however, quite unfit for work, and was, therefore, allowed to absent himself again on sick leave to commence from the 1st of December.

2. The Examiner of Claims has, in consequence, decided that M. A. Peters is subject to the rules for sick leave for the whole period of his absence, under paragraph 21, Head "Absentee Pay," Uncovenanted Service Regulations.

3. This regulation is that "an Officer on privilege leave who may obtain sick leave without "first rejoining will be subject to the rules for sick leave for the whole period of his absence." If this rule means exactly what it says, and is to be taken literally, it ought not to be applied in M. A. Peters' case, as he did *rejoin*; but if it has a more comprehensive meaning, as the Examiner of Claims understands it, and by rejoining is to be understood rejoined in health and performed duty, it presses very hard in some cases, as no objection would have been taken if the man had been able to do a few days duty, perhaps even only one, between the expiration of his privilege leave and the commencement of his sick leave, and so the case stands thus : a man to whom privilege leave was granted as an indulgence is held entitled to his salary, but because the leave became a necessity on account of his health he forfeits a moiety of his salary, although no inconvenience was caused to the Service and no extra expense entailed on the State.

4. The Examiner of Claims refers me to pages 776, 777, *Fort Saint George Gazette*, 21st April 1865, which he observes rules that concessions to subordinates are admissible only in regard to leave other than privilege leave, but it appears to me that sick leave in extension of privilege leave is one of the cases "other than privilege leave" which are directly contemplated by the orders quoted, as such leave would not count as service, and might be admissible without entailing forfeiture of moiety of salary for the preceding period of privilege leave ; and I am further induced to beg the consideration of Government in this matter from the circumstance that it is by no means uncommon for Officers to obtain general leave in the Military Department, the "first two months being considered privilege leave."

———

No. 42. Order thereon, 21st January 1868, No. 26.

The interpretation of the rules by the Examiner of Claims is correct ; and, although in the case brought to notice by the Mint Master some hardship is entailed on an individual, sufficient ground is not shown for a revision of the rules.

(True Extract).

Chief Secretary.

To the Mint Master.
" Examiner of Claims.

Exd. J. H. Burns.

No. 448 8th January 1868.

From

Colonel J. Carpendale R.E.
Mint Master

To The Chief Secretary
to Government.

Sir,

Para 1. I have the honor to request the favor of your bringing under the consideration of Government, the hardship of the existing rules regarding privilege leave to Subordinates as applied to Mechanics and other Workmen, and exemplified by the following case.

Apprentice Mr. A Peters employed as a Turner in the Mint was granted privilege leave for the Months of September last, and which was eventually extended through October and November, making ultimately three Months Cumulative privilege leave, to which he was entitled, but which was only granted in consideration of the bad state of his health, and with due regard to the exigencies of the service, it not having been requisite to appoint any one to act in his place. His health continued bad - so bad that he was unable, although in Madras, to return to the Mint on the 1st. December, but he

did

did rejoin on the 5th, was however quite unfit for work, and was therefore allowed to absent himself again on sick leave to commence from the 1st of December.

2. The Examiner of Claims has in consequence decided that Mr. A. Peters is subject to the rules for sick leave for the whole period of his absence under para 21 Head - Absentee Pay Uncovenanted Service Regulations.

3. This regulation is that "An officer "on privilege leave who may obtain sick leave "without first rejoining will be subject to the "rules for sick leave for the whole period of his "absence". If this rule means exactly what it says, and is to be taken literally, it ought not to be applied in Mr. A. Peters' Case as he did rejoin - but if it has a more comprehensive meaning as the Examiner of Claims understands it, and by rejoining is to be understood rejoined in health and performed duty, it presses very hard in some cases, as no objection would have been taken if the man had been able to do a few days duty, perhaps even only one, between the expiration of his Privilege leave and the commencement of his sick leave, and so the case stands thus - A man to whom Privilege leave was granted as an indulgence is

held entitled to his salary - but because the leave became a necessity on account of his health he forfeits a moiety of his salary - although no inconvenience was caused to the service and no extra expense entailed on the state.

4. The Examiner of Claims refers me to Page 776-777 Gov't St. George Gazette 21st April 1865 - which he observes rules that concessions to Subordinates are admissible only in regard to leave other than privilege leave, but it appears to me that sick leave in extension of privilege leave is one of the Cases "other than privilege leave" which are directly contemplated by the orders quoted, as such leave would not count as service and might be admissible without entailing forfeiture of moiety of salary for the preceding period of privilege leave, and I am further induced to beg the consideration of Government in this matter from the circumstance that it is by no means uncommon for Officers to obtain general leave in the Military Depart.t the first two "Months being considered privilege leave".

I have the honor to be
Sir
Your most obedient servant,
A Turnbull
Asst Master

A.T.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Mint Master Madras.

/Here enter 8 January 1868. No 448/.

Order. 21 January 1868 No 26.

The interpretation of the rules by the Examiner of Claims is correct; and although in the case brought to notice by the Mint Master some hardship is entailed on an individual sufficient ground is not shown for a revision of the Rules.

Mint Master. / Examiner of Claims. 3 despd 23/1.

Fin. Dep. Rec'd 21 Jany 1868. Despatch 26 Read

To the Principal Secretary to Govt. Fort St. George

Dated 8th January 1868. Rec'd 13 Jan. 1868.

No 448.

States that Mr. A. Dow Cameron the Minister was granted Privilege Leave for Eight Months and eventually extended to October Nov. to which he was entitled but having been sick all that time he did not return to the Mint on the 1st Dec. but he did return on the 5th and was still quite unfit for his work

and thereafter was allowed sick leave from the 1st Dec. and his case was considered by the Examiner of Claims who decided that he is subject to the Rules for sick leave for the whole period of his absence. Submitted to the favourable consideration of Govt. the Rules of the Madras Code

Gazette 26th June 1863 Supplement

Jail 1868. Department.

No. 26.

PROCEEDINGS OF GOVERNMENT.

Dated 21st January 1868.

41.42.