M.R.O. 1—77,006—8-6-37.

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Finance **DEPARTMENT.**

G.O. No. 132. Press ~~Mis.~~

33-34.

Dated 11-3- 1869..

33-34 3/4

Not to be folded or roughly handled

No. 33. Read the following Proceedings of the Government of India, Financial Department, dated Fort William, 18th February 1869, No. 1092.

Leave and Allowances.

Read the following despatches :—

From the Government of India, to the Right Honorable the Secretary of State for India ; dated 26th October 1868, No. 287.

From an examination of the several statements which have been furnished to us regarding Covenanted Civil Servants at present on leave in England, and of other cases brought to our notice, a hardship in the new Leave Rules has come to light.

2. Under the old rules, one year's leave on medical certificate not only counted as service and residence for pension, but was so counted as qualifying for furlough. For instance an Officer who had served and resided for nine years, and who had also taken one year's leave on medical certificate, was credited with ten years' service and residence, and was entitled to three years' furlough. All Officers, therefore, who took leave on medical certificate under the old rules, did so in the full assurance that one year of such leave counted as service and residence, not only towards pension, but as qualifying for furlough.

3. Under the new rules, so far as residence for pension is concerned, compensation has been made for the abolition of the above rule, by shortening the period of residence for pension by one year. But in regard to the qualification for furlough, no such compensation has been made. Under these rules, all leave taken under medical certificate, even under the old rules, is not only not allowed to count as service and residence, but is deducted from the amount of furlough earned by the prescribed period of service. For example, an Officer of nine years' actual service and residence, who has in addition taken one year's leave on medical certificate, instead of being entitled to three years' furlough, is entitled to only one year's furlough, and must serve three years more before he is entitled to two years' furlough. Similarly, an Officer who had completed nine years' actual service, and had besides taken two years' leave under medical certificate, instead of being entitled, as he was under the old rules, to three years' furlough, must, under the new, serve three years more before he can get any furlough at all. There is no doubt that the new rule has caused great disappointment, owing to this retrospective effect being given to it.

4. Without advocating the maintenance of the old rule, which allowed one year's leave on medical certificate to count as service and residence, both for furlough and pension, it would appear but fair to rule that, in the case of Officers who have under the old rules taken leave on medical certificate, one year of such leave should not be debited against any furlough which might otherwise be due under the new rules, although it should still remain as part of the total of six years, which is the maximum amount of furlough that can be taken in the whole course of service. If this were allowed, the rule that furlough should not be renewed until three years from the termination of previous furlough of more than three months' duration, would not thereby be altered.

5. It has also been represented that some of the hardship which the new rules inflict on Officers who have by taking leave under the old rules used up all the leave to their credit, might be mitigated by a slight alteration of the rule by which furlough is placed to credit. Instead of one year's furlough being credited after every four years' actual service, it is desired that for each period of actual service a proportionate amount of furlough at the above rate may be placed at credit ; for instance, that three months' furlough may be credited after each year's actual service. The rules and restrictions under which furlough may be taken when at credit would not be altered.

6. When Officers took furlough under the old rules, they could not foresee what would be the effect under the new rules. For example, an Officer who lately took three years' furlough under the old rules, and has no more at credit, now finds that if in the course of three years from his return he falls sick, he must lose his appointment, and be reduced to subsistence allowance, although his furlough allowances under the old rules were only £500 per annum, while under the new they might have been £1200 per annum. Under the old rules he could have taken

immediately after his return, if he had fallen sick, fifteen months' leave, extendable to twenty, on half pay up to £1000 a year, keeping his appointment, which leave might have been extended to three years with loss of appointment, and an allowance of £500 per annum for the last sixteen months.

7. The suggested alteration is not one of principle, and it will not give any one a day's more leave than the rules as they stand. It is a mere question of detail as to the method of bringing furlough to credit.

8. It may be noticed in regard to the first point that, in the case of Military Officers, whatever leave was taken under the old rules on medical certificate is not debited against furlough otherwise at credit, —*vide* example (2) to Rule XXIV. of the Military Leave Rules.

9. The second concession is not so much required by Military Officers, as, in addition to the leave which Civilians can get, they are able to obtain general leave under Chapter II, retaining their appointments and drawing half-pay.

10. On these grounds, we ask your sanction to the issue of the following orders :—

I.—"A Covenanted Civil Servant who has taken leave on medical certificate under leave rules prior to those of 1868, shall not be debited with such leave, up to the limit of one year, against furlough which would otherwise be at his credit. All such leave shall, however, be included in the maximum amount of six years fixed in Rule II. of the Rules of 1868."

II.—"For Rule III of the Leave Rules of 1868, the following rule is substituted :—

"Subject to the above limit, furlough shall be placed to the credit of each Officer at the proportional rate of one year's furlough for every four years of actual service."

From the Right Honorable the Secretary of State for India, to the Government of India ; dated 6th January 1869, No. 2.

I have considered in Council your Financial letter dated the 26th October last, No. 287, requesting sanction to the issue of the following orders :—

First.—"A Covenanted Civil Servant who has taken leave on medical certificate under leave rules prior to those of 1868, shall not be debited with such leave, up to the limit of one year, against furlough which would otherwise be at his credit. All such leave shall, however, be included in the maximum amount of six years fixed in Rule II of the Rules of 1868."

Second.—"For Rule III of the Leave Rules of 1868, the following rule is substituted :—

"Subject to the above limit, furlough shall be placed to the credit of each Officer at the proportional rate of one year's furlough for every four years of actual service."

2. The issue of the orders proposed is sanctioned.

RESOLUTION.—The following is an illustration of the rules which have been sanctioned by the Secretary of State.

A. has completed an actual service of twenty-one years two months and ten days. He has had fifteen months' sick leave under old rules and three years' furlough. A. has secured by his actual service five years three months and seventeen days' furlough. Against this must be debited three years' furlough and three months of the fifteen months' sick leave, leaving at A.'s credit two years and seventeen days' furlough. But as this added to the three years' furlough and fifteen months' sick leave already taken would exceed the aggregate of six years by three months and seventeen days, the excess must be deducted, leaving at A.'s credit one year and nine months' furlough.

2. In this illustration sick leave does not include leave within Indian limits, under the rules of May 1843, which leave has been declared in a Resolution, No. 3477, passed in this Department on the 5th November, 1868, to be actual service.

ORDERED that the foregoing Despatches and Resolution be published in the *Gazette of India*, and that copies thereof be forwarded to the Foreign and Home Departments, and the Governments of Bengal, Madras, Bombay, the North-Western Provinces, and the Punjab ; Comptroller General of Accounts ; Director General of the Post Office of India ; Accountants General in Bengal, Madras, Bombay, the North-Western Provinces, the Punjab, and British Burmah ; Deputy Accountants General in the Central Provinces, Hyderabad, and Mysore.

(Signed) R. B. CHAPMAN,
Offg. Secy. to the Govt. of India.

No. 34. ORDER THEREON, 11th March 1869, No. 132.

Ordered that the foregoing Resolution be re-published in the *Fort Saint George Gazette*, for general information.

(True Extract.)

R. S. ELLIS,
Chief Secretary.

Financial 1869 Dept

From

GOVERNMENT OF INDIA.

FINANCIAL DEPARTMENT.

Leave and Allowances.

To

No. 1092.

Dated, Fort William, the 18 February 1869.

Received 4 March

No 112

Forwarding correspondence with Government regarding a hardship in the working of Civil Service Leave Rules, &c

Ld

With an order-

O. S. G. P.—No. 1496 C. F.—17-2-69.—150.

No. 132 — 11 March, 69.

Ordered that the foregoing Resolution be re-published in the Fort St. George Gazette for general information.

Gazette 9/3

To the Revenue Department 12/3

6

Financial 1869 Dept

Nos 1 to 6 March

33 to 34.

Govt. of {1869} Madras.

Financial

To

The Revenue Depart.

Dated March. 11.

Recd. Encl.

G. O. 11 March. 1869, No. 132.

Nos. 33. 34.

Directing that the Resolution of the Govt. of India regarding a hardship in the new Covd. ~~Civil Service~~ Leave Rules which has been remedied by the Home Govt., be re-published in the Gazette.

Govt. of {1869} Madras.

Financial

To

The Revenue Depart.

Dated March. 11.

Rcvd. Encl.

G. O. 11 March. 1869, No. 132.

Nos. 33. 34.

Directing that the Resolution of the Govt. of India regarding a hardship in the New Covd. ~~Civil Service~~ Leave Rules which has been remedied by the Home Govt. be re published in the Gazette.