M.R.O. I—77,006—8-6-37.

(1) Number of pages 16.

(2) Date of repair 13.10.39.

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial **DEPARTMENT.**

G.O. No. 219 Press / Mis.

10-11.

Dated 10-52 18 39.

9/10

10-11.

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
10*th May* 1869.

No. 10. Read the following letter from the Accountant General, Madras, to the Chief Secretary to Government, Fort Saint George ; dated 22nd April 1869, No. 29.

Post Audit Department.

I have the honour to report, for the confirmation of His Excellency the Right Honorable the Governor in Council, that I have instructed Mr. A. McCallum Webster to draw the full Sub-Collector's salary from 17th January last, the date on which Mr. A. R. Hutchins, by relinquishing charge of his appointment, forfeited the Sub-Collectorate of Godavery to which Mr. McQuhae was appointed, in whose stead Mr. Webster was confirmed in the Coimbatore Sub-Collectorate.

Vide Examiner of Claims' report, dated 8th February 1869, No. 70, upon Mr. Hutchins' application for furlough.

2. My reason for issuing these instructions was, that, under Section 11 of the new rules, an officer who goes on furlough forfeiting his appointment, draws, during his subsidiary leave, only the subsistence allowance of his rank instead of a moiety of the pay of his appointment as he did under the former rules, and consequently the rule laid down in Financial Resolution, dated 3rd June 1859, No. 4701, does not appear to be applicable under the revised Furlough Rules.

3. As there should be a uniform practice in this matter throughout India, I beg, in conclusion, to suggest, if is His Lordship in Council agrees with my views, that the case be reported to the Government of India, so that the procedure may be made into a rule for the governance of all similar cases.

No. 11. ORDER THEREON, 10th May 1869, No. 219.

The Governor in Council concurs in the Accountant General's view that the appointment held by a Covenanted Officer taking furlough under Rule 8, Clause *b* of the leave rules of 1868 should be considered vacant from the date of commencement of his subsidiary leave; and directs that a copy of these Proceedings be forwarded to the Supreme Government in order that, if it seem to them fit, a rule of force thoughout India may be issued on the point raised.

2. His Excellency in Council is, however, of opinion that inasmuch as the appointment of Mr. Webster was not retrospective, though consequent on the vacancy occasioned by Mr. Hutchins having taken furlough, the Accountant General was wrong in allowing him to draw the full pay of a Sub-Collector from the date of Mr. Hutchins giving over charge. He accordingly directs that the sum so drawn by Mr. Webster be retrenched.

(True Extract).

Chief Secretary.

To the Accountant General.
,, Revenue Department.

Ed. J. Wright.

Post Audit ~~Branch~~ Department.

No. 79

Fort Saint George,
Accountant General's Office,
22 April 1869.

From The Accountant General,
to the Government of Madras.

To The Chief Secretary to Government
Financial Department.

Sir,

I have the honor to report for the confirmation of His Excellency the Right Honorable the Governor in Council, that I have instructed Mr. A. McCallum Webster to draw the full Sub Collector's Salary from 7th January last, the date on which Mr. A. R. Hutchins, by relinquishing charge of his appointment, forfeited the Sub-Collectorate of Godavery to which Mr. McDuhas was appointed, in whose stead Mr. Webster was confirmed in the Coimbatore Sub. Collectorate.

2. My reason for issuing these instructions was that under Section XI of the new rules, an Officer who goes on Furlough forfeiting his appointment, draws during his Subsidiary Leave, only the subsistence Allowance of his rank instead of a moiety of the Pay of his appointment as he did under the former rules, and consequently the rule laid down in Financial Resolution dated 3d June 1859 No. 1701 does not appear to

Vide Examiner of Claims report dated 8th Feby 1869 - No. 70 upon Mr. Hutchins' 2nd application for Furlo'

Govt. of [1869] Madras

FINANCIAL.

To

THE ACCOUNTANT GENERAL.

&c., &c.,

Dated May, 1869.

Read.

Read.

G. O., 10th May 1869, No. 219.

MAY.
Nos. 10—12.

Concurring in the Accountant General's view that the appointment held by a Covenanted Officer taking furlough under paragraph 8, Clause b of the Rules of 1868, should be considered vacant from the date of commencement of his subsidiary leave.

to be applicable under the revised Furlough Rules.

As there should be a uniform practice in this matter throughout India, I beg in conclusion to suggest, if His Lordship in Council agrees with my views, that the case be reported to the Government of India so that the procedure may be made into a rule for the governance of all similar cases.

I have the honor to be,

Sir,

Your Obedient Servant

F. Cuthbertson

Accountant General

IX

Comp. J.B.C.

Col. Pomeroy

Financial Depth.

7

Memo for Orders

The Accountant General, in his letter No 29 dated 22nd April 1869, reports that he has passed to the debit of Sub-Collector of Coimbatore, the full salary of a Sub-Collector, from the 17th January 1869, the date on which Mr Hutchins, Sub-Collector of the Godavery gave over charge of the Office of Principal Assistant Collector, Ganjam.

2. Mr Hutchins took furlough under rule VIII clause b of the new rules, and thereby vacated his permanent appointment

Mr Mr Dukas, Sub-Collector of Coimbatore, was transferred to the Godavery Sub-Collectorate, and Mr Hebbert,

Acting

Nov

Revenue Department
Revenue Branch
Fort St George, May 1869.

From
The Accountant General
To
The Chief Secretary
to Government

Dated 22nd April 1869
Rec'd 25th
No 219
No 291

Reports for Sanction
that Mr Hutchins Principal Assistant Collector of the Godavery was appointed Sub Collector of Coimbatore to date etc from the date on which Mr H. Hutchins formally made over charge of his office.

C.S. Mary
By 8
10

Acting Sub-Collector of Coimbatore, was confirmed in that appointment. The grant of furlough and Subsidiary leave to Mr Hutchins as well as the appointments were made on the 9th February. Mr Hutchins' application for furlough is dated the 8th idem.

3. The Accountant General considers that the vacancy caused by the date of Mr Hutchins giving over charge, when his Subsidiary leave commenced. His reason is that, under the Resolution of the Government of India No. 4701, dated 3rd June 1865 appointments forfeited under the old rules by officers going on furlough or retiring, were considered vacant from the date of embarkation, when the

the Subsidiary leave terminated, and till when half the pay of the appointment was drawn. The new rules (para XI) have changed the latter practice, subsistence allowance according to rank, being now drawn.

4. The view of the Accountant General seems correct as regards the date on which the appointment became vacant, and might advantageously be made the basis of a rule but there are special circumstances which seem to render the course pursued by him inapplicable to the present case. That the appointment held by Mr Hutchins became vacant on the 17th January is no reason why the appointments dependent thereon should be

should take effect from that date, and not from the date on which they were made, viz. the 9th February. Without special words appointments are not retrospective. The present case is precisely analogous to that of the occurrence of a vacancy by death during service up country. In such case, the pay of the post will be passed to the Officer appointed to fill it (i.e. in officiating charge of that post, or one of similar emolument) not from the date of death of the former incumbent, but from the date of the subsequent appointment.

5. The rule suggested by the Accountant General would have legitimate application where the grant of furlough to the man vacating the office, and the consequent appointments

appointments were made prior to the date of vacancy. This will be the ordinary case. It is submitted that the appointment was not really vacant till delayed so, by the furlough being granted on the 9th February. The difference between the allowances of an officiating Sub Collector, and a Sub Collector from 17th January to 9th February are, to be considered as saved to the State.

6. An order, and a letter to the Government of India, embodying the views, have, to save time, been drafted, and are submitted with this Memo. for consideration.

MK

be

Allowance to officiate for
Contd on [illegible]

Memo for orders

Set on d/ L appointment
to [illegible] under Rule 8 of
of the Leave Rules of 1868, be
vacant.
The Acct Genl's proceedings in
the matter of the Salary of
Mr Webster Asst Collr of
Combaconum

C.S. May
87"

8/13

Financial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the
Accountant General, Madras.
(Received 22nd April 69 No 29)

Order thereon No 219 - 15 May 69

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109

The Governor
in Council concurs in the
Accountant General's
view that the appointment
held by a Covenanted
Officer taking furlough
under Rule VIII clause 2
of the Leave rules of 1868.
should be considered
vacant from the date
of commencement of
his Subsidiary leave;
and directs that a
copy of these Proceedings be

be forwarded to the Supreme Government in order that, if it seem to them fit a rule, of force throughout India, may be issued on the point raised.

2. His Excellency in Council is, however, of opinion that inasmuch as the appointment of Mr. Webster was not retrospective, though consequent on the vacancy occasioned by Mr. Hutchins having taken furlough, the Accountant General was wrong in allowing him to draw the full pay of a Sub-Collector from the date of Mr. Hutchins' giving over charge. He accordingly directs

directs that the sum so drawn by Mr. Webster be retrenched.

To the Accountant General.
Per Despatch

Govt. of {186 } Madras.

Jud.

To

The Accountant Genl.

&c.

Dated 10 May } 1869, No. 219

Recd.

Nos. 10 - 12.

Concurring in the Acctt. Genl's. view that the appointment held by a Covenanted officer taking furlough under para 8 Clause b of the Rules of 1868, should be considered vacant from the date of commencement of his Furlough-leave.

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4340

C3 - May 87 "