M.R.O. 1—77,006—8-6-37.

(1) Number of pages 12

(2) Date of repair 5-12-37

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

PUBLIC DEPARTMENT.

G.O. No.	Press / Mis.
Dated	18 .

7-8 11-13 7/8

Not to be folded or roughly handled

No. 11. Read the following letter from the Accountant-General, to the Chief Secretary to Government, Fort Saint George, dated Fort Saint George, 18th January 1871, No. 27 :—

Audit Department.

I have the honour to request to be favoured with the orders of Government upon the following points :—

(1,) Whether the Audit Department is to consider, unless it be distinctly ordered otherwise, that a Member of the Covenanted Civil Service suspended for a short time from duty is not to receive subsistence allowance ; and

(2,) Whether such an Officer loses all claim to privilege leave which he may have earned previous to suspension.

2. I am obliged to trouble Government with this reference to enable me to reply to an inquiry made by Mr. McCarthy on the subject, and there are no distinct orders bearing upon it on the records of this office.

No. 12. ORDER THEREON, 10th March 1871, No. 96.

Under the despatch of the Court of Directors, dated 8th October 1823,* a Civil Servant under suspension from the service was not entitled to any allowances whatever; but, on affidavit of the Civil Servant that he was unable to maintain himself, advances not exceeding two-thirds of the out-of-employ allowances of his rank, to be refunded if disapproved by the Court, might be made by the Government.

* Judicial Department.

2. This rule, however, appears to have become obsolete ; for, in several cases of suspension of Civil Servants, which have occurred in this Presidency since 1857, the out-of-employ allowances of their rank have been drawn.

3. Acting on these precedents, the Government resolve to authorize the Accountant-General to pass to Mr. McCarthy the subsistence allowance of his rank for the period of his recent suspension.

4. With regard to the second question, the Government observe that, as periods of *continuous duty* are required to entitle Civil Servants to privilege leave, service for such leave must commence from the termination of the period of suspension, which interrupts the continuity of duty requisite under the rule.

4. As the points raised are of general importance, and may require the issue of a general rule, these proceedings will be reported for the information of the Government of India.

(Signed) R. S. ELLIS,
Chief Secretary.

No. 13. To the Secretary to the Government of India, Financial Department, dated Fort Saint George, 10th March 1871, No. 97.

I have the honour to forward, for the information of the Government of India, copy of the Proceedings of this Government noted in the margin, and for the issue, should such seem to His Excellency the Viceroy in Council necessary, of general orders on the subject

10th March 1871, Nos. 11 & 12.

of the allowances to be given to Civil Servants under suspension, and of the effect which suspension should have upon claims for privilege leave, whether accumulated leave, of which no portion has been taken, or a balance of such accumulated leave when it has been earned and taken in instalments.

(Signed) R. S. ELLIS,
Chief Secretary.

Ed. J. Wright.

3W(2)

of the Government of India was not intended to apply to the services generally, but only to the Uncovenanted Service - and that as there is no express decision on the point in the case of a Covenanted Civilian, suspension does not break the Continuity of his service. Do you think

3W(2)

Accountant General's Office,

Madras, 19 Decr 1870.

My dear Ellis.

One of the Auditors has just brought to my notice the Proceedings of the Govt of India dat 21st Sept 1868 Nº 2523. in which it is expressly declared that suspension interrupts the continuity of service qualifying for privilege leave. I do not know whether in removing Mr Newman from

Govt. of {1871} Madras.

FINANCIAL.

To

THE ACCOUNTANT-GENERAL.

Dated March, 10th.

Recd. *Read.*

G. O., 10th March 1871, No. 96.

MARCH.
Nos. 11—13.

Authorizing to pass to Mr. McCarthy the subsistence allowance of his rank for the period of his recent suspension, and expressing opinion on the question whether a Covenanted Civil Servant suspended for a short period loses all claim to privilege leave which he may have earned previous to suspension, and reporting these proceedings for the information of the Government of India.

Treasury.

Audit Department.

No. 27

Fort Saint George,
Accountant General's Office,
18th January 1871.

From The ACCOUNTANT GENERAL
to the GOVERNMENT of MADRAS,

To The Chief Secretary
to Government

Sir,

I have the honor to request to be favored with the orders of Government upon the following points:-

(1) Whether the Audit Department is to consider, unless it be distinctly ordered otherwise, that a Member of the Covenanted Civil Service suspended for a short time from duty is not to receive subsistence allowance, and

(2) Whether such an officer loses all claim to Privilege Leave which he may have earned previous to suspension.

I am obliged to trouble Government with this reference to enable me to reply to an enquiry made by Mr. McCarthy on the subject and there are no distinct orders bearing upon it on the records of this Office.

I have the honor to be
Sir
Your most Obed. Servt

F. Lushington

Accountant General.

Comp. 1872
Cf. to
Cevaganuthanam

1/51
27

Read & suspended until
the opinion to warrant a
reference to the G. of I.

Lushington

The Madras distinct the foregoing
distinctly that no Member of the
Covenanted Civil Service suspended
from the Service - but if such
were the intention, I do not
think that Mr. A is entitled
to any Privilege Leave -
I observed however, who does
not remember either me from
on the side of liberality of view
considers that the rules

Financial Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Accountant General, dated 18th January 1871 No. 27.

Order thereon 10 March 1871 No. 96.

Under the despatch of the Court of Directors dated 8th October 1823, a Civil Servant under suspension from the service, was not entitled to any allowances whatever; but, on affidavit of the Civil servant, that he was unable to maintain himself, advances, not exceeding 2/3rds of the out-of-employ allowances of his rank, to be refunded if disapproved by the Court, might be made by the Government.

2. This rule, however, appears to have become obsolete, for, in several cases of suspension of Civil servants, which have occurred in this Presidency

Judicial Depart.

Thos. of Mem.rs Dykes, Sullivan & Reade.

FINANCIAL DEPARTMENT.

From The ACCTT. GENERAL

To the GOVT. of MADRAS

Dated 18 Jany 1871

Received 19 January 1871

No. 27.

No. 33. Enclosures. None

Inquiries whether it is the intention that the Members of the Covenanted Civil Service suspended from employ should receive allowances during suspension and what allowances each Officer should receive and whether all claim to Privilege Leave terminates on suspension.

Presidency since 1857, the
out of employ allowances
of their rank have been stated.

3. Acting on these prece-
=dents, the Government re-
=solve to authorize the Ac-
=countant General to pass
to Mr. McCarthy, the sub-
=sistence allowance of his
rank, for the period of his
recent suspension—

3. With regard to the se-
=cond question, the Govern-
=ment observe that as
periods of continuous
duty are required to entitle
civil servants to privilege
leave, service for such leave
must commence from the
termination of the period
of suspension, which inter-
=rupts the continuity of
duty, requisite under the rule.

4. As the points raised
are of general importance,
and may require the issue of
a general rule, these Proceed-
=ings will be reported for the
information of the Govt. of
India—

H.L.

This is designed not to decide the questions, whether privilege leave which has been earned, & an instalment of which has been taken, before suspension is thereby cut. The rule is clear that service for privilege leave which is not taken before suspension is cut. This is Mr McCarthy's case.

36 60

To the Acct General Dispt 15/3
Letter to Govt India

Govt. of 187 . Madras.

Jud.

To

The Accountant General

Dated March 10
Recd. } 187 , No. 96.

Nos. 11. 13

Authorizing to the passing to Mrs. McCarthy the subsistence allowance of his rank for the period of his recent suspension, and expressing opinion on the question whether a Covenanted Civil Servant suspended for a short period loses all claim to privilege leave which he may have earned previous to suspension & reporting these proceedings for the information of the Govt. of India.

11.8

C. 4.3.74