M.R.O. 1—77,006—8-6-37.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Reference_____

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 2105 Press Mis.

1454-145B 145-A, 145-B

Dated 16-12- 18

7/8

Not to be folded or roughly handled

No. 145-A. Read the following letter from E. F. HARRISON, Esq., Officiating Secretary to the Government of India, Financial Department, to the Hon. D. F. CARMICHAEL, Acting Chief Secretary to Government, Fort St. George, dated Fort William, 5th November 1874, No. 6399 :—

Leave and Allowances.

With reference to your letter, No. 785, of the 17th May 1873, I am directed to forward, for an expression of the opinion of the Government of Fort St. George, an amended Draft of Rules for the grant of leave of absence and acting allowances to Law Officers which it is the intention of the Government of India to submit for the approval of the Secretary of State.

2. I am directed to explain that these rules have not been declared applicable to Registrars of High Courts, because these officers, as will be seen from the schedule annexed to the Civil Leave Code, are subject to the Leave Rules for Uncovenanted Servants.

DRAFT OF RULES FOR THE GRANT OF LEAVE OF ABSENCE AND ACTING ALLOWANCES TO LAW OFFICERS.

In supersession of existing rules on the subject, the Governor-General in Council is pleased to lay down, subject to approval by the Secretary of State, the following rules for the grant of leave of absence and acting allowances to Law Officers :—

I. The term Law Officer includes an Advocate-General, a Standing Counsel, an Official Trustee, an Official Assignee, a Receiver of a High Court, an Officer of a High Court who holds an appointment which by law can be held only by a Barrister-at-Law or Member of the Faculty of Advocates in Scotland, an Assistant Secretary in the Legislative Department to a Local Government, a Remembrancer of Legal Affairs, a Government Advocate, a Clerk of the Crown, a Government Solicitor, and a Government Pleader.

II. A Law Officer, who is a Member of the Covenanted Civil Service, is entitled to leave and acting allowances under the rules applicable to that service.

III. A Law Officer who is paid by a fixed salary, and who is debarred from private practice, may be granted leave under the provisions of the Civil Leave Code, and the acting and leave allowances admissible to him will be calculated as if he were a Member of the Covenanted Civil Service.

IV. A Government Pleader is entitled to such leave and allowances when on leave as the authority who appointed him may be able to grant without incurring additional expense.

V. A Law Officer who is neither a Member of the Covenanted Civil Service nor a Government Pleader, and who is not paid by fees or debarred from private practice, may be allowed leave and allowances while on leave, and acting allowances according to the following rules :—

(1.) An application for leave must be submitted to the authority to which the applicant is directly subordinate through the officer who passes his pay.

(2.) The authority which appoints an officer, or, in the case of an officer appointed by the Secretary of State, the authority to which he is directly subordinate, is competent to grant him leave either on medical certificate or on private affairs, and to commute leave on medical certificate to leave on private affairs, or *vice versa*, with retrospective effect.

(3.) Short leave on private affairs, without deduction of pay, may be granted during the vacation of the High or Chief Court

(4.) In very urgent cases short leave may also be granted, under Section 21 of the Civil Leave Code, on condition that no extra charge to the State is caused by such leave.

(5.) Leave on medical certificate may be granted for a period not exceeding one year, which may be extended to twenty months on medical certificate.

(6.) Leave on medical certificate can be granted a second time only after four years from the date of the applicant's return to duty.

(7.) Leave on private affairs may be granted for a period not exceeding six months.

(8.) Furlough on private affairs without pay, but with retention of appointment, may be granted for a period not exceeding one year after four years' service.

(9.) Leave on medical certificate cannot be extended on private affairs, and leave on private affairs cannot be extended on medical certificate without being commuted to leave on medical certificate.

(10.) Absence on leave shall be held to commence on the day on which the officer is relieved of his duties, or on the day after, according as he is relieved before noon or not.

(11.) Absence on leave shall be held to cease on the day on which the absentee resumes charge of his duties, except when he resumes charge before noon, in which case the absence shall be held to have ceased on the day before.

(12.) The absentee may draw, while on leave on private affairs, on medical certificate, half the allowances of his appointment within a maximum of £1,000 per annum.

(13.) An Officiating Law Officer is entitled to the pay of the office in which he is officiating, *minus* the fraction of it drawn by the absentee in addition to the same fraction of the pay of his substantive office, if any, provided that an Officiating Standing Counsel at Calcutta shall receive not less than Rupees 1,000 a-month, and that an Officiating Government Advocate at Lahore, Allahabad, Rangoon or Moulmein, shall not receive less than three-fourths of the substantive pay of the office.

Illustrations.

A, the Remembrancer of Legal Affairs in Bombay, on Rupees 1,000 a-month, is officiating for B, who is Advocate-General in that Presidency on a pay of Rupees 2,000 a-month, and is on leave with an absentee allowance of £1,000 a-year, which, supposing the official rate of exchange for the year to be two shillings to the Rupee, is equal to five-twelfths of his pay. A is entitled to the pay of the office of Advocate-General, *minus* the fraction (five-twelfths) of it drawn by B, in addition to the same fraction (five-twelfths) of his own pay. In other words, A is entitled to a salary of (seven-twelfths of Rupees 2,000 =) Rupees 1,166-10-8 + (five-twelfths of Rupees 1,000 =) Rupees 416-10-8 = Rupees 1,583-5-4 a-month.

C, who has no substantive appointment, is officiating in the office of Standing Counsel in Calcutta, the pay of which is Rupees 1,333-5-4 a-month, for D, who is on leave with an absentee allowance of Rupees 666-10-8 a-month. C is entitled to an acting allowance of Rupees 1,000 a-month, because the difference between the pay of the office of Standing Counsel and the fraction of it drawn by D is less than Rupees 1,000.

E, who has no substantive appointment, is officiating in the office of Government Advocate at Rangoon, the pay of which is Rupees 400 a-month, for F, who is on leave with an absentee allowance of Rupees 200. E is entitled to an acting allowance of Rupees 300, i.e., to three-fourths of the pay of the office of Government Advocate, because the fraction of that pay which is left after F's absentee allowance is deducted from it is less than three-fourths.

VI. A Law Officer holding an appointment for which he is paid by fees may be admitted to the benefits of these rules, provided he can make arrangements for the performance of his duties satisfactory to the authority by which he is appointed; and provided also, that in case of his obtaining furlough on private affairs, the acting incumbent shall receive the whole of the emoluments attached to the absentee's office.

VII. An officer holding any of the appointments enumerated in Rule I., on the date on which these rules come into force, may, if he prefer it, remain under the rules to which he is subject on that date.

No. 145-B. To the Secretary to the Government of India, Financial Department, dated Fort St. George, 16th December 1874, No. 2105.

I am directed to state that the Draft Rules furnished for the opinion of this Government, with your letter of the 5th November instant, No. 6399, appear to His Excellency in Council to be suitable.

(Signed) D. F. CARMICHAEL,
Acting Chief Secretary.

Exd. J. Wright.

Govt. of India Madras.

FINANCIAL.

Dated December, 16th.

Read.

G.O., 16th December 1874, No. 2105.

DECEMBER.
Nos. 145-A—145-B.

Leave and Allowances.—Government of India informed that the Draft Rules regarding leave and allowances to Law Officers, which it is intended to submit for the approval of the Secretary of State, appear suitable.

Enclosure of letter to the Chief Secy to the Govt of Fort St. George
No. 2399 dated the 5th November 1874.

In supersession of existing rules on the subject, the Governor General in Council is pleased to lay down, subject to approval by the Secretary of State, the following rules for the grant of leave of absence and acting allowances to Law Officers.

I.—The term Law Officer includes an advocate general, a standing counsel, an official trustee, an official assignee, a receiver of a high court, an officer of a high court who holds an appointment which by law can be held only by a barrister-at-law or member of the faculty of advocates in Scotland, an assistant secretary in the legislative department to a local government, a remembrancer of legal affairs, a government advocate, a clerk of the crown, a government solicitor, and a government pleader.

II.—A Law Officer, who is a member of the covenanted civil service, is entitled to leave and acting allowances under the rules applicable to that service.

III.—A Law Officer who is paid by a fixed salary, and who is debarred from private practice, may be granted leave under the provisions of the civil leave code, and the acting and leave allowances admissible to him will be calculated as if he were a member of the covenanted civil service.

IV.—A government pleader is entitled to such leave and allowances when on leave as the authority who appointed him may be able to grant without incurring additional expense.

V.—A Law Officer who is neither a member of the covenanted civil service nor a government pleader, and who is not paid by fees or debarred from private practice, may be allowed leave and allowances while on leave, and acting allowances according to the following rules:—

(1.) An application for leave must be submitted to the authority to which the applicant is directly subordinate through the officer who passes his pay.

(2.) The authority which appoints an officer, or, in the case of an officer appointed by the secretary of state, the authority to which he is directly subordinate, is competent to grant him leave either on medical certificate or on private affairs, and to commute leave on medical certificate to leave on private affairs, or *vice versâ*, with retrospective effect.

(3.) Short leave on private affairs, without deduction of pay, may be granted during the vacation of the high or chief court.

(4.) In very urgent cases short leave may also be granted, under section 21 of the civil leave code, on condition that no extra charge to the State is caused by such leave.

(5.) Leave on medical certificate may be granted for a period not exceeding one year, which may be extended to twenty months on medical certificate.

(6.) Leave on medical certificate can be granted a second time only after four years from the date of the applicant's return to duty.

(7.) Leave on private affairs may be granted for a period not exceeding six months.

(8.) Furlough on private affairs without pay, but with retention of appointment, may be granted for a period not exceeding one year after four years' service.

(9.) Leave on medical certificate cannot be extended on private affairs, and leave on private affairs cannot be extended on medical certificate without being commuted to leave on medical certificate.

(10.) Absence on leave shall be held to commence on the day on which the officer is relieved of his duties, or on the day after, according as he is relieved before noon or not.

(11.) Absence on leave shall be held to cease on the day on which the absentee resumes charge of his duties, except when he resumes charge before noon, in which case the absence shall be held to have ceased on the day before.

(12.) The absentee may draw, while on leave on private affairs or medical certificate, half the allowances of his appointment within a maximum of £1,000 per annum.

(13.) An officiating Law Officer is entitled to the pay of the office in which he is officiating, minus the fraction of it drawn by the absentee in addition to the same fraction of the pay of his substantive office, if any, provided that an officiating standing counsel at Calcutta shall receive not less than Rs. 1,000 a month, and that an officiating government advocate at Lahore, Allahabad, Rangoon or Moulmein, shall not receive less than three-fourths of the substantive pay of the office.

Illustrations.

A, the remembrancer of legal affairs in Bombay, on Rs. 1,000 a month, is officiating for B, who is advocate general in that presidency on a pay of Rs. 4000 a month, and is on leave with an absentee allowance of £1,000 a year, which, supposing the official rate of exchange for the year to be 2 shillings to the rupee, is equal to $\frac{5}{12}$ of his pay. A is entitled to the pay of the office of Advocate General, *minus* the fraction ($\frac{5}{12}$) of it drawn by B, in addition to the same fraction ($\frac{5}{12}$) of his own pay. In other words, A is entitled to a salary of ($\frac{7}{12}$ of Rs. 2,000 =) Rs. 1,166-10-8 + ($\frac{5}{12}$ of Rs. 1,000 =) Rs. 416-10-8 = Rs. 1,583-5-4 a month.

C, who has no substantive appointment, is officiating in the office of standing counsel in Calcutta, the pay of which is Rs. 1,333-5-4 a month, for D, who is on leave with an absentee allowance of Rs. 666-10-8 a month. C is entitled to an acting allowance of Rs. 1,000 a month, because the difference between the pay of the office of Standing Counsel and the fraction of it drawn by D is less than Rs. 1,000.

E, who has no substantive appointment, is officiating in the office of government advocate at Rangoon, the pay of which is Rs. 400 a month, for F, who is on leave with an absentee allowance of Rs. 200. E is entitled to an acting allowance of Rs. 300, *i. e.*, to three-fourths of the pay of the office of government advocate, because the fraction of that pay which is left after F's absentee allowance is deducted from it is less than three-fourths.

VI. A Law Officer holding an appointment for which he is paid by fees may be admitted to the benefits of these rules, provided he can make arrangements for the performance of his duties satisfactory to the authority by which he is appointed; and provided also, that in case of his obtaining furlough on private affairs, the acting incumbent shall receive the whole of the emoluments attached to the absentee's office.

VII. An officer holding any of the appointments enumerated in rule I, on the date on which these rules come into force, may, if he prefer it, remain under the rules to which he is subject on that date.

(True Copy)

Registrar Fin. Depn.

C. S. G. P.—No. 582 C. F.—6-11-74—100.

No. 6399.

GOVERNMENT OF INDIA.

FINANCIAL DEPARTMENT.

Leave and Allowances.

To

THE CHIEF SECRETARY TO THE GOVT. OF FORT ST. GEORGE.

FORT WILLIAM, *the 5th November* 1874.

SIR,

With reference to your letter No. 785 of the 17th May 1873, I am directed to forward, for an expression of the opinion of the Government of Fort St. George, an amended draft of rules for the grant of leave of absence and acting allowances to law officers which it is the intention of the Government of India to submit for the approval of the Secretary of State.

2. I am directed to explain that these rules have not been declared applicable to Registrars of High Courts, because these officers, as will be seen from the schedule annexed to the Civil Leave Code, are subject to the leave rules for uncovenanted servants.

I have the honor to be,

SIR,

Your most obedient Servant,

Offg. Secretary to the Government of India.

C. S. G. P.—No. 572 C. F.—5-11-74.—32.

Judl 3717 Fin 7/74. Nos 784-785

Fin 1874 Dep

From —
The Offg Secy to the Govt of India.
Finl Dept.
No 6399.

Dated 6th Nov 1874. Rec'd 19 Nov 1874. Encl: 1 S.C. 3 + Encl 3.

No 2437.

Forwards for an expression of opinion an amended draft of Rules for the grant of leave of absence and acting allowances to Law officers which it is the intention of the Govt of India to submit for the approval of the Secy of State. —

Ansd 16 Dec 1874 No 2105

Fin. I am directed to state that he adopts Rules framed for the Supreme & Sudder Courts in the Presidencies & Towns of Fort St George & Bombay with a few alterations which are noted.

J.S.C. 27 Nov 74

Sent Rules amended Rules returned 12/12 C.S.

Govt. of 1874 Madras.

G. O., 16 Dec., 1874, No. 2105

Nos. 1465 A–1465 B

Leave Rules — Govt. informed that the draft rules regarding leave & allce. to Law officers which it is intended to submit for the approval of the S. of S. appear suitable —