M.R.O. 1—77,006—8-6-37.

(1) Number of pages 14

(2) Date of repair 8.5.40

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 227-228 Press Mis.

86-88 86-88

Dated 10—2— 1874.

879

Not to be folded or roughly handled

No. 86. Read the following letter from R. W. LODWICK, Esq., Accountant-General, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Fort St. George, 9th February 1874, No. 531:—

Audit Department.

On a recent occasion, a Judge,* in applying for furlough, asked for privilege leave allowances during subsidiary leave, although he had enjoyed the benefit of the usual two months' adjournment. In reporting on the application, this office merely certified that the subsidiary leave could be granted under Section 18*a* of the Code, but the question arises whether the claim for full pay in such a case can be admitted. Under Section 21 of the Code privilege leave may, under special circumstances, be allowed by Local Governments to Judicial and Educational Officers, in addition to the usual vacation, but nothing is said as to the grant of privilege leave allowances, when privilege leave itself is not sought, and, as privilege leave cannot be said to be *due* to a Judge who has taken his recess, it seems to me that the condition on which alone full pay is grantable during subsidiary leave is not fulfilled in the case of a judicial officer who has regularly availed himself of his recesses. A direct reference was made by me on this subject to the Government of India, but I have been instructed by telegram to submit the question through the Government of Madras, and I accordingly beg that an authoritative decision on this doubtful point may be obtained.

* Mr. Plumer.

No. 87. ORDER THEREON, 10th February 1874, No. 227.

The Governor in Council considers that the Accountant-General has placed an unauthorized limitation on the meaning of Section 21 of the Leave Code as regards Covenanted Officers who enjoy regular vacations, as is the case with Judicial Officers.

2. All that the rule states is that a Local Government may, with the sanction of the Government of India, impose in such cases the same restriction as is prescribed by the rule in the case of Uncovenanted Officers in the Judicial and Educational Departments, but this Government has not acted on this permission, nor so far as the Governor in Council is aware has any other Local Government done so.

3. The Governor in Council is, therefore, of opinion that Mr. Plumer, the District Judge of Chittoor, who has been certified by the Accountant-General to be entitled to furlough and subsidiary leave, is also entitled to full pay on such subsidiary leave, by reason of the fact that he has earned privilege leave of like duration.

4. These Proceedings will be forwarded to the Government of India for confirmation.

(Signed) W. HUDLESTON,
Chief Secretary.

No. 88. To the Secretary to the Government of India, Financial Department, dated Fort St. George, 10th February 1874, No. 228.

I am directed to forward, for the confirmation of the Government of India, copy of the Proceedings† of this Government on a reference made to them

† Dated 10th February 1874, No. 227.

by the Accountant-General whether a Judicial Officer, who has availed himself of the usual recesses, is entitled to full pay for the period of subsidiary leave taken prior to furlough.

(Signed) W. HUDLESTON,
Chief Secretary.

Ed. J. Wright.

Govt. of 1874 Madras.

FINANCIAL.

To

THE ACCOUNTANT-GENERAL.

Dated February, 10*th*.

Read.

Encl.

G.O., 10*th February* 1874, *Nos.* 227-28.

FEBRUARY.
Nos. 86—88.

Leave and Allowance.—The Accountant-General considered, with reference to the case of Mr. Plumer, District Judge of Chittoor, who was granted subsidiary leave with privilege leave allowance, notwithstanding his having availed himself of the annual recess, to have placed an unauthorized limitation on the meaning of Section 21 of the Leave Code, and the question referred to the Government of India.

Financial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Acct. General dy 9 Feby. 74 No. 531.

Order thereon 10th February 1874 No 227.

The Governor in Council considers that the Accountant General has placed an unauthorized limitation on the meaning of Section 21 of the Leave Code as regards Covenanted Officers who enjoy regular vacations, as is the case with Judicial Officers.

2. All that the rule states is that a local Govt. may, with the sanction of the Govt of India, impose in such cases the same restriction as is prescribed by the rule in the case of Uncovenanted Officers in the Judicial and Educational departments, but this Govt.

has

has not acted on this per-
missive clause, nor so
far as the Governor in
Council is aware has any
other local Government
done so.

3. ~~The undoubtedly~~
~~evident that a provided~~
~~vacation at a fixed time~~
~~of year and of fixed duration~~
~~does not by any means~~
~~supply the place of privilege~~
~~leave, and~~ the Governor
in Council is of opinion that
Covenanted Officers in the
Judicial Department are
as much entitled to privi-
lege leave under the rules
as are their brother Civilians
in the Revenue Department
the grant being in both
cases alike discretionary with
Government.

4. The Governor in
Council is therefore of opinion
that Mr. Palmer, the Dist.
Judge of Chittoor, who

has

7B

has been certified by the Account-
ant General to be entitled
to furlough and subsidiary
leave, is also entitled to
full pay on such subsidiary
leave, by reason of the
fact that he has earned
privilege leave of like duration

5. The Proceedings
will be forwarded to the
Govt of India for confirmation

I &c.

To The Acct. General. dispd 10/2
Letter Rec'd after — 228

20 Copies received 20/2

dep 1/2 in Dec with a Dec Copy of No 227.

3 913

Financial Department.

No. 228.

To

The Secretary to the Government
of India,
Financial Department.

Sir,

I am directed to forward for the confirmation of the Government of India copy of the Proceedings of this Government on a reference made to them by the Accountant General whether a Judicial Officer who has availed himself of the usual receipes, is entitled to full pay for the period of subsidiary leave taken prior to furlough.

× dated 10th February 1874, No 227.

10 Feb 74

Govt. of {1874} Madras.
Financial
To
The Accountant General.
Dated 10th February 1874, Rcvd. 1874, No. 228.
Nos. 85 - 88.

Leave & Allowances. Re-
presentation of General
Convicts, with reference
to the case of the Accoun-
tant Prosecutor of Chittoor, who
was granted subsidiary
leave with privilege
leave allowance, on
certificate, pending his
journey while on leave
of the annual rest &
to have elapsed and con-
=sequently limitation
with the meaning of

Full pay to Journal after
during Subsidiary leave

(22)

Section 21 of the Leave Code
The question referred to the
Govt of India -

Despatched
in Dft - done

187 DEPARTMENT.

No.

To

The Secretary to the
Government of

Department.

Dated 187 ,

1874.

DEPARTMENT

From

The Chief Secretary to Government,
Fort Saint George,

To

The Secretary to the Govt. of India,
Department.

Dated 1874.

Recd.

No. 22

Enclosure.

Nos. 86 - 88 -

Leave & Allowance. Proc.

Prin Govt on a reference made to them by the Accountant General whether a Judicial Officer who has availed himself of the usual rec[illegible] is entitled to full pay for the period of subsidiary leave taken prior to — Furlough forwarded —