

Financial (1895) Department.

ORDINARY PRINTED.

G.O., No. 722-23.

DATED 23rd Sept 1895.

INDEXED. 7/8

[Despatch Abstract.]

ASSUMPTION OF CHARGE OF AN OFFICE ON SUNDAYS.-

Agreeing with the Accountant-General in considering that Article 254 of the Civil Service Regulations contemplates -----and cancelling so much of Extract from Minutes of Consultation, No. 649, Judicial, dated 2nd October 1852, as prohibits the practice.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
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80	724		23-9-95				

Nos. 722, 723, FINANCIAL, 23RD SEPTEMBER 1895.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

READ—the following papers :—

Extract from the Minutes of Consultation, No. 649, dated 2nd October 1852.

ABSTRACT.—Recording the views of Government on the question submitted by the Sub-Judge of Madura whether a Judge returning to his station from leave can resume charge of his Court on a Sunday, or whether the acting officer can decline to deliver up charge on that day ; and forwarding the papers to the Board of Revenue and the Court of Sudr and Foujdaree Udalt with instructions to prohibit all functionaries under their control from either giving over or assuming charge of their offices on the Sabbath.

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated 20th July 1895, No. 1885.

The Board of Revenue (Land Revenue) having raised a question on the subject, I have the honour to enquire whether Government wishes to maintain the order passed in Minutes of Consultation, No. 649 (2406), Judicial, dated 2nd October 1852, prohibiting assumption of charge of offices on Sundays.

2. Article 254 of the present Civil Service Regulations appears to contemplate the possibility of charge being so taken.

ORDER—No. 722, Financial, dated 23rd September 1895.

His Excellency the Governor in Council agrees with the Accountant-General in considering that Article 254 of the Civil Service Regulations contemplates the assumption of charge of an office on Sundays, and so much of E. M. C., No. 649, Judicial, dated 2nd October 1852, as prohibits the practice, will be cancelled. Charge of an office should, however, in no case be assumed on a Sunday unless such a course is, under the terms of Article (254) of the Civil Service Regulations, absolutely necessary.

(True Extract.)

Chief Secretary.

To the Revenue Department.
 „ the Public Works Department.
 „ the Local and Municipal Department.
 „ all Heads of Departments.

ENDORSEMENT—No. 723, Financial, dated 23rd September 1895.

Copy to the Government of India, Finance and Commerce Department.

J. F. PRICE,
 Chief Secretary.

Exd. A. Raitt.

Gobt. of {1895} Madras.
FINANCIAL.

Issued

Recd.

Encl.

G.O., &c., Nos. 722, 723, 23rd
September 1895.

SEPTEMBER.

Assumption of Charge of an Office
on Sundays.

Agreeing with the Accountant-General in considering that Article 254 of the Civil Service Regulations contemplates —, and cancelling so much of E. M. C., No. 649, Judicial, dated 2nd October 1852, as prohibits the practice.

CURRENT NO. 3493-1895

Treasury Account DEPARTMENT.

FORT ST. GEORGE,

Accountant-General's Office,

No. 1885

20th July 1895.

From

F. C. Harrison Esquire,
Offg. ACCOUNTANT-GENERAL TO THE

To

GOVERNMENT OF MADRAS,

THE Chief Secretary to Government,
Judicial Department.

SIR,

The Board of Revenue (Land Revenue) having raised a question on the subject, I have the honour to enquire whether Government wishes to maintain the order passed in Minutes of Consultation dated 2nd October 1852 Judicial Department No 649 (2406), prohibiting assumption of charge of Officers on Sundays.
2 Article 254 of the present Civil Service Regulations appears to contemplate the possibility of charge being so taken.

I have the honour to be,

Yours most obed^t servant,

F. C. Harrison
Offg. Accountant-General

20/7.

1842
CURRENT No. 2493
Judicial (1895) DEPARTMENT.
Financial

From
THE ACCOUNTANT-GENERAL,
MADRAS,

To
THE Chief Secy to Govt
Financial Dept

No. 1885.

Dated 20 July 95
Received 22 July 95

Encl: 4
Recd + Rgd Hb: 2/7/95
CHIEF SECRETARY
No. 22 JUL 1895
GOVERNMENT OF MADRAS
SUBJECT.

Enquiring of the Govt whether
the order passed in
minutes of Consultation
of 2^d Oct 1852 prohibiting
assumption of charge
by officers on Sunday

M.O.
Recd + Rgd
Hb: 2/7/95
22/7/95
20/7/95
Cor. 8,000-6-6-95.

E. M. C. 2/10/52 No. 2406 (649)
Despatch England 24/1/84
27/1/77 No. 220-221 Archd Jnd
1/9/88 No. 129 Archd

Receipts in full
+ close the acct
1895-
For Orders
Financial Dept
CURRENT No. 1842
Recd. 2. 8. 95

Transferred to the Financial
Department

2. The question raised is a general
one relating to all departments involving
the interpretation of an article in the
C.S.R. ~~through the~~

The only special ruling on the subject
of which the Judicial Dept. is
aware is that contained in the
following High Court Circular
of 26.4.87 No. 1240 A.

"The High Court directs that no
cases be heard & no judicial act
be formally announced or done on
Sundays"

Enq. & taking our chance are
hardly "judicial acts"
 Lionel Davidson
J.A.

to circulate in the Jnd. Dept.

Financial DEPARTMENT.

C. No. 1842 + 1976.

FOR ORDERS.

The above currents raise the question
of assumption of charge of an office on
a Sunday. In the earlier current the
A.G. refers to an order of 1852 which
prohibited the practice and states his
opinion that article 254 of the C.S.R.
contemplates the possibility of charge
being so taken. The earliest paper
which can be traced containing a
ruling similar to that in article 254
is G.O. 9. Publ. Dept. Resol. No. 49 of
26th March 1862 (~~which~~ miss. copy in
the printed file) which seems to have
been issued on the understanding that
charge of an office would not ordinarily
be assumed on a Sunday. G.O. of 2nd
February 1869, No. 65. Publ. (in the
printed file) however records a resolution
which was doubtless the origin of
article 254 and which does not

(D)

now sub. No. 220

mention "Sunday" but confines itself to "holidays". It was thought advisable to examine the records in view to see whether any ruling of the G.O. could be traced introducing the word "Sunday" into article 254. The search has been fruitless. The first edition of the Civil Leave Code, published in 1872, contains the "Sunday" in article 24-9 and the Reference Dept. has been unable to trace any ruling between 1869 + 1872 on the point.

G. M. C. of 2nd October 1852, No 649, which is quoted by the A.G. in C. No. 1842, prohibited the assumption or relinquishment of charge of an office on the Sabbath and the Board of Revenue has reproduced this ruling in its form on G. O. of 19th Feb 1895, No. 126 (in printed file). The printed file contains various orders enjoining the closing of Govt. Offices & cessation of work on Sundays but these do not altogether bear on the present question. The proviso in article 254 of the C.S.R. certainly appears to contemplate the contingency of an officer being compelled to take charge on a

FOR ORDERS.

HON'BLE MEMBER.

(B)

80. 722
23.9.95

Nothing to
put on
the file

in G.O. No 724
Ful., 23/9/95

(X)

80. 724
23/9/95

(X)

Sunday or lose pay for that day. It might in many cases, be necessary for an officer to do so on administrative grounds - e.g. a Collector returning from leave expiring on a Sunday might be urgently required in the interior of his district & he would be unnecessarily detained a whole day ^{if he is to remain at headquarters} in order to escape taking over charge on a Sunday.

The case in C. No. 1976 illustrates the necessity of an officer ^{sometimes} taking charge on a Sunday. The A.G.'s ruling in this case is correct, the arguments of the Dist. Munsif notwithstanding. The term "transfer" in article 254 clearly includes reversion & whatever force the orders of this Govt. on the subject of closing offices on Sundays may have they cannot override the provisions of the C.S.R. which contains India's rulings on the question of pay & allowances. The draft on C. No. 1976 is submitted for approval.

~~to the same~~ It is proposed to dispose of the earlier current as follows: —

Over

2 numbers
38
Order of 23^d September 1895, No. 722.

H.E. the Gov. in Council
agrees with the Act. Genl. in
considering that article 254 of
the C.S.R. contemplates the
assumption of charge of an
office on Sundays and so
much of E.M.C. of 2^d October
1852, No. 649 that as prohibits
the practice will be cancelled.

Charge of an office should, however,
in no case be assumed on a
Sunday unless such a course is,
under the ~~part~~ terms of article
254 of the C.S.R., absolutely necessary.

CS. 5.9.95
LD 14/9/95
Res. Sept 31
P.W. Sept. 14
L.M. Sept. 6
All Heads of Dept. of the
3 copies
2/10/95
No. 723.
Copy to the Govt, Secy. & Comm.
Dept.

CS. 5/9
Ask S.A. to print in
Res. E.M.C. 649 - (P)
2.10.52
- C. No. 1842 - (A)

Assumption of Charge on
Sundays.

For Order

M.H. & Co

Re
16/9/95
W
10 Sep
18/9

Office
No
CS
23/9

Extract from the minutes of
conversations dated 2^d Oct.
1852 No. 649.
Also Recording the views of
Govt. on the question submitted
by the Sub Judge of Madras
whether a Judge returning to
his station from leave can
resume charge of his court-
on a Sunday, or whether the
acting officer can decline to
deliver up charge on that
day; and forwarding the
report to the Board of Revenue
of the Court of Guide and
Fardouse. Whether in the
instructions to prohibit all
functionaries under their
control from giving over or
assuming charge of their
offices on the Sabbath.

4001
Proof - Please see query in docket

23RD SEPTEMBER 1895, Nos. 722, 723, FINANCIAL.

GOVERNMENT OF MADRAS.
FINANCIAL DEPARTMENT.

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(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Revenue Department.
„ the Public Works Department.
„ the Local and Municipal Department.
„ all Heads of Departments.

ENDORSEMENT—dated 23rd September 1895, No. 723, Financial.

Copy to the Government of India, Finance and Commerce Department.

Chief Secretary.

Ed. A. Raitt.

Govt. of {1895} Madras.
FINANCIAL.

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Nos. 722, 723.

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[G.]
[34]
200-24-10-94.

Financial

DEPARTMENT.

List showing the distribution of the Proceedings of Government
dated 23rd September 1895 No. 722.

	Revenue Department	..	..	..	31
	Public Works Department	..	..	..	41
	Military Department	..	..	..	6
	Local and Municipal Department	..	..	..	..
JUDICIAL.	Honorable the Chief Justice with C.L.	..	..	..	31
	Inspector-General of Police	..	..	..	30
	Do. of Prisons	..	..	..	25
	Do. of Registration	..	..	..	3
	Chief Presidency Magistrate	..	..	..	3
	Commissioner of Police	..	..	..	3
	Judges of the Madras Court of Small Causes	..	..	..	1
	Advocate-General	..	..	..	1
	Government Solicitor	..	..	..	1
	Administrator-General	..	..	..	1
PUBLIC.	Sheriff of Madras	..	..	..	1
	Government Pleader	..	..	..	1
	Registrar of Joint Stock Companies	..	..	..	1
	Lieut. General commanding the Force	..	..	..	1
	Surgeon-General	..	..	..	1
	Meteorological Reporter	..	..	..	1
	President, Board of Examiners	..	..	..	1
	Private Secretary to the Right Honorable the Governor	..	..	..	1
	Government Astronomer	..	..	..	1
	Superintendent, Government Central Museum	..	..	..	1
	Chemical Examiner	..	..	..	1
	Superintendent of Stationery	..	..	..	1
	Protector of Emigrants	..	..	..	1
	Superintendent, Government Press	..	..	..	1
	Tamil Translator to Government	..	..	..	1
POLITICAL.	Telugu do. to do.	..	..	..	1
	Malayalum do. to do.	..	..	..	1
	Canarese do. to do.	..	..	..	1
	Hindustani do. to do.	..	..	..	1
	British Consular Agent, Pondicherry	..	..	..	1
	Superintendent, Archaeological Survey	..	..	..	1
	Government Epigraphist	..	..	..	1
ECCLESIASTICAL.	Resident in Travancore and Cochin	..	..	..	6
	Paymaster, Carnatic Stipends	..	..	..	1
	Political Agent, Pudukota	..	..	..	1
	Do. Sandur	..	..	..	1
	Do. Banganapalli	..	..	..	1
	Government Agent, Tanjore	..	..	..	1
MARINE.	Special Agent, South Arcot	..	..	..	1
	The Right Reverend the Bishop of Madras	..	..	..	1
	Venerable Archdeacon of Madras	..	..	..	1
	Senior Chaplain of the Church of Scotland	..	..	..	1
	Presidency Port Officer	..	..	..	20
	Chairman, Harbour Trust Board	..	..	..	1

9/10/95

12/10/95

FINANCIAL.	Accountant-General	6
	Commissioner of Paper Currency	1
EDUCATIONAL.	Superintendent of Stipendiary	1
	Director of Public Instruction	20
	Commissioner for Government Examinations	1

THE DISTRICT MAGISTRATE OF	Anantapur	..
	North Arcot (Chittoor)	..
	South Arcot (Cuddalore)	..
	Bellary	..
	South Canara (Mangalore)	..
	Chingleput (Saidapet)	..
	Coimbatore	..
	Cuddapah	..
	Ganjam (Chatrapur)	..
	Godavari (Cocanada)	..
	Kistna (Masulipatam)	..
	Kurnool	..
	Madura	..
	Malabar (Calicut)	..

DISTRICT AND SESSIONS JUDGE OF	Nilgiris (Ootacamund)	..
	Nellore	..
	Salem	..
	Tanjore	..
	Tinnevely	..
	Trichinopoly	..
	Vizagapatam	..
	North Arcot (Chittoor)	..
	South Arcot (Cuddalore)	..
	Bellary	..
	South Canara (Mangalore)	..
	Chingleput	..
	Coimbatore	..
	Cuddapah	..

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DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BRING MEANT FOR DESPATCH IN ORIGINAL.

N.B. —

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.