

Financial (1897) Department.

ORDINARY PRINTED.

G.O., No. 885

DATED 3.11.97.

INDEXED.

[Despatch Abstract.]

Lien on Permanent appointments.
Comg. to the Honble the Judges of the High Court, with an expression of concurrence
letter from the A.G. Stating that G.O. No. 38
Fint. of 18.6.96. re — relates to Cases in
which officers of one dept. are appointed
probation to permanent vacancies in another
and that as the Process Server of the S. H. Court, Kudnool, has been employed on temporary
duty in famine relief works, he may be
regarded to be on deputation until the temporary
duty ceases.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1897} of Madras. FINANCIAL.

Recd.

Regd.

} 1897.

Enclosures

Spare copies

G.O., No. 885, 3rd November 1897.

NOVEMBER.

Lien on permanent Appointments.

Communicating to the Hon'ble the Judges of the High Court, with an expression of concurrence, letter from the Accountant-General stating that G.O., No. 382, Financial, dated 18th June 1896, regarding — relates to cases in which officers of one department are appointed on probation to permanent vacancies in another, and that, as the process-server of the District Munsif's Court, Kurnool, has been employed on temporary duty in famine-relief works, he may be regarded to be on deputation until the temporary duty ceases.

GOVERNMENT OF MADRAS.
FINANCIAL DEPARTMENT.

READ—again the following papers:—

G.O., No. 382, Financial, dated 18th June 1896.

ABSTRACT.—Sanctioning the recommendation of the Board of Revenue that the clerk and the Revenue Inspector who have been permitted by the Collector of Anantapur to take up appointments as Police Inspectors on probation for two years be allowed a lien on their permanent appointments for their period of probation; but declining to extend to all cases the period of three months' lien prescribed in paragraph 3 of G.O., No. 1516, Revenue, dated 4th September 1871.

G.O., No. 768, Financial, dated 13th November 1896.

ABSTRACT.—Informing the Accountant-General that the rule regarding the retention of three months' lien on permanent appointments by officers appointed on probation to other posts does not apply to officers holding on probation higher appointments in the same office or department.

G.O., No. 609, Financial, dated 3rd August 1897.

ABSTRACT.—Empowering the Board of Revenue to extend up to six months the period of lien allowed to officers who seek transfer to other departments.

G.O., No. 1455, Judicial, dated 7th October 1897.

ABSTRACT.—Stating that the existing arrangements in regard to the probationary period for Police Inspectors should continue for the present.

READ—also the following papers:—

From D. W. G. COWIE, Esq., Registrar of the High Court of Judicature, to the Chief Secretary to Government, dated Madras, 17th September 1897, Ref. on Cur. No. 2040.

I am directed to forward, for the orders of Government, copy of letter No. 89, dated the 1st instant, addressed to the High Court by the Acting District Judge of Kurnool, and to state that the Hon'ble the Judges consider that the matter mentioned therein is one for disposal by the Government.

ENCLOSURE.

From H. O. D. HARDING, Esq., Acting District Judge, Kurnool, to the Registrar of the High Court of Judicature, dated 1st September 1897, No. 89.

I have the honour to state that the District Munsif of Kurnool reports for orders a case in which one of the process-servers of his court, whom he had permitted to take up an appointment in famine-relief works, did not join his permanent appointment after the expiration of his leave for three months granted to him, but requested a further extension of two months' leave and that, under the circumstances hereunder explained, I entertain a doubt as to whether the rule contained in paragraph 2 of G.O., No. 382, Financial, dated the 18th June 1896, can be made applicable to inferior servants, and to request that you will be so good as to obtain orders of Government on the subject.

2. Under article 434 of the Civil Service Regulations, process-servers of the District Munsifs' Courts are classed as inferior servants. With reference to clause 2 to article 58, published at page 20 of the Civil Account Code, volume I, the names of the process-servers are not mentioned in the pay bills, but simply the number of each class of inferior servants is entered in the column headed "Name of section and of incumbent," and their pay is entered in lump sum in column headed "Pay, acting and leave allowance claimed separately." Leave statement also is not sent with respect to this class of servants. It is only in the detailed statements sent to the Accountant-General every year their names appear. Further, under articles 455 and 457 of the Civil Service Regulations, inferior servants count service of all periods of authorized leaves, such as sick leave, furlough, &c., and leave without allowances and under article 320 of the same regulations, they are entitled to hospital leave with half pay for a period of six months for every three years, which privilege the officials in superior service have not.

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 19th October 1897, No. 3251.

In reply to your endorsement, No. 2102, dated the 10th of October 1897, referring to me for remarks a letter from the Registrar of the High Court of Judicature, regarding the extension of leave granted to a process-server of the District Munsif's Court, Kurnool, to take up an appointment in famine-relief works, I have the honour to state that G.O., No. 382, Financial, dated 18th June 1896, quoted in the District Judge's letter relates to cases in which officers of one department are appointed on probation to permanent vacancies in another.

2. The process-server in the present case being only on temporary duty in famine-relief works, the order does not apply to his case, Government also remarked in its Order No. 1516, Revenue, dated 4th September 1871, that the grant of leave without allowances is irregular in cases like the present, and that officers can be allowed to retain a lien on their substantive appointments, the limitation of three months therein prescribed being only for cases of probation in other departments where permanent vacancies need to be filled. The process-server in question may therefore be regarded as on deputation until the temporary duty ceases.

3. The papers received with the endorsement are returned.

ORDER—No. 885, Financial, dated 3rd November 1897.

The Government agrees with the views expressed in the letter from the Accountant-General, No. 3251, dated 19th October 1897, which will be communicated to the Hon'ble the Judges of the High Court with reference to their Registrar's No. 2040, dated 17th September 1897.

(True Extract.)

A. T. ARUNDEL,
Chief Secretary.

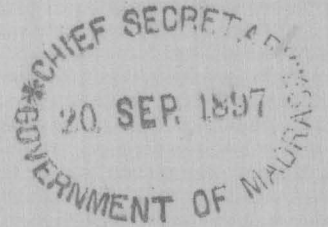
To the Hon'ble the Chief Justice (with C.L.).
" Accountant-General.

" Copy to the Revenue Department.
" to the Public Works Department.
" to the Local and Municipal Department.
" to the Board of Revenue (all departments).

Exd. Shaik Karim.

Finl. Judicial
Judicial (1897) Department. 2488

22/9/95
CURRENT No. ~~2984~~ 2984



78
From

The Registrar,
High Court of Judicature,
Madras.

Refrence No. 2040/97

Dated 17th September 1897.

Received } 20/9/97

Registered } 21-9-97
Enclosures } 24-9-97

Spare copies

SUBJECT.

Forwarding copy of Kurnool District Judge's letter, No. 39, dated the 1st instant and stating that the High Court considers that the matter mentioned is one for disposal by the Government.

transf. to the Finl. Dept.

Am. Wh. pp.

Sp. Under Secretary

Expt. No. 2102 & 10.10.97

Deferred to the Accountant

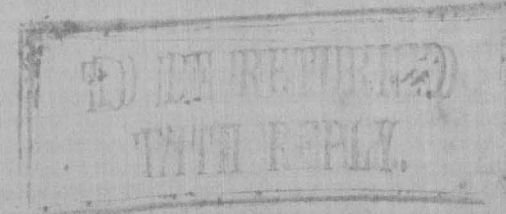
for favour & remarks

Subscribed

Chief Secretary

10-9-97

the Finl. Dept.



BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Financial (1897) Department.

CURRENT No. 32.87

From The Accountant General
Muzas

Order

No. 3251

Dated 19th October 1897

Received

Registered 20.10.97

Enclosures Cur. no. 29884 encl. refd

Spare copies

SUBJECT.

Forwarding with reference
the letter from the Registrar
of the High Court of Judicature
regarding the ex-
-tension of leave granted
to a process server of the
Dist. Muzasif Court K
-now to take up an appo-
-intment in Famine Relief
works.

BACK PAPERS.

G.O.	No.	Department.	Date.
S.C.	609	Zil.	3-8-97
	768	"	13-11-96
	546	"	7-9-96
	382	"	18-6-96
2nd	1320	229-88	Zil.
SC	1516	Zil.	4-9-71

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[G. 25]
800-2-9-97.

C. No. 2988

Financial DEPARTMENT.

SUBJECT.

Lien on
Permanent
Appointments.

HIS EXCELLENCY THE GOVERNOR.
THE HON'BLE SIR HENRY BLISS, K.C.I.E.
THE HON'BLE MR. GROSE, C.I.E.

FOR ORDERS.

Under para 3 of G.O. No. 1516, Revenue, dt 4 September 1871, men may be allowed to act in posts of higher pay for temporary duty, retaining their lien on their substantive posts, or on probation for terms of not more than three months in other departments in which permanent vacancies need to be filled, at the end of which period, if not confirmed in their new posts, they should revert to their substantive employment. In modification of this ruling, officers appointed as Police Inspectors are now, under G.O. No. 382 Fint dt 18 June 1896, allowed to retain a lien on their permanent appointments during

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during their two years' probation in the Police Dept, but the limit of three months must not be exceeded in other cases without the special sanction of Govt.

2 The Registrar of the High Court forwards a letter from the Ag. Dt. Judge, Kurnool, in which he enquires whether the ruling referred to above is applicable to process servers who are treated as inferior servants, under Art. 434 of the Civil Service Regulations. He raises the question, because a process-server of the Dt. Munsif's Court, Kurnool, who was granted leave for three months to enable him to take up an appointment in the Famine Relief works, did not join his permanent appointment on the expiration of his leave, but applied for a further extension for two months.

3. The Dt. Judge is doubtful whether the ruling referred to

* C No. 2988

Encl 1 to the above.

Can be made applicable to inferior servants, the cases dealt with therein being those of officers in superior service. The ruling itself seems to contemplate a distinction between temporary and permanent employment, the limit of three months applying only in the latter case. Thus it is understood that an officer appointed to act in a post of higher pay for temporary duty may retain his lien on his substantive appointment till the temporary duty lasts, but that, if appointed on probation in a permanent vacancy, he must revert to his former post at the end of three months, unless he is by that time confirmed in his new appointment. This distinction appears to have been ignored by the Board in para 3 of its Proceedings recorded in G.O No. 382 Dtd 18 June 1896. If the views set forth above be accepted, the limit

limit of three months will not affect the process server referred to, as his employment on famine work must be regarded as temporary duty.

Yes. That is what the Act says in C. No. 3281 in ref. to a reference on C. No. 2988 sent to him after the above note was written

Ans. 29. 12. 97

on pag 3 of the printed copy of this order.

[G 24]
1,000-15-0-07.

Int. DEPARTMENT.

Papers to be read in proceedings:-

D Again G.O., No. 392, dated 19. 6. 1896. - (P)
 " " 768 " 13. 11. " (P)
 Again G.O., No. 609, dated 8. 4. 1897. (P)
 " " 1445, dated 7. 10. 1897. (P)
 Current No. 2988 of 1897, dated 17. Sep. " from The Registrar High Ct. (A)
 " " 3281 " 1897, " 19 Oct. " Acct Genl (A)
 " " " 189 " " " " "

cb

No. 885 of 3-11-97

ORDER.

Govt. agrees with the views expressed in the letter from the Acct. Genl

File C. No. 3251

No. 3251 of 19. October 1897, which will be communicated to the Hon'ble the Judges of the High Ct. with ref. to their Registrar's letter No 2040 of 17. 9. 97

File C. No. 2545

Ans. 29. 12. 97

AST. 2.11.97.

The Hon. the C.J. (with Ch/b)
 - Acct. Genl 4
 Copy to Secy. Dept. 6
 - P.W. " 10
 - L. " 5
 - Board of Rev (all depts) 30

Despatch 15-XI-97.

Ans. 29. 12. 97

First copy sent to Press.

Returned for signature.

Despatched in print.

NUMBER OF COPIES REQUIRED. { Order complete.
Letter only.
Order complete with Letter.

READ AGAIN G.O. No. 180

DATED

10

CURRENT No.

As marked

ENCLOSURE TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DFTO.

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.

21/11/05 ✓

8-8-11

10/6/15c

30-11-16

Paper taken out of the Records from the charge of the Referencer.

Press 885, dated 3-11-1907
Miscellaneous No. 885, dated 3-11-1907
Routine

Date taken out.	FOR WHAT PURPOSE.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
20-2-03	Finl	110	1222/03	inf		
12/2/04	Finl	168	168/04	inf	15/3/04	
16-3-04	Finl	110	104			
24-11-05	Pres	110	110		17/3/06	
8/8/11	C. P. Cu	553	1106		12/1/11	
10-6-08	Finl	1907	15	844	15-9-15	
30/11/16	Finl	4135	16		20-12-16	
18-4-17	Finl	1403			23-4-17	

Paper taken out of the Records from the charge of the Referencer.

Ordinary No. 883, dated 2-11-187

Date taken out.	FOR WHAT PURPOSE.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
24-11-18	Finl	23134	18		18-11-18	