

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	29/A	Press ~~Mis.~~
	1-2	
Dated	17-3-	1857.

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 17th March 1857.

No. 1. Read the following Extract from the Minutes of Consultation, dated 20th February 1857, No. 215.

Read the following Extract from the Proceedings of the Right Honorable the Governor General of India in Council, in the Financial Department, under date the 23rd January 1857, No. 435.

Read an endorsement from the Public Works Department, No. 6094, dated the 31st Ultimo, forwarding for consideration and orders a letter from the Government of Bombay, No. 3523, dated the 20th Idem, submitting the case of an Uncovenanted Servant in Sind who exceeded his month's privilege-leave by a few days, and recommending that in such cases the excess may be treated as leave on private affairs.

RESOLUTION.—The Right Honorable the Governor General in Council observes, that Mancherjee Dorabjee, a subordinate in the Public Works Department in Sind; who obtained one month's privilege-leave had exceeded his leave by five days, owing to the Steamer on which he embarked for Kurrachee having been detained in Bombay beyond the usual date of sailing and to the vessel having made an unusually long passage. The Government of Bombay was thereupon requested to allow the excess period to be regarded as leave on private affairs. But as such leave is not grantable, under the rule noted in the margin, in continuation of privilege-leave, there was no alternative but to treat the entire absence of Mancherjee Dorabjee as on leave on private affairs.

Ruling of 26th September
1856.

As this course appeared to the Government of Bombay to be attended with great hardship, the authority of this Government is solicited for exempting Mancherjee Dorabjee from the operation of the Rule referred to, and also for making similar exceptions in cases where privilege-leave may be unavoidably exceeded for short periods.

But His Lordship in Council cannot permit any exception to be made in favor of Mancherjee Dorabjee as the Government has nothing to do with the place to which a servant goes on privilege-leave; his duty being to return to his post at the end of his leave or to suffer the penalties enjoined by the Rules.

As a general rule, however, His Lordship in Council prescribes that in cases when Uncovenanted Servants exceed by a few days the period of their privilege-leave, the Rule obtaining in the case of Covenanted Officers shall be applied, that is to say, if an Uncovenanted Servant shall not return at the expiration of his privilege-leave, he shall forfeit all Pay and Allowances during the time of his remaining so absent without leave; and if he shall so continue absent for more than one month, beyond the term granted, his Office shall become vacant.

ORDER.—Ordered that a copy of the foregoing Resolution be sent to the Public Works Department for communication to the Government of Bombay.

+ Home, Foreign, and Military.
‡ Bengal,
Madras,
N. W. Provinces,
Straits Settlement.

Ordered also, that a transcript of the above Resolution be sent to the Departments† and the Governments‡ noted in the margin.

Ordered further, that a copy be sent to the Civil Auditor at Fort William, for his information and guidance.

Ordered also, that the last paragraph of the above Resolution be published in the Calcutta Official Gazette for general information, with the omission of the word noted in the margin.

However.

(A true Extract)

(Signed) C. HUGH LUSHINGTON,
Secretary to the Government of India.

Fort St. George, Judicial Consultation, 17th March 1857.

Ordered that the foregoing Extract be communicated to the several Departments of the Secretariat, and that the last para. of the Resolution of the Government of India be re-published in the Fort St. George Gazette for general information, with the omission of the word "however."

(Signed) T. PYCROFT,
Chief Secretary.

No. 2.

ORDER THEREON, No. 291; dated 11th March 1857.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

Ind. to Cons. 4th Nov. 1856 No. 26727

*In Dy to Cons. of 17th March
Judicial 1857 Departt 2*

*Extract Mins. Cons.
in the Public Departt. No. 215*

*Dated 20th Feb 1857
Recd 23 Feb 1857*

Feb 23rd

*No. 313
Agenda*

*Communicating Resolution
of the Govt. of India prescribing
the course to be pursued in the
case of an Uncovenanted Officer
exceeding the period by a few days of
the Privilege leave granted him - also
the course when such absence exceeds
One Month -*

*No. 291 A
To be recorded
11 March 1857*

*2626
29"*

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