M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 627 Press ~~Mis.~~
33-34.

Dated 16 — 8 — ~~19~~ 1859

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 11th to 17th May 1859.

No. 33. Read the following letter from R. B. SWINTON, Esq., Acting Subordinate Judge of Cuddapah; to WILLIAM ELLIOT, Esq., Civil Judge of Cuddapah, dated 16th April 1859, No. 44.

Since my application for leave of absence for a month in my letter to you of the 2nd Instant, I have received intimation from the Civil Auditor that my having taken twenty days' special leave under Section XIV of the leave rules within the last eleven months, prevents my now being entitled to privilege leave, and I see by the Fort Saint George Gazette of the 9th April 1857, that the Court of Directors have so ruled, this ruling was published when I was in England and I was not aware of it when I made the application. I have now the honor to request you to forward my application to have the leave above alluded to taken by me for twenty days in July 1858, cancelled, so that it may not prevent my having leave now under Section XII. This leave for twenty days was in opposition to the orders of the Court of Directors as published in the Gazette of the 27th February 1857,* forbidding the six months special leave under Section XIV to be taken in instalments, I was neither aware when applying for it, that it was in such opposition nor that it would have the effect which it has had of preventing me from taking any more leave under the same Section, Section XIV, for six years as will be seen by the accompanying copy of a report from the Civil Auditor under date the 22nd November 1858. I respectfully think that either this instalment of twenty days' leave under Section XIV, considering its ill effects to me, might be cancelled, or that it should not be taken to have the full force and effect of a six months' leave under Section XIV, in preventing leave under that Section again for six years. If it were cancelled, I conclude my allowances for those twenty days would be stopped as if absent without leave.

* Page 342.

2. I may be permitted to state, that I require this leave to enable me to accompany Mrs. Swinton to the hills or at least to Bangalore, being unable through illness to travel alone.

Forwarded to the Acting Civil Auditor with reference to this Court's recommendation of the 7th Instant.

By order of the Court of Sudder Udalut.

27th April 1859.

(Signed) C. F. CHAMIER,
Register

General Department.

No. 268.

REPORT OF THE CIVIL AUDITOR.

The Officiating Civil Auditor has the honor to report that, the 20 days' leave enjoyed by Mr. R. B. Swinton, in July last, cannot be cancelled, but if the Government be pleased to decide otherwise, the cancelment will not qualify Mr. Swinton to privilege leave under Section XII, which requires an Officer to be eleven months in uninterrupted employment. The leave for 20 days granted to Mr. Swinton, is not as he supposes in opposition to the orders of the Court of Directors. Leave under Section XIV may be taken either for a few days or for 6 months.

Fort St. George, Civil Auditor's Office, 30th April 1859.

(Signed) J. L. LUSHINGTON,
Officiating Civil Auditor.

To the Secretary to Government, Fort Saint George.

Extract from the Report of the Civil Auditor under date the 22nd November 1858.

The Civil Auditor has the honor to report that Mr. R. B. Swinton, Acting Head Assistant Collector of Rajahmundry, returned from his last leave for 20 days under Section XIV of the Covenanted Service Absentee Rules, on the 20th July last; and accordingly is barred from again obtaining leave under that Section, by the Rule in para. 136 A, Chapter II of the Manual. In addition to this objection, the restrictive order of the Government of India places it out of

the power of the local authorities, to grant leave of this kind to members of the Covenanted Service —Calcutta Gazette, May 1858, page 1046, and July, page 1550.

(True Extract.)

(Signed) R. B. SWINTON,
Acting Subordinate Judge.

(True Copy.)

(Signed) W. ELLIOT,
Civil and Session Judge.

No. 34. ORDER THEREON, 16th May 1859, No. 677.

The report of the Civil Auditor will be communicated to Mr. Swinton.

2. In Extract Minutes Consultation 20th April last, No. 547, Government have declined to grant Mr. Swinton privilege leave, as he is required to join his new station at Bellary. They would not, however, under the circumstances, object to cancel the leave for 20 days granted him in July last, if he so desires it, and is willing to forfeit his pay for that time, so that he may no. be deprived of his title to special leave for six months under Section XIV.

3. If Mr. Swinton wishes his 20 days' leave cancelled on these terms, he should apply accordingly.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

Proceedings of the Madras Government.

Read letter from Mr. R. B. Swinton, Acting Subordinate Judge to the Civil Judge of Cuddapah — Enclos 16th April 1859 No. 44.

Report thereon of the Civil Auditor — " 30 do — 288.

Order thereon 16th May 1859 No. 674

The report of the Civil Auditor will be communicated to Mr. Swinton.

2. In Exc: Mins: Cons: 20 April last, No. 547, Govt. have declined to grant Mr. Swinton privilege leave, as he is required to join his new station at Bellary. They would not, however, under the circumstances, object to cancel the leave for 20 days granted him in July last, if he so desires

desires it, & is willing to forfeit his pay for that time, so that he may not be deprived of his title to special leave for six months under § XIV.

3. If Mr. Swinton wishes his 20 days leave can-
celled on these terms, he should apply accordingly.

J. R. B. Swinton Esqre.
Civil Judge of Cawnpore
Civil Auditor
} Dispd 20th