M.R.O. 1—39,000—16-10-19.

# MADRAS RECORD OFFICE.

## Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 829 Press Mis.

9-10

Dated 2—7— 10 1920

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***Not to be folded or roughly handled***

*Proceedings of the Madras Government, Judicial Department,*
*3rd July* 1860.

No. 9. Read the following Proceedings of Government, in the Financial Department, dated 29th June 1860, No. 315.

*Communicating for information, Proceedings of the Government of India in the Financial Department, observing that the provisions of the Resolution of 14th July* 1858, *apply to cases of Furlough under Military Rules in which Officers are allowed to retain their appointments.*

(Vide Proceedings, Financial Department, dated 29th June 1860, Nos. 80 and 81.)

No. 10. ORDER THEREON, 3rd July 1860, No. 829.

To be recorded.

(Signed) T. PYCROFT,
*Chief Secretary.*

Exd. S. T. Augustin.

No.

*EXTRACT from the Proceedings of the Honorable the President of the Council of India in Council, in the Financial Department, under date the 14th July*, 1858.

Read again the undermentioned Orders passed by this Government relative to "No Demand" certificates of Officers on sick leave, and to the term "Military Officers in Civil employment."

General Order by the Honorable the President of the Council of India in Council, in the Military Department, No. 683, dated 26th June, 1855.

Letter from the Financial Department to the Government of the N. W. Provinces, No. 4584, dated 14th November, 1855.

Letter from the Financial Department to the Government of Bengal, No. 224, dated 18th January, 1856.

Financial Resolution, No. 2045, dated 1st May, 1856.

General Order by the Right Honorable the Governor General of India in Council, in the Military Department, No. 779, of 27th May, 1856.

Read an Extract from the Proceedings of this Government, in the Military Department, No. 861, dated 16th June, 1858, forwarding for consideration and orders, a letter from the Accountant General to the Government of India, with the connected papers, on the subject.

Observations.

The Honorable the President in Council observes from the papers submitted, that on the 26th June, 1855, this Government, in the Military Department, issued a General Order in respect to the production of "No Demand" certificates by Military and Medical Officers of Her Majesty's and the Honorable Company's Service, when about to quit the limits of the Bengal Presidency on resignation or retirement, on obtaining Furlough to Europe or General Leave beyond Sea.

On the 14th November, 1855, on a reference from the Accountant, N. W. Provinces, it was ruled, that security should not be taken from *Civil Servants* on leave under medical certificate, or on private affairs, retaining their appointments.

On the 18th January following, this rule was extended to *Military Officers holding Civil appointments.*

The Officiating Accountant, N. W. Provinces, subsequently enquired whether it might not also be extended to Officers in *the Department of Public Works*, and asked for an authoritative explanation of the term "Military Officers holding Civil appointments".

He was informed in reply, on the 1st May 1856, that the term extended to all Military Officers considered to be in *Civil employ* according to existing regulations, but that as Military Officers in the P. W. Department were *not* considered to be in Civil employ, it was thought desirable that the question whether the rule of

"No Demand Certificates" should be made applicable to them, should be considered in the Military and Public Works Departments, to which it was accordingly referred.

On the receipt of the papers in the Public Works Department, it seems to have been thought advisable that the question should be finally disposed of in the Military Department, and in accordance with this view, it was determined in the Military Department, on the 27th May 1856, by General Order No. 779, "that the Rule laid down in the Financial Department, under date the 18th January, 1856, dispensing with the taking of security from Military Officers holding Civil appointments on leave on medical certificate, or on private affairs retaining their appointments, should also be considered applicable to Officers holding Military, Staff or other detached employment."

Under these Orders the Rule has since been held to be applicable to Officers of the P. W. Department.

The Secretary in that Department, on the 23rd March last, enquired of the Military Department whether the General Order No. 779, was to be considered as modifying, in any degree, the General Order No. 683, of 26th June 1855; observing that, if it was, the modification should be published in a General Order; as otherwise No. 779 of 1856 would be a dead letter, and would confer no benefit on the Military Officers of the Public Works or any other Department.

On the receipt of this communication, the Military Department requested the Accountant General to prepare and forward for submission to Government, a Draft of a General Order in modification of the Government General Order of the 27th May, 1856.

In replying to this communication the Accountant General observed, that the grounds of the General Order No. 779 of 1856, had not been stated, and that, as it was directly opposed to the principle hitherto maintained in the Military Department, the subject appeared deserving of reconsideration. He therefore proposed the substitution of a certificate of the non-existence of any extraordinary demands and of the sufficiency of existing security, in lieu of the acquittance of the Department in which the Officer is employed hitherto required, and submitted for approval a Draft General Order in supercession of all existing Rules, regarding the production of certificates of "No Demand" by Military Officers, with their Regiments, or on Civil Staff or detached employ, when about to proceed on leave beyond Sea.

Resolution.

The Hon'ble the President in Council is of opinion, that the process which the Accountant General would set up, and which would be opposed to the late tendency of Government to alleviate the vexation of the "Security" and "No Demand" systems formerly in force, is uncalled for. He is not aware of any cases having occurred to shew that such retrogressive process is necessary, and he believes that all practical purposes of security will be answered if the several Governments, before sanctioning applications for leave, are required to have before* them reports from the Officers noted in the margin,† stating whether, according to the information before them, there is reason to require security, as a special case, because of any doubtful items outstanding against the applicant or because of any thing suspicious or extraordinary in the state of the applicant's accounts. The reporting officers must not delay their reports, in ordinary cases, by references to local officers; it being understood that, with a proper system of despatch, and proper vigilance on their part, they ought, in all ordinary cases, to have the means of judging in their own offices.

* In some cases it may be convenient if the reports are submitted with the applications; in other, they may best be called for by the Governments on receipt of the applications.



† Regarding applications from Civil Officers—from the Accountants of the Governments under which they serve.
Military Officers in Civil Employ—from Ditto.
Officers of the P. W. Deptt.—from the Chief Engrs. of the Division.
Officers of the Commissariat and Stud Departments—from the Auditors of Commissariat and Stud Accounts.
Officers of the Ordnance Department—from the Inspectors General of Ordnance and Magazine.

On the receipt of these reports the several Governments will determine the course to be taken.

The Rule will be applicable to all Officers, Civil or Military, Staff or Regimental, in Her Majesty's or in the Honorable Company's Service, and to all applications for leave beyond Sea, whether to Europe or elsewhere, and will be held to supersede all existing Rules regarding certificates of No Demand.

Order.

Ordered, that a copy of the above Resolution be forwarded to the Military Department, for information and guidance, and that the original documents received therefrom be returned.

Ordered also, that a copy of the above Resolution be sent to the Departments,* Governments† and Officers‡ noted in the margin, for information and guidance.

* Home, Foreign, Public Works, †Bengal, Madras, Bombay, N. W. Provinces, ‡Chief Commissioner, Punjab, Accountant General to the Government of India.

(A true Extract,)

*Secy. to the Government of India.*

*Printed at the Alipore Jail Press.*

## *PROCEEDINGS OF THE MADRAS GOVERNMENT.*

Read the following Proceedings of the Government of India, in the Financial Department, dated 4th June 1860, No. 4862.

Read the following Memorandum in the Public Works Department, dated 19th May 1860, No. 2,536.

### OFFICE MEMORANDUM.

General Establishment.

With reference to Extract Financial Department, No. 3,965 of the 3rd instant, communicating a Resolution passed in that Department on certain questions by the Punjab Accountant, relating to Furlough and No Demand Certificates, &c., the undersigned has the honor to suggest, with regard to the first question, the reply to which has reference, it is supposed, to the Civil Furlough Rules, that it would be very desirable that all doubt should be removed by a clear order as respects furlough under the Military Rules.

(Signed) C. H. DICKENS, Captain,
*Offg. Secy. to the Govt. of India.*

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### RESOLUTION.

FINANCIAL DEPARTMENT, FORT WILLIAM, *4th June* 1860.

The Governor General in Council observes that the supposition of the Public Works Department, that the reply of this Government to the 1st question of the Punjab Accountant (as per Resolution of 3rd ultimo,) had reference to *Civil* Furlough Rules under which officers do not retain their appointments, is correct. In respect to cases of furlough under *Military* Rules in which Officers are allowed to retain their appointments, the provisions of the Resolution of 14th July 1858 should, in the opinion of His Excellency in Council, be held applicable.

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Ordered that a copy of the above be sent to the Public Works Department, in reply to Office Memorandum No. 2,536, dated 19th ultimo.

Ordered further that a copy be also sent to the Departments,* Governments,† and Officers‡ noted in the margin, in continuation of previous communication, dated 3rd ultimo.

* *Home, Foreign, and Military Departments.*
† *Bengal, Madras, Bombay, North Western Provinces, and the Punjab Governments.*
‡ *Accountant General to the Government of India, and the Punjab Accountant.*

(A true Extract.)
(Signed) C. HUGH LUSHINGTON,
*Secy. to the Government of India.*

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ORDER THEREON, 29th June 1860, No. 315.

Ordered to be communicated to the Departments and Officers noted below, and also published in the Government Gazette for general information.

(True Extract.)

*Chief Secretary*

To the Military Department.
" Revenue do.
" Public Works do.
" Public do.
" Judicial do.
" Accountant General.
" Civil Auditor.

Ex d. F. Cartledge.

~~Fin: C. 28. Eliz. 3 Sess. 2 c. 209.~~
~~2 Rec. 11th June 1860 at 11 o'clock~~

Ind: 1860. 3 Eliz.
For the Duke
Cmo: of Cook in the
F. I. Regt. No. 315.

Sd. 29th June
J. 2nd July } 1860.

No. 1067.

Copy for information
from: the Govt. of India in the F. D.
Secretary that the Commissioners
the Resolution of 14th July 1858 al-
lowing to Cases of Furlough under
Military Rules in which Officers
are allowed to retain their ap-
pointments.

Ind. No. 829 - 3rd July 1860
Recorded. JPP.

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