

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1039	Press
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305-307		
Dated	30.6.1883	~~10~~

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
30th June 1863.*

Read the following papers:—

No. 305. Proceedings of Government in the Financial Department.

Communicating the Order passed on the application of Mr. T. Onslow, Civil and Session Judge of Masulipatam, for an extension of three months' leave on Medical Certificate. } (Dated 19th June 1863, No. 394.)

No. 306. From T. ONSLOW, Esq., Ootacamund; to the Secretary to Government, Madras, dated Ootacamund, 23rd June 1863.

I have the honor to acknowledge the receipt of your letter, forwarding a copy of the Civil Paymaster's letter to Government, dated 17th June, No. 254, and the Order of Government thereon, dated 19th June, No. 394.

In reply, I beg to say, that, I shall feel obliged by the Government granting me the three months extension of leave on Medical Certificate as solicited on the 1st instant, drawing pay and permission to cancel my application to resign the service.

No. 307. ORDER THEREON, 30th June 1863, No. 1,039.

Resolved that the leave of absence for 15 months allowed to Mr. T. Onslow, Civil and Sessions Judge of Guntoor, on the 21st February 1862, be considered to have been granted under Section VI of the Covenanted Service Absentee Rules of 1855.

2. Resolved also that the extension of leave for three months allowed to Mr. Onslow on the 2nd instant be considered to have been granted, with retention of appointment, under Clause 5 of the same Section of the Rules.

(Signed) J. D. SIM,
Secretary to Government.

Ed. T. McMootry.

FINANCIAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read again letter from T. ONSLOW, Esq., Civil and Sessions Judge of Masulipatam, with Civil Paymaster's Endorsement thereon; and also Memorandum, dated 1st instant, No. 233, recorded in Proceedings of the 2nd idem, No. 854.

Read also the following papers:—

From T. ONSLOW, Esq., Ootacamund; to the Chief Secretary to Government, Madras, dated 11th June 1863.

Having just received through the High Court a copy of the Order of Government dated 2nd June 1863, No. 854, forwarding at the same time a Memorandum from the Civil Auditor regarding my application for an extension of three months on Medical Certificate to the effect, that I had exhausted my leave and not entitled to an extension "*drawing pay*," I have the honor to request you will explain to His Excellency the Governor in Council that when I applied for an extension, I had not the slightest idea that I was not entitled to additional leave "*drawing pay*," or I should never have applied.

Under such circumstances I trust His Excellency the Governor in consideration of the unintentional mistake on my part, will allow me to cancel my application for additional medical leave, and allow me to resign the service from the expiration of my present sick leave on the 1st of July next, with the retiring pension, according to the terms of the Despatch of the Right Honorable the Secretary of State under date 25th November 1862, and that the sanction of Government may be given to my drawing my pension in India.

I respectfully request that the three months' notice previous to resigning the service may not be required of me or I shall be greatly inconvenienced at the pecuniary loss it would entail upon me, as I was quite ignorant of the ruling quoted by the Civil Paymaster, and fully thought I am entitled to an extension of Medical Certificate, "*drawing pay*."

From W. J. RAYNOR, Esq., Officiating Civil Paymaster; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated 17th June 1863, No. 254.

General Department.

In continuation of my report, dated 30th ultimo, on the application of Mr. T. Onslow for an extension of the leave granted to him on the 21st February 1862, I have the honor to state that on examining the register of leave obtained by that gentleman I find that he was permitted on the 18th November 1851 to proceed to Europe on sick leave for three years on condition of resignation of the service.

2. The Covenanted Civil Service Absentee Rules of 1843, which were in operation at that time, did not permit an Officer to proceed to Europe except upon furlough; and Mr. Onslow had already taken his furlough between 1843 and 1845. The permission granted to him in 1851 to proceed to Europe on sick leave (forfeiting appointment and allowances) seems therefore to have been granted irrespective of and without reference to those rules.

3. Under these circumstances I am inclined to think that, Mr. Onslow cannot be considered to have had sick leave under the rule of 1843, inasmuch as the said rules did not contain any provision for leave such as that granted to him on the occasion referred to, and that he need not therefore have applied for the leave obtained by him in February 1862 under Section IX of the rules now in force, which contain nothing to debar an Officer circumstanced like Mr. Onslow from obtaining sick leave to the full extent allowed by them.

4. If Government agree in the above view of the case, Mr. Onslow's leave may be altered and he be declared to have been granted leave under Section VI of the rules of 1855. The extension solicited by him may also then be granted, with retention of appointment, under Clause 5 of that Section.

ORDER THEREON, 19th June 1863, No. 394.

Ordered that a copy of the Officiating Civil Paymaster's letter of the 17th instant be furnished to Mr. Onslow; and adverting to the circumstances under which he solicited permission to resign the Civil Service, that he be informed that the Government will be prepared to grant him the extension of leave applied for, with retention of appointment, on his intimating his wish to avail himself of it: Mr. Onslow's application to resign the service will remain in abeyance in the meantime.

(True Extract.)

A. J. ARBUTHNOT,

Chief Secretary.

To T. Onslow, Esq., Ootacamund.

" Judicial Dept.

Exd. T. McMootry.

Copy the order
furnished to the applicant
from the Civil Service
and inform him of the
extension of leave
with retention of appointment
on his intimating his wish
to avail himself of it.

10/13/87

Order of Govt. in the
Judicial Dept. No. 394
19th June 1863

Order of Govt. in the
Judicial Dept. No. 394
19th June 1863

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again letter from the
Offg. Civil Paymaster dated 17th
June 1863 recorded in Pro. of the 19th
Instant. No. 394. *His Secy.*

Read also the following
letter from T. Onslow Esq.

(Dated 23rd June 1863. No. 254)

Order - 30th June 1863. No. 1039.

Resolved that the leave of
absence for 15 months allowed
to Mr. T. Onslow, Civil & Sessions
Judge of Bangalore, on the 21st
February 1862, be considered
to have been granted under
Sec. 17 of the Government Ser-
vice Absentee Rules of 1855.

2. Resolved also that the
extension of leave for three
months allowed to Mr.
Onslow on the 2nd Instant
be considered to have
been granted, with re-
- tention

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1863. Department.

No. 1139

PROCEEDINGS OF GOVERNMENT,

Dated 31st March 1863.

The House for 15 months
allowed to do so. Secretary,
Chief Judge, on the 21st
February 1862, and the
exclusion of 3 months
allowed on the 2nd and
instant, considered to
have been granted under
Article VI. of the Home
-ranted. House of Commons
Rules of 1855.

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