

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	933	Press Mis.
Dated	12.6	19.8.86

129-130

4/5

Not to be folded or roughly handled

(1)

Proceedings of the Madras Government, Judicial Department,
12th June 1866.

Read the following papers:—

No. 129. From J. R. BOYSON, Esq., Government Solicitor, Madras, to the Acting Chief Secretary to Government, Fort Saint George; dated Madras, 4th June 1866, No. 325.

I regret to state that ill health compels me to apply for leave to proceed to Europe.

2. I herewith forward a Certificate, granted by Dr. Porteous, my Medical Attendant, and countersigned by Dr. James Shaw, Officiating Principal Inspector General, Medical Department, and have the honor to solicit the permission of Government for my proceeding to Europe for the benefit of my health, and being absent from my duties, as Government Solicitor, for the period of 16 months, commencing from my embarkation, without vacating my office of Government Solicitor; for, if, according to the strict interpretation of Rule 12 of the Covenanted Civil Service Regulations, 10 months absence from my duty (which, with 20 months' previous absence, will make a gross period of 30 months) is to be deemed a vacation of my office, and this, in effect, would be to remove me altogether from the Public Service, I shall not have had those three years of leave of absence which the Regulations declare I shall be entitled to, but 30 months only. This, I would most respectfully submit, could not have been the intention of the Right Honorable the Secretary of State for India, in framing the Rules under which the Law Officers of Government are now entitled to leave. There is a wide distinction as regards results between the status of the Covenanted Civil Service and that of the Law Officers of Government. A member of the Covenanted Civil Service, at the expiration of 30 months absence on Medical Certificate, is not removed from the strength of the Service, and does not cease to be in the employ of Government, but merely vacates the particular office, which he, at such time, holds, still remaining in the Civil Service, and returning at the expiration of his full leave to fill (as soon as the contingencies of the public service make a vacancy) as good an appointment, as regards salary, as that which he had vacated, and very probably a better one. The results, as I have already pointed out, of applying the same Rule in its strict interpretation to me, as a Law Officer of Government, would be to give me gross leave of absence on Medical Certificate for 30 months *only* (at the same time ruling that I am to be entitled to 36 months of such absence), and to remove me from the Public Service altogether after 30 months of such absence, whilst, as I humbly submit, the Regulations do not appear to have contemplated this latter consequence, at all events, until such absence from duty had extended beyond three years.

I, HENRY WILLIAM PORTEOUS, Surgeon-Major, Garrison Surgeon, Fort Saint George, do hereby certify that J. R. Boyson, Esq., Government Solicitor, is in a bad state of health, and I sincerely declare that, according to the best of my judgment, a change of air is essentially necessary to his recovery, and do, therefore, recommend that he may be permitted to proceed to Europe, with leave of absence for 18 months.

(Signed) H. W. PORTEOUS, Surgeon-Major,
Garrison Surgeon, Fort Saint George,
Ag. Dy. Inspr. Genl. of Hospitals,
Presidency Division.

MADRAS, 1st June 1866.

Proceedings of the Madras Government, Judicial Department,

12th June 1866.

I do hereby certify that, according to the best of my professional judgment, after careful personal examination of his case, I consider the state of health of J. R. Boyson, Esq., to be such as to render leave of absence for a period of 18 months absolutely necessary for his recovery.

(Signed) J. SHAW,

MADRAS, — June 1866.

*Officiating Principal Inspector General,
Medical Department.*

Referred for the report of the Examiner of Claims.

5th June 1866.

(Signed) J. D. SIM,
Acting Chief Secretary.

No. $\frac{2}{10}$.

No. 129 A.

MEMORANDUM.

The undersigned has the honor to report that Mr. Boyson, having obtained sick leave in 1861-63 for a period of one year, seven months, and twenty-nine days, is entitled to a further absence, under Medical Certificate, of one year, four months, and one day, of which fifteen months may now be granted, under Section 13 of the Revised Covenanted Civil Service Absentee Rules.

2. These Rules do not provide for any exemption in the case of the Law Officers of Government from the limitation fixed therein for retention of appointment by Civil Servants; but, at the same time, it is quite clear that, under Rule 12, Mr. Boyson is entitled to pay up to the date on which he completes three years absence. The extensions up to that limit, from the expiry of the fifteen months he can now be allowed, must be applied for in England.

5th June 1866.

(Signed) W. DONALD,
Examiner of Claims.

To the Acting Chief Secretary to Government.

No. 130.

ORDER THEREON, 12th June 1866, No. 933.

The Examiner of Claims reports that the maximum period of leave on Sick Certificate to which Mr. Boyson is entitled is 16 months and 1 day, of which the Government can grant only 15 months. Of the latter period, according to the letter of the Rules, only 10 months and 1 day can be granted on half salary (within the prescribed maximum of £1000 per annum) and with retention of office.

2. The Government resolve, accordingly, to grant Mr. Boyson 15 months' leave on these terms, and it will be for him to apply for an extension, if he desires it, to the Home Government.

3. The peculiar bearing of Rule XII of the Covenanted Civil Service Rules on the Law Officers of Government will be brought to the notice of the Secretary of State.

(True Extract).

J. D. SIM,
Acting Chief Secretary.

To J. R. Boyson, Esq.

Crd. J. H. Burns.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

*Read the following letter
from Mr. J. R. Boyson with the
Report of the Examiner of Claims
Here enter 4 June 1866 N^o 325*

Order. 12 June 66 N^o 933-

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Is

To J. R. Boyer Esq. Secy of State
Gazette - 12/6

Judicial Affairs to Aug 18 June 1879
of 1866

Dec 19 & June 1879

Judicial 1860. Department.

No. 923.

PROCEEDINGS OF GOVERNMENT.

Dated 12 June 1879.

Let
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