[L. & M.
9,000-5-8-96.]

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1485 M

DATED 12th September 1895

[Despatch Abstract.]

Leave

Requesting the President, Municipal Commission, Madras, with remarks, to move the Commissioners to treat Mr. Ellis as having been lent to Government from 1" February 1894 to 31" January 1895, the period during which he acted as Sanitary Engineer to Government.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G O.	No.	Department.	Date.

Copy of telegram despatched to the President, Madras Jail Commission, Madras on the 9th Sept. 1895.

Technical difficulties prevent Ellis leave at present. Orders follows.

(Sd) W. Francis.
Ag: U.S

Genl. Dept.
13

G. No. 294

MUNICIPALITY OF MADRAS.

~~General Department.~~

Local & Municipal Dept.

CURRENT No. 2617

Madras, 16 August

From

LIEUT.-COL. G. M. J. MOORE, C. I. E.,

President, Municipal Commission.

To

The Chief Secretary to Government,
Fort Saint George.

SIR,

Enclosures 2

I have the honor to submit the accompanying application for 6 weeks Privilege leave of Absence from Mr. R. E. Ellis, together with the Commissioners' remarks, for the favorable consideration of His Excellency the Governor in Council.

2. Mr. Ellis has finished his report on the Hydraulic Survey and is only awaiting the completion of the plans to submit it.

I have the honor to be,
Sir,
Your most Obedt. servant,
G M J Moore Lt. Col.
President, Munl. Commn.

P. W. No 961

Public Works Department,
Municipal Office,
Madras, 2nd August 95.

To

The President
Municipal Commission, Madras.

Sir,

I have the honor to submit this my application for 6 weeks privilege leave from 8th September or date of of availment for the favourable consideration of the Commissioners and to be forwarded with such support as you are able to afford it to His Excellency the Governor in Council. It is nearly 8 years since I came to India and during that period I have had only 6 months leave which was on medical certificate in 1893. Since returning from leave I have had continuous hard work and I consider I need a change and rest. It will be borne in mind that I am contributing Rs 1920 to Municipal Funds towards pension and leave for the period I acted for Mr. Jones as Sanitary Engineer.

I have the honor to be,
Sir,
Your most Obedient servant
(Sd) R. E. Ellis
Engineer

Circulated for the favourable consideration of the Commissioners. It is presumed that in the event of Mr. Ellis obtaining the leave he applies for H.E. the Govr in Council will appoint Mr. Loane to act.
(Sd) G. M. J. Moore. Lt. Colonel.
President
6-8-95.

(True Copy) G M J Moore Lt. Col.
President, Mncl. Commn.

By granting Privilege leave to Mr. Ellis, will any additional charge be incurred by the Municipality? I suppose Mr. Loane will be appointed to act without prejudice to his own duty.

7. 8. 95 (Sd) V. Varadapah Naiou

Is the Hydraulic survey complete and any report sent? I suppose Mr. Ellis will submit the report before he avails himself of leave.

(Sd) P. Theagaraya Chetty

8/8/95

If he is entitled to privilege leave, I think he had better have it as he says he wants rest & change.

(Sd) P. V. Kistnasawmy Chetty

Yes.

(Intld) V. K

He should certainly have the leave, supposing of course that he is entitled to it under the rules.

(Intld) N. S
8. 8. 95

Yes I agree

(Intld) M.O.P.
10/8/95
(Intld) G. S.

Yes

(Intld) J. DeC.

If Mr. Ellis is entitled to the leave, of course he can have it.

(Sd) C. Edulje

He may have the leave applied for after the work he is engaged in, the Hydraulic survey, is completed and report sent.

(Intld) M. V. C.

I think Mr. Ellis may have the leave applied for & Mr. Loane Act for him as suggested by the President.

(Intld) B. L.

By all means give him the leave if he is entitled to it and if the Municipality does not suffer anything by doing so.

(Intld) A. Th.
14. 8. 95.

I think that under the rules Mr. Ellis is entitled to six weeks privilege leave applied for by him. He may therefore have it and his application may be submitted at once to Govt for favorable consideration

(Sd). C. Kalyanasundram Chetty
16. 8. 95.

True Copy
G. M. Moore Lt. Col.
President, Muncl Commn

2/1617

Local & Municipal Dept.
Genel. Deptt.
12
CURRENT No. 2617 M
1895.

366 M 6-3-95
502 M 12-4-93
364 M 7-3-93

1824

26 AUG 95

Madras Municipality.

576/94
1011/93

From

The President,
Municipal Commission,
MADRAS.

To

The Chief Secretary
to Government
Fort St. George

G. No. 294.

Dated 16. august 1895
Despd. 16. 1895.
Recd. 17 AUG 95

Enc. 52.

SUBJECT.

Forwarding, for the favorable consideration of His Excellency the Governor-in-Council the application from Mr. R. E. Ellis for 6 weeks Privilege leave together with the Commissioners' remarks thereon.

TO BE RETURNED WITH REPLY.

cs

No. 1197

Referred to the accountant general for remarks.

Ft. 22/8/95 By order
W. Francis
ag Under Secretary

Gazetted Audit DEPARTMENT.

FORT ST. GEORGE,
Accountant-General's Office,
29th August 1895.

No. 2379

CURRENT No. 2720 M

From
F. C. Harrison Esquire,
Offg. ACCOUNTANT-GENERAL TO THE GOVERNMENT OF MADRAS,

To
THE Chief Secretary to Government,
Local and Municipal Department.

SIR,

With reference to your endorsement No 1197 dated the 24th of August 1895 referring for my remarks the application of Mr R. E. Ellis Engineer, Madras Municipality for 6 weeks privilege leave, I have the honour to state that the question as to who should bear the cost of Mr Ellis' privilege leave allowances opens up the whole case of his acting appointment as Sanitary Engineer to Government, for applying the analogy of Article 835 Civil Service Regulations, Government should bear a proportionate share of

Mr Ellis' privilege leave allowances. This however it can only do with the sanction of the Government of India. Perhaps the position will be best understood if I put briefly the view that I conceive to be the correct one in this case.

The Municipality have, I understand, adapted for their servants the rules of the Civil Service Regulations, mutatis mutandis. Now the Civil Service Regulations provide for transfer from Provincial or Imperial service to foreign (i.e.) Local or other service. Similarly then the Municipality presumably wish to apply the spirit of these rules when a transfer occurs of one of their servants to Provincial or Imperial service. I saw and still see no objection to this view that can be urged from an audit point of view. The difficulties however, begin to arise, directly the Municipality expects the Government to reciprocate, as the Municipality reciprocates in the converse cases; for the Civil Service Regulations do not provide for transfers from Local to Provincial. The proper course in these circumstances, in my respectful opinion was to represent this difficulty to the Government of India. It was however in this instance surmounted by Mr Ellis paying the contribution himself. Now, however, matters are in an ~~impassed~~ impasse if the Municipality are not prepared to bear the whole cost of his privilege leave for, as already pointed out, there is no rule by which Government can contribute. The foregoing has been written on the supposition that the Municipality after my letter No SAE/2081 dated 21 May 1895 was received by Government, recalled the order considering Mr Ellis as on leave without allowances during the period of his employ under Government. If that order has not been recalled Mr Ellis is of course not yet entitled to any privilege leave.

No 1702 M/95

I have the honour to be,
Sir,
Your most obedt Servant,
J. Harrison
Offg Accountant General

Dr
29.8.

Cur 1702 M/95

(189) DEPARTMENT.
Local & Municipal Dept.
CURRENT No. 2720 M

From
THE ACCOUNTANT-GENERAL,
MADRAS,

To
THE Chief Secretary
to Government
Local & Municipal
Department.

No. 2319

Dated 29 } August 95
Received 30 AUG. 95

C.M. 2617 M rec'd

No.

Subject.

Forwarding remarks by the Accountant-General on the Privilege leave application of Mr. R. E. Ellis, Engineer, Madras Municipality

Cor.—4,000—18-5-95.

3/9/

...cumstances, in my respectful opinion

Again G.O., dated 189 , No.
Current No. 2617 M. of 1895, dated 16th August from the President, Municipal Commission, Madras.
Current No. 2720 M. of 1895, dated 29th August from the Accountant-General.

FOR ORDERS.

It is submitted that Mr Ellis' application for leave must lie over until the question of his pensionary contribution is settled. The latest orders on this subject are those contained in G.O. dated 22nd March 1895, No 520 M., according to which and the Resolution of the Commissioners dated 29th April 1895 (in Current No 1147 M) Mr Ellis should be considered to have been on leave without allowances for the period during which he acted as Sanitary Engineer to Government. Until these orders are modified, Mr Ellis will not be entitled to any privilege leave, as pointed out by the Accountant-General in his letter read above.

Better write officially to Col. M., as suggested, I think. There seems to be no other way out of the difficulty but that Mr. E. shd. pay his pensionary contribution in which case, I take it, the Mt. Comr. will pay his leave allces. The A.G. suggests that Govt. will have to pay part of Mr. E's leave allces. If this goes on, naturally the Mt. Comr. will insist on this — but we can't make this payment without India's sanction, & if we are to wait for this months will elapse. Govt. ∴ only say that, if existing orders stand, by which Mr. E. is to be regarded as on leave without allces while acting for Mr. Jones, Mr. E. has not earned his privi. leave & cannot get it; & that the only way by which, so far as Govt. can see, he can do so is for the Mt. Comr. to treat him as lent to Govt. during that period & to accept pensionary & leave contribution for him. This they [illegible] consent to this

× in linked file

V.R.
3/9/95

It is submitted that Col. Moore may be asked D.O. to expedite his reply to the D.O. of the

9th August, or that a formal G.O. may be sent to the Commrs. containing the same proposals as are made in that G.O.

It seems important to get the matter settled, if Mr. Ellis is even to get leave.

Col. Moore has telegraphed asking that orders have been passed. Mr. Ellis wants leave from the 8th Sept. The papers are accordingly marked urgent.

WC 6.9.95

Leave can then be granted. If the Munl. Commrs. subsequently takes up the position that Govt. shd pay part of Mr. E's leave allces, we must go to India & get sanction to pay — I see no other way of Mr. E's getting his leave without great delay, or perhaps at all.

7/9/95

ances, in my respectful opinion

[G./24.]
500—23-7-95.

L & M DEPARTMENT.

Papers to be read in proceedings :—

Again G.O., dated 189 , No.
Again G.O., dated 189 , No.
Current No. 2617.M of 1895, dated , from
" " 2720 M " 1895, " , " (give docket only of this)
" " " 189 , " , "

ORDER. 12-9-95. No. 1485 mncs

In the first of the letters read above the Prest. Madras Munl. Commn. forwards an application for six weeks' privilege leave from Mr. Ellis, Engineer to the Municipality, & the second letter contains the Acct. General's remarks thereon.—

2. The Acct. General points out that as Mr. Ellis was, by the proceedings at the general meeting of the Commissioners held on 29th April 1895, granted leave without allowances for the period (1st Feb. 9 to 31st Jan. 95) during which he acted as San. Engr. to Govt., h is not yet entitled to any privilege leave.

3. This ~~resolution~~ proceedings wa passed at the request of Govt. made in its order No. dated 22nd March

No. 520 M., but the Govt. is now of opinion that the course which was therein suggested to the Commrs., (apart from the fact that it now prevents an officer who has been eight years in India with only six months' leave from obtaining privilege leave), will operate injuriously to him in another way~~s~~. For periods spent on leave without allowances do not count for pension, & the grant of a year's leave without allowances which has been made to Mr. Ellis will deprive him of a year's pensionable service.

4. The Govt. therefore considers that it ~~is~~ wd. be ~~more~~ desirable that the Commissioners should now ~~not~~ modify their proceedings ~~instead of~~ granting Mr. Ellis a year's leave without allowances & decide to treat him as having been lent to Govt. for the period from 1st Feb. 1894 to 31st Jan. 1895 during which he acted as San. Engr. to Govt., & the President will be requested to move them to adopt this course.

5. ~~If this~~ As periods spent upon leave without allowances do not count for pension, the Municipal Commrs. ~~would~~ will not, if their proceedings above referred to remains in force, ~~have~~ incur any liability on account of Mr. Ellis' pension for the year for which he acted as San. Engr. & no pensionary contribution will be due from him to them. If on the other hand the Commrs. now ~~decide~~ see fit to modify those proceedings & to ~~grant~~ treat him, as has been above suggested, as having been lent to Govt. during this period, it will be necessary either that Mr. Ellis should pay the Commrs. leave ~~allowances~~ & pensionary contribution for the period amounting to Rs. 1920, or that the Commrs. should forego the payment of this sum. The payment would deprive Mr. Ellis of almost the whole of the benefit that he derived from acting as San. Engr. to Govt. ~~[illegible]~~ ~~the Govt. considers~~ The Munl. Commrs. benefitted pecuniarily during Mr. Ellis' absence by the ~~substitution~~ appointment ~~as~~ to the Municipal Engineer's post of Mr. Loane, who drew a smaller ~~an~~ ~~[illegible]~~ less

salary than Mr. Ellis would have done, & the Govt. has ~~never at any time~~ always exempted the Commrs. from all pensionary contributions on account of the civil officers who have been lent to them from time to time as Presidents. ~~It therefore appears to the Govt. that the Commrs.~~ The Prest. will accordingly be requested to lay the question of foregoing payment of the ~~sum~~ contribution by Mr. Ellis before the Commrs. together with the considerations (above) & to report to Govt. the decision to ~~to~~ which they may come ~~make~~ upon the matter.

(from orders)

W.C.E. 9.95

D.O. of 16/9/95 to Col. Moore

J.P. 16/9/95

My dear Moore,

The Acct. General objects to the grant of privilege leave to Ellis on the ground that as ~~long as~~ the Proceedings of the Commrs. of the 29th -

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To,

The President M.C. Madras. ✓

AB

Desp. 16/9/95

April last granting him leave without allowances for the period during which he acted for Jones prevents him from having yet earned any privilege leave.

An official ~~order~~ ~~letter~~ communication will therefore be sent to you asking you to move the Commrs to treat him as having been lent to Govt. for this period, instead of granting him leave without pay, & to forego payment of pension & leave contribution. It will take the place of my D.O. of the 9th August & separate action upon that will no longer be necessary.

W.C.E. 9.95

J.P. 16/9/95

Copy for despatch Dl. 17/9

Desp. 16/9/95

Leave to

Mr. Ellis

2720

(from orders)

1485 M

When given for copying ______
When copied ______
When examined ______
When signed ______ } 189 .

Read again G.O., No. ______ dated ______ 189 .

Current No.

Enclosures to C. No.

Order of Government .. .. .. A A A A A A A

Letter of Government.

Statement with ditto.

Papers not filed up, being meant for despatch in original.

N.B.—
A = Copy in full.
B = Not to be copied
P = Copy abstract only.
Q = Copy heading only.