L. & M.
,000-8-8-96.

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 520 M

DATED 22nd March 1895.

[Despatch Abstract.]

Establishment.

Requesting the President, Municipal Commission, Madras, with remarks, to move the Commissioners to consent to Mr. Ellis being granted leave without allowances during the time that he acted as Sanitary Engineer and to accept from him the pensionary contribution payable for that period.

BACK PAPERS.

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

FURTHER PAPERS.

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

D.O.

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CHIEF SECRETARY
31. JAN. 1895
GOVERNMENT OF MADRAS

31st Jany 1895

My dear Price

There seems to be some technical difficulty about Ellis' appointment. It appears that he ought to have got leave from the Municipality when he was appointed as Sanitary Engineer. Not having done so he has forfeited his appt. An order re-appointing him Engr. on his release by Jones will settle that difficulty and the question of leave can be disposed of afterwards.

I have made all arrangements

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for his beginning survey
work to-morrow.

If you can at once have a manuscript
order re-appointing him [illegible]
it might save any question
although it will admit that
he has vacated the appt.

Perhaps an order directing him
to revert to his appointment
as Engineer would be better &
let the Accountant General or
Contr. raise any question they
like

Yrs sincerely

G. M. Moore

D. O.

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D.O. V.E.

GOVERNMENT OF MADRAS.

FORT ST. GEORGE,

2nd Feb. 1895.

My dear Rawlins,

I enclose a letter from Col. Moore about Ellis' reappointment as Madras Muni. Engineer, I should be obliged if you could kindly advise as to the best course to be taken under the circumstances.

If Ellis be now "reappointed" there will be a break in his pensionable service, as a reappoint-

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ment order would admit that he vacated the post.

To merely order him to revert does not meet the difficulty.

The Commrs. might perhaps be applied to to grant him leave, for the period during which he acted as S. Engr. ~~without allowances~~ but leave without allowances (and the Commrs. do not appear to have paid any part of Ellis' pay or allowances while he so acted ~~as~~ ~~San. Engr.~~) does not count for service, & it is not clear whether the grant of such leave would condone the break of service which would otherwise occur, or whether the grant of leave to take up another appointment, even though allowances were not paid during the course of it, can be held to cause no ~~avoid any~~ break of service. If this latter view can be correctly held the difficulty would be met without trouble.

WC 1.2.95

Despd. 1/2

1/2/95

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GOVERNMENT OF MADRAS

ACCOUNTANT GENERAL'S OFFICE,
FORT ST. GEORGE,

the 2nd of ~~Jany~~ Feb 1895

My dear Price

Your d.o. of today regarding Ellis.

Ellis was practically on Extraordinary leave without allowances under Art 366 of the C.S.R. during the time he acted in Govt. Service, and the proper course is I think to supply the omission of a formal grant of the leave, by granting him leave with retrospective effect now — The leave would then constitute an interruption of his continuous active service cancelling

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cause that may have been previously earned. but not an interruption or break of service within the meaning of 465 requiring condonation.

If the Muncply. cd. be placed in the position of Govt. when it lends an officer to F. S. every thing wd. be smoothed – But those rules are not applicable to the Municipality – and Govt. wd. have to pay pension contribution!

I return Moore's letter.

Yrs sincerely,

J Rankin.

UNDER SECY. FEB 95 PUBLIC

FORT ST. GEORGE,

16th Feb. 1895

My dear Rawlins,

In the last part of your D.O. of the 2nd inst. on Ellis' case you say that "if the Municipality could be placed in the position of Govt. when it lends an officer to Foreign Service everything wd. be smoothed. But those rules are not applicable to the Municipality, – and Govt. wd. have to pay pension contribution".

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Cease that may have been

Despatch receipt papers together

H 15/2

IR 15/

DO No. 203.

ACCOUNTANT GENERAL'S OFFICE
FORT ST. GEORGE

the 16th March 1895

UNDER SECRETARY 16 MAR 95 PUBLIC DEPT.

My dear Price

Your D.O. of the 16th ult.
When Govt. shares the responsibility for an Officers pension with another body, it either takes a contribution from the latter, and takes the whole liability on itself or undertakes to discharge its share when the time comes by paying so much as may be chargeable to it by the Rule of proportions. This is of course only a contingent liability, and any cash payment in discharge of such future liability would be unwarranted by the Rules

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nd would therefore require
e sanction of the G. I.
As a matter of fact, however,
Govt. has in the present case
incurred no liability for Ellis'
pension, for when he has
completed 15 years service
Jones will himself be entitled
to count the time he was on
leave as service in his ap-
pointment, and two officers
cannot count service in
the same appointment
during the same time –

The rules regarding the
loan of officers to Foreign Ser-
vice have not been extended
to the Madras Municipality
and if they had been
Ellis would not have been
eligible for transfer, as he
has but 10 years
Municipal service to his

therefore require

[G/9]
2,000—23-1-95.

Current No.

DEPARTMENT.

From T. W. Rawlins Esq.

No.

Dated 16.3.95

Received 16/3
Regd 18/3
Enclosures

SUBJECT:

Re: Mr Ellis' transfer to foreign service:

L & M

L & M. DEPARTMENT.

No.

From D.O. dated 31st Jan from Cl. Moore.

Dated 189 .

FOR ORDERS.

Please see notes & orders in G.O. $\frac{121 M.}{3.2.94}$. It is not now known why no action was taken at the time to clear up the difficulty then pointed out. – The Commissioners might have been asked to grant Mr Ellis leave of absence, but Col. Moore's note shows that no leave was granted.

If Mr Ellis is now reappointed Municipal Engineer an admission that a break has occurred in his service, which will prevent him from counting his previous service towards pension, will have been made.

If on the other hand he is ordered to revert to his appointment, it appears that the difficulty will only be avoided & not met, & that if the Commissioners (who do not like Mr Ellis) or the Acct. General ask questions afterwards the trouble will be more difficult than before to get over.

Under these circumstances it is suggested that the Commissioners be now applied to to grant leave to Mr Ellis for the time that he was acting as Sanitary Engineer.

M 2.2.95

The course suggested by the A.S. appears to be the best. I spoke to Col. Moore on the subject and he thinks that of the mistake which occurred

a D.O. from Mr Rawlins in answer to C.S.'s D.O. of yesterday is submitted. The Municipality may be asked to grant the leave with retrospective effect, as this will not cause a break in service.

M 2.2.95

is admitted and the Council moved to grant the leave there will be no difficulty raised.

The mistake of appointing Mr. Ellis as Ag. Sanitary Engineer was not discovered until the question of appointing some one to act as Munl. Engineer came up. It was then decided after discussion in Council to leave the matter alone for the present. Now of course it has to be dealt with. I thought it better before sending the papers up for orders to consult the Acct. General. It will be seen from his reply that pensionary contribution will have to be paid by Govt. for the time that Mr. E. was acting in its service.

4/2/95

Very well — write as civilly as possible.

5/2/95

Returned by order in person draft — to make it conveniently

5/2/

Mr. Ellis and the post of Madras Municipal Engineer.

(for orders)

Hon.

[G/53]
2,500—14-8-94.

L+M. Department.

CHIEF SECRETARIAT, MADRAS

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ ~~the following paper~~:—

~~D.O. from the Prest. Madras Munl. Commn., dated 31st Jan. '95.~~

Order

~~In his letter read above~~ The President has brought it to the notice of the Madras Munl. Commission, ~~points out~~ that owing to the fact that the permission granted to the Municipal Engineer, Mr. Ellis, to act as San. Engr. to Govt. was not, at the time that he assumed charge of that appointment, formally recorded by the Commissioners, there arises, now that he has reverted to his original appointment, the technical difficulty that unless this permission be duly entered upon their proceedings a break will have occurred in Mr. Ellis' service which would prevent him from counting towards pension the time during which he has already served the Municipality as its Engineer.

2. In view of these facts, &

H.E. the Govr. in C. regrets much that owing to an oversight the Commissioners of the Madras Munl. ~~[illegible] of Government~~ were not ~~[illegible]~~ prior to the appointment of Mr. R. E. Ellis to act as Sanitary Engineer to Government moved to consent to ~~recommend~~ under section ~~[illegible] of the Madras Munl. Act~~ the grant of leave act as amended to that officer in view to ~~take~~ his taking up the appointment in and to make ~~[illegible] making~~ the recommendation under section 48 of the Madras Munl. Act as amended by section 22 of 1892 question. The error was observed later on but it was then considered desirable ~~to~~ to not take action towards ~~[illegible]~~ rectifying it until ~~after~~ the Sanitary Engineer Mr. Jones returned to duty.

2 The President Madras Munl. Commn. will now be requested to move the Commrs. to consent to ~~grant~~ Mr. Ellis's being granted leave without [illegible] since

in order to prevent the loss of service which Mr. Ellis would otherwise suffer, H. E. the G. in C. resolves to request the Commrs. to formally grant Mr. Ellis extraordinary leave without allowances with retrospective effect for the period during which he acted as San. Engr. to Govt.

W. 6-3-95

To the Presdt. Madras Munl. Commn.

Grant of leave to Mr. Ellis by the Madras Munl. Commrs.

Es.

(Issue orders.)

during the ~~period~~ time that he acted as Sanitary ~~Commr~~ Engr [illegible] ~~there~~

The Govt. will be prepared to pay pensionary contribution on Mr. Ellis's accounts for this period

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[5]
1,000—17-11-93.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 189 , No.

Current No. of 189 , dated from the

Order. Dt 22-3-95 No 520 Muns

His Excellency the Governor in Council ~~regrets~~ much regrets that owing to an oversight the Commissioners of the Madras Municipality were not, prior to the appointments of Mr. R. E. Ellis to act as Sanitary Engineer to Government, moved to consent to the grant of leave to that officer in view to his taking up the appointment in question and to make recommendation under section 45 of the Madras Municipal act as amended by section 22 of Act III of 1892. The error was observed later on, but it was then considered desirable to ~~not~~ defer taking action towards rectifying it until the Sanitary Engineer Mr. Jones returned to duty.

2. The President Madras Municipal Commission will now be

requested

requested to move the Commissioners to consent to Mr. Ellis being granted leave without allowances during the time that he acted as Sanitary Engineer; & to accept from him the pensionary contributions payable for that period

W. 4.3.95

SD 21/3/95

Note

With reference to the last para. of C.S.'s draft it is submitted that neither the Municipal Act nor the C.S. Regulations permit of Govt. making pensionary contribution in this case. The last sentence in Mr. Rawlins' D.O. does not appear to require it to be paid. He merely says that it wd. have to be paid supposing the Commrs. cd. be placed in the position of Govt. when it lends an officer to Foreign Service

W. 12.2.96

Please see linked file.

W.F.
12.2.96

Please see D.O. of 16th inst from the A.G.

Grant of leave to Mr. Ellis by the Madras Munl. Commission

V.L.

C.S.
mde

To,
The President Mcl. Madras.
Despd. 22/3/96

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.