

Letter to the Right Honourable the
Secretary of State for India.

Dated December,
No. of 1896.

Reporting that Mr. J. Nield Cook, Health Officer of the Madras Municipality, was granted leave under the Civil Service Regulations, and that his leave may be extended on medical certificate to not more than three years.

No. M., DECEMBER 1896.

LOCAL AND MUNICIPAL DEPARTMENT.

LETTER—to
THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA.

MY LORD,

We have the honour to acknowledge the receipt of your Lordship's despatch, No. 10, Financial, dated 10th September 1896, granting a further extension of leave on medical certificate to Mr. J. N. Cook, Health Officer of the Madras Municipality, for a period of two months, subject to the confirmation of this Government, observing that no leave and pay certificate has yet been received, and enquiring whether Mr. Cook's leave was granted under the Civil Service Regulations and up to what period and on what terms extensions of leave are admissible in his case.

2. In reply, we have the honour to state that this Government has confirmed the extension of leave granted to Mr. Cook. No leave and pay certificate, however, is required, as he is a municipal and not a Government servant and his leave allowances are disbursed to him directly by the municipality. Mr. Cook's leave was granted under the Civil Service Regulations, and under Chapter XIII, the provisions of which have now been made applicable to him, his leave, which will be counted as furlough, may, under Article 344, Civil Service Regulations, be extended on medical certificate to not more than three years.

We have the honour to be,
My Lord,
Your Lordship's most obedient, humble servants,

FORT ST. GEORGE,
December 1896.

Exd. A. Raitt.

Extension of leave to Mr. Cook,
health officer, Madras
Municipality.
1,000-17-11-98.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 5th November 1896, No. 1879/m.

Current No. 3/23 of 1896, dated 17th Nov 1896, from the President, Municipal Commission, Madras.

^x
This Order. No 2106 in ant of 12-12-96

Not to be printed

Under the powers vested in him by Section 45 of Act I of 1884, as amended by Act II of 1892, His Excellency the Governor in Council is pleased to direct that the leave rules prescribed in Chapter XIII of the Civil Service Regulations, shall apply to Mr. J. Nield Cook, Health officer of the Madras Municipality.

2. The following letter will be addressed to the Secretary of State.

To
The President, Municipal Commission, Madras.
The Accountant-General

(Here enter letter No. dated From orders)

P.S. Letter No 1.8 19-12-96. 11/12/96

The Right Honourable
the Secretary of State
for India.

My Lord,

We have the honour to acknowledge the receipt of your Lordship's despatch No. 10 Financial, dated 10th September 1896, granting a further extension of leave on medical certificate to Mr. J. N. Cook, Health officer of the Madras Municipality for a period of two months, subject to the confirmation of

Run
Print only the letter to the Secretary of State

Defd
23/12/96 18

of this Government, observing that no leave and pay certificate has yet been received, and enquiring whether Mr. Cook's leave was granted under the Civil Service Regulations and up to what period and on what terms extensions of leave are admissible in his case.

2. In reply, we ^{have the honor} to state, that this Government has confirmed the extension of leave granted to Mr. Cook and to ~~submit that~~ ^{no} leave and pay certificate ^{however} is required as he is a Municipal and not a Government servant, and his leave allowances are ~~being~~ disbursed to him directly by the Municipality. Mr. Cook's leave was granted under the Civil Service Regulations, and under Chapter XIII, the provisions of which have now been made applicable to him, his leave which will be counted as ^{may under Act 344 C.S. Reg.} furlough ~~may~~ be extended on medical certificate to not more than three years provided that during ~~the third year of his leave, his leave allowances will amount to only one-fourth of his average salary.~~

We have &c

1. A
11/12/96
S. J. S.
11/12/96

Letter No. 111-91896- (fwd to the Home Despatched on the 21st Dec/96)

2 copies of the despatch v 4/1/97
1 attested copy of the ^{do the Govt of India} Home Dept. 4/1/97

Extension of leave to Mr. Cook
Health Officer Madras Municipality

LOCAL AND MUNICIPAL DEPARTMENT.

Agri. O No 1879 M dated 5th November 1896

Current No. 3123 M.

From the President, Municipal Commission, Madras.

FOR ORDERS.

In para. 2 of his despatch No. 10 Financial dated 10th September 1896, granting a further extension of leave for two months to Mr. J. N. Cook, Health officer of the Madras Municipality, the Secretary of State observes that no leave and pay certificate has yet been received, and enquires whether Mr. Cook's leave was granted under the Civil Service Regulations and up to what period and on what terms extensions of leave are admissible in his case. The President, Municipal Commission, Madras, who was asked to furnish the required certificate and information, states that he is not aware what certificate is required and that under article 369 of the Civil Service Regulations, chapter XIV, Mr. Cook's leave may be extended to two years. He however points out that

A

S.O

1879 M
5-11-96

as Mr Cook is not a Government servant, he is being paid direct from the municipal office on submission of a life certificate and that there is no reason why the Health officer should be subject to different leave rules from those applicable to the Engineer, who has recently been admitted to the privilege of the favourable leave rules in chapter XIII of the Civil Service Regulations (G.O. No. 1802 M, dated 24th October 1896).

B

2. The leave and pay certificate mentioned in the Secretary of State's despatch apparently refers to the last pay certificate, which is furnished by the Accountant General under Art. 942 and 943 of Civil Service Regulations to officers of Government proceeding on leave out of India, so as to enable them to draw their leave allowances at the Home or any Colonial Treasury. As however Mr. Cook is a municipal servant whose pay and allowances are paid from municipal funds (which are excluded Local Funds) and as his allowances cannot therefore be drawn at the Home or Colonial Treasury, as in the case of Government officers, no such certificate is necessary in his case, and from para. 4 of the President's letter it appears that he is being paid direct from the municipal office on submission of a life certificate

*because the increase
of the leave allowance
is not applicable to him?*
Exempt

3. Mr. Cook's leave has been granted, under section 45 of Act I of 1884, as amended by Act II of 1892, which lays down that "the Governor in Council may grant

grant leave of absence to the officers appointed under section 37 (amongst whom Mr. Cook is included) in accordance with the leave regulations from time to time applicable to Government Service", and it is therefore governed by the Civil Service Regulations. The period to which and the terms on which extensions of leave can be granted to him will however depend upon which of the two sets of leave rules (chapter XIII or chapter XIV of the Civil Service Regulations) are made applicable to his case. Before therefore any definite reply can be given to this question, this point will have to be settled.

B

4. In its letter in G.O. No. 1802 M dated 24th October 1896 the Government of India has pointed out that as both the more favourable and the less favourable leave rules are "leave regulations applicable to Government service" within the meaning of section 45 of Act I of 1884, the Government can decide which of them is to apply in any particular case. If it is decided to apply chapter XIV in Mr. Cook's case, his leave can be extended to two years on production of a medical certificate (Art 369). If, on the other hand, the favourable leave rules prescribed in chapter XIII are made applicable, his leave will be counted as furlough, and he will be entitled to furlough on medical certificate for not more than two years unconditionally (Art 340(a)), which may be extended on medical certificate, to not more than three years. (Art 344). In this case however his furlough for the third year becomes other than

c.f. art 335.

the other

than ordinary and his leave allowances during that period, will amount to one-fourth of his average salary.

Cf art 345

Cf art 347

V.B.
5/12/96
H.H.

The first question is for Govt to decide what set of rules sh^d be made applicable to Dr Cook. This may be the favourable rules as in Mr Ellis' case i.e. Chap XIII. C.P.R.

We may also inform the S. of State; also that his pay is being disbursed to Dr Cook directly by the Inty; ~~the~~ ~~req~~ last pay certificate is therefore required. as to the extension of leave it ~~has~~ been confirmed (Go. 18797. d 5/11/96)

S.R.
7/11/96

H.H.
7/12/96

Local & Munl. (1896) Department.

CURRENT No. 3123 M

FOR ORDERS.

From

THE PRESIDENT,
Municipal Commission,
Madras.

Order

G. No. 537

Dated 17th November 1896

Received 18-11-96

Registered 18-11-96

Enclosures

Spare copies

SUBJECT.

Enquiring with reference to G.O. No:
1879 M. this dt. 5th November 1896-
Para 2. what certificate is required
and furnishing the information there-
in wanted.

Philippus Raju
22/11/96

960
943

22/11/96

SA 10/11

BACK PAPERS.

G.O.	No.	Department.	Date.
fo	1879	Indin	5-11-96
fo	1882	ku	24-10-96
fo	1064	ku	28-6-96
fo	381	kuk	20-3-93

FURTHER PAPERS.

G.O.	No.	Department.	Date.

G. No. 537

MUNICIPALITY OF MADRAS.

General Department,

Madras, 17 November 1896.

From

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

President, Municipal Commission.

To

The Secretary to Government,
Local and Municipal Department,
Port St. George.

SIR,

Enclosure.

I have the honor to be,

Sir,

~~Your~~ most obedient servant,

Eu. Moore Lt.-Col.

President, Munl. Commn.

GOVERNMENT OF FORT ST. GEORGE.

LOCAL AND MUNICIPAL (1896) DEPARTMENT.

Letter to the Right Honourable the
Secretary of State for India.

Dated 19th December,
No. 1 M. of 1896.

Reporting that Mr. J. Nield Cook, Health Officer of the Madras Municipality, was granted leave under the Civil Service Regulations, and that his leave may be extended on medical certificate to not more than three years.

W. J. Nield Cook
12 12 96

No. 1 M., 19TH DECEMBER 1896.

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LOCAL AND MUNICIPAL DEPARTMENT.

LETTER—to

THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA.

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We have the honour to be,

My Lord,

Your Lordship's most obedient, humble servants,

(Signed) A. E. HAVELOCK.
(") J. GROSE.

FORT ST. GEORGE,
19th December 1896.

Exd. A Raitt.

Copy sent to Press. 12-12-96

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Signature.

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DATE G.O. No.
165

DATE

No.

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Secretary of State
200
14/12

ORDER TO G. No.

OF GOVERNMENT

OF GOVERNMENT

MENT WITH MINTO.

DO NOT FILE UP BRING MEANT FOR DISPATCH
IN ORIGINAL.

S.B.—

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