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M.R.O. 1-22 400-29-11-50

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.
Cen 571/58

G.O. No. 234	Press Mis.
323/1	
Dated 3-11-18	58

Not to be folded or roughly handled

Fort Saint George, Public Works Consultation of 5th November 1858.

Read the following Papers.

No. 32. Extract from the Proceedings of the Government of India, dated Fort William the 15th June 1858, No. 2754.

Read the following Extract from the Proceedings of the Honorable the President of the Council of India in Council in the Financial Department, under date the 28th May 1858, No. 3155.

Read the undermentioned papers in connection with a reference from the Public Works Department No. 2004, dated 4th instant, on the subject of Privilege Leave to Officers of that Department.

G. O. No. 466 dated 27th March 1857, Financial Despatch from the Honorable Court No. 10 of 1858, dated 16th February Para. 13.

Proceedings of the Government of Madras in the Public Works Department Nos. 30 and 31 dated 2nd February 1858.

Resolution 1. The Honorable the President in Council observes that in March last, this Government in the Military Department extended to *Officers generally*, under the authority of the Honorable the Court of Directors, "the privilege granted to Officers at Mooltan and Peshwur, of being allowed, when the demands of the service will permit, temporary leave without pecuniary loss or loss of service, for sixty days consecutively in the course of each year or of 30 days consecutively in each year as may be preferred by them."

2. In a recent* Despatch, the Honorable Court remarked with reference to the orders passed in this Department on the 7th November 1856, "The Privilege of two consecutive months indulgence leave originally granted to Military Officers on Staff employ in the Peshawur in valley, on account of the distance of the District from the Presidency or any Sanatorium has been extended, for the same reason, to the Trans-Indus Territories; we do not however think it advisable that this privilege should be allowed to any Military Officers in Civil employ, who, while holding Civil appointments, must abide by the regulations of the Civil Service in this respect."

3. The Madras Government having on the 28th January last, extended to the Public Works Department, consisting of Military and Uncovenanted Officers, the advantages of the 12th Section of the *Covenanted Civil Service Absentee Rules*, viz. three months cumulative leave after 33 month's continuous service, His Honor the President in Council observes, that this decision as regards Military Officers in the Public Works Department seems to be in accordance with the orders of the Honorable Court above adverted to, but inconsistent with the orders before passed by the Court.

4. Section XIX, of the *Covenanted Civil Service Absentee Rules*, which was framed in strict accordance with the Honorable Courts instructions conveyed in para. 22 of their Public Despatch No. 23 of 1854, dated 5th April, prescribes that Military Officers employed in the Civil Department will be subject to the rules laid down in the despatch* noted in the margin, for the grant of leave of absence and furlough to Officers holding Military Staff appointments and as the latter are entitled to a cumulative Privilege leave for 60 days in each year, Military Officers in Civil employ, are equally restricted to the same advantages.

5. Before passing orders on the above point, His Honor in Council resolves to solicit definite instructions from the Honorable Court.

6. The orders which may be passed in respect to privilege leave to Military Officers in Civil employ will apply to *Medical Officers* in Civil employ.

7. With respect to *Uncovenanted servants*, His Honor in Council desires that the attention of the Government of Madras may be drawn to the Notification in this Department, No. 25 dated 27th June 1857, that accumulated privilege leave to the extent of 3 Months after 33 months consecutive service may be granted to *Uncovenanted Servants* in *all* the Departments of the Public Service, in *all* the Presidencies.

* Financial Department No. 10 of 1858, dated 16th Feb. Para. 13.

* Military Department No. 18, dated 30th December 1853.

Honorable Court's Finl. Despatch No. 28 dated 17th April 1857.

Fort Saint George, Public Works Consultation of 5th November 1858.

Order.—Ordered that a copy of the above Resolution be forwarded to the Public Works Department, and that the Proceedings of the Madras Government received therefrom be returned, an Extract thereof being taken for record in this Department.

(A true Extract.)

(Signed) C. H. LUSHINGTON,
Secretary to the Government of India.

Copy of the foregoing forwarded to the Government of Fort Saint George for information with reference to its Proceedings Nos. 30-31 for the week ending 2nd February 1858.

By Order of the Honorable the President in Council.

(Signed) R. STRACHEY, Major,
Offg. Secretary to the Government of India.

No. 33. Read the following letter from Major E. LAWFORD, Officiating Chief Engineer; to the Secretary to Government, dated 25th September 1858, No. 4017.

SIR,

In Extract Minutes of Consultation No. 1161, dated 16th June 1857, Government returned an application from an Assistant Overseer for leave, with instructions to the Chief Engineer to dispose of the same under the uncovenanted service absentee Rules.

2. In Extract Minutes Consultation No. 40 dated the 20th June 1857, Government similarly returned an application of another Assistant Overseer, Private J Goudie for disposal under the Extract Minutes Consultation 16th June 1857 No. 1161 above referred to.

3. Since the receipt of these orders, the Chief Engineer granted leave to subordinates under the rank of Overseers whether Civil or Military under the uncovenanted service Rules, and without previous reference to the Audit Office for report.

4. In Extract Minutes of Consultation No. 1036 dated 1st June 1857, Government ruled that all applications for leave to their Servants of the superior grade (Covenanted or Uncovenanted, Civil or Military) should be submitted to them through the audit office to avoid delay.

5. In the upper and lower subordinate branches of the Department, warrant Officers hold appointments of the lowest grade, and a doubt has arisen whether applications from them for leave should not be properly submitted to Government.

6. The emolument annexed to their warrants with the Civil salary drawn in the Department far exceed an hundred Rupees, the limit to which Heads of Departments and Officers can grant leave to their subordinates.

7. I have therefore the honor to solicit the orders of Government, whether applications for leave to the warrant grades of the Department should be submitted to Government, or be disposed of by the Chief Engineer under Extract Minutes Consultation 16th June 1857 above referred to.

8. The Chief Engineer has hitherto granted leave to all subordinates in the Public Works Department receiving Civil salary less than an hundred Rupees per month under the uncovenanted service absentee Rules. I am not aware under what Rule leave to subordinate officers of the superior grade whose applications pass through the Military Auditor General is granted by Government. In para. 9 of the Notification dated the 28th January 1857, it has been ruled that, leave of absence will be granted in case of Commissioned, Warrant and Non-Commissioned Officers and Soldiers, under the Rules applicable to Military Officers in Civil employ, and it is therefore not evident whether the leave granted by the Chief Engineer under Extract Minutes Consultation 16th June 1857 to the Military subordinates in the lower grades of the Department is not on a different rule from that under which leave to Military subordinates of the superior grade in the Department is granted by Government.

Fort Saint George, Public Works Consultation of 5th November 1858.

9. The Chief Engineer understands from para. 14 of Extract Minutes Consultation No. 1219 dated the 8th Instant, that applications for Privilege leave, simple or cumulative from subordinate officers, Civil or Military, drawing Civil salary of 100 Rupees and upwards, should be submitted to the Audit Office for report previous to its being granted. The decision of Government on the point first mooted above will determine, whether applications for privilege leave from all warrant officers, whether of the higher or lower grades in the Department do not come under the same rule, and be subject to the same course of disposal.

No. 34. ORDER THEREON, No. 2314; dated 3rd November 1858.

Para. 1. In their proceedings of the 28th May 1858, the Government of India notice, with some previous correspondence on the same subject with the Honorable Court of Directors, the order passed by this Government on the 28th January 1858, No. 159, recorded in Consultation 2nd February 1858, Nos. 30-31, extending to the Officers of the Department Public Works the indulgence of 3 months cumulative leave after 33 months continuous service under Section XII. of the Civil Absentee Rules.

2. It is noted in para. 4 of the above proceedings that Section XIX. of the Covenanted Civil Service Absentee Rules which was framed in strict accordance with the instructions conveyed in para. 22 of the Honorable Court's Dispatch of the 5th April 1854, prescribes that Military Officers in Civil employ shall be subject to the same Rules as Officers holding Military staff appointments, and shall equally with the latter be restricted as respects cumulative privilege leave to 60 days in each year.

3. From para. 2 of the same proceedings, it would appear that in their Dispatch of the 16th February 1858 to the Government of India, the Honorable Court have expressed a different view. Alluding to the 60 days cumulative leave granted to Military Officers on staff employ in view. Alluding to the 60 days cumulative leave granted to Military Officers on staff employ in the Peshwar valley being extended to the Trans Indus territories, they say, that they "do not consider that this privilege should be allowed to any Military Officers in Civil employ who while holding Civil appointments, must abide by the regulations of the Civil Service in this respect," that is, one month in each year, or a cumulative leave of three months after 33 months continuous service.

4. The Government of India observe that though the order of the Madras Government, dated 28th January 1858 seems in accordance with the Honorable Court's views contained in their more recent Dispatch noticed in the preceding paragraph, yet it is not in keeping with the orders communicated in their previous dispatch of the 5th April 1854. The Government of India propose to address the Honorable Court for definite instructions, and until the result of this reference is known to this Government, their order of the 28th January 1858, No. 159 will continue in force.

5. The proceedings of the Government of India have however now opened up the whole question of "Leave" in the Department of Public Works, and the Government find from a consideration of the papers before them, and of others recorded in their Proceedings, that great uncertainty and confusion prevail in respect of this question. The Officiating Chief Engineer appears to have granted at different times leave of absence to persons in the Department of Public Works for periods varying from 2 days to 2 months under the designations of "casual leave," "privilege leave," "cumulative leave," and "leave on Medical Certificate"; and he has quoted for his authority, the Notification of the Government of India of the 6th February 1857; the G. O. G. of the 3rd February 1857; Section XII. of the Civil Absentee Rules; Section VII. of the Uncovenanted Service Rules; and the orders of this Government of the 2nd July 1856, No. 1083; and 28th January 1858, No. 159. Colonel Lawford now asks in his letter of the 27th September 1858, No. 4017, whether applications for leave to the Warrant grades of the Department Public Works should be submitted to Government, or be disposed of by him under Extract Minutes Consultation 16th June 1857. It seems therefore from what has been stated above, that the Central Office has no distinct apprehension of the Rules pertaining to the Public Works Department, either in respect of the nature of the leave, or of the authority by whom it is to be granted.

Fort Saint George, Public Works Consultation of 5th November 1858.

6. In the new Code for the Department of Public Works in Bengal and the North Western Provinces, the Rules respecting "leave" are distinctly laid down, and appear unobjectionable; they do not however allow 3 months cumulative leave, but if they are adopted in Madras with that addition, the prevailing confusion will, it is believed, be remedied. In Extract Minutes Consultation 10th September 1858, No. 1866, the Government required the Officiating Chief Engineer to report in communication with the Superintending Engineers whether the Bengal Code might not be extended to this Presidency, and to state the modifications that would be necessary for that purpose. They now direct that the Leave Rules which appear in that Code be at once taken up, and made applicable in their integrity to the Public Works Department in this Presidency, subject to the addition respecting three months cumulative leave after 33 months continuous service, already noticed, which indulgence will be continued provisionally until the Honorable Court's orders on this point be communicated. The Rules however appear scattered over different parts of the Code, and it is desirable that they should be brought together in one place, and exhibited at one view. Colonel Lawford is accordingly requested to submit as early as possible a draft of the Rules, altering the wording where necessary to suit the circumstances of this Presidency, and showing the alterations in red ink, with side notes of the Pages of the Code whence the several Rules are extracted, such revised rules when approved to have supersession of all previous rules and orders on the subject.

(Signed) W. H. BAYLEY,
Acting Secretary to Government.

1855
*Extract from the Proceedings of the Honble. the President
of the Council of India in Council in the Financial
Department under date the 28th May 1858.*

*Read the undermentioned papers in connec-
tion with a reference from the Public Works
Department N^o 2004, dated 14th instant, on the
subject of Privilege Leave to Officers of that
Department.*

*G. O. N^o 1166 dated 27th March 1857.
Financial Despatch from the Honble
Court. N^o 10 of 1858 dated 16th February Para 13.
Proceedings of the Gov^t of Madras
in the P. W. Depart^t N^o 30 and 31 dated 2^d February
1858.*

Resolution. *1 The Honble. the President in Council
observes that in March last, this Gov^t in the
Military Department extended to Officers generally
under the authority of the Honble. the Court of
Directors, the privilege granted to Officers at
Mooltan and Peshawar, of being allowed, when
the demands of the service will permit, temporary
leave*

leave without pecuniary loss or loss of service, for sixty days consecutively, in the course of each year, or of 30 days consecutively in each half year as may be preferred by them."

2 In a recent Despatch, the Honble Court ^{* July 26th Sept 14th to 10th 1858} remarked with reference to the orders passed in this ^{21st 16th February Para 13.} Department on the 7th November 1856, "The privilege of two consecutive months indulgence leave originally granted to Military Officers on Staff employ in the Peshawar valley, on account of the distance of the District from the Presidency or any Sanatorium has been extended, for the same reason, to the Trans-Indus Territories; we do not however think it advisable that this privilege should be allowed to any Military Officers in Civil employ, who, while holding Civil appointments, must abide by the regulations of the Civil Service in this respect."

3 The Madras Govt having on the 28th January last, extended to the Public Works Department, consisting of a Military and Unencovenanted Officers, the advantages of the 12th Section of the Unencovenanted Civil Service Absentee Rules, vizt three months cumulative leave

7 leave after 33 months' continuous service, His Honor the President in Council observes, that this decision as regards Military Officers in the P.W. Department seems to be in accordance with the orders of the Honble Court above adverted to - but inconsistent with the orders before passed by the Court.

4 Section XIX. of the Unencovenanted Civil Service Absentee Rules, which was framed in strict accordance with the Honble Court's instructions conveyed in para 22 of their Public Despatch N^o 23 of 1854 dated 5th April, prescribes that Military Officers employed in the Civil Department will be subject to the Rules laid

* July 26th Sept 14th to 10th 1858
30th December 1858.

down in the Despatches noted in the margin, for the grant of leave of absence and furlough to Officers holding Military Staff appointments. And as the latter are entitled to a cumulative Privilege leave for 60 days in each year, Military Officers in Civil employ, are equally restricted to the same advantages.

5 Before passing orders on the above point, His Honor in Council resolves to solicit definite instructions from the Honble Court

6 The orders which may be passed in respect

F. 2/54

Copy of the foregoing forwarded to the Government of Fort Saint George for information with reference to its Proceedings N^o 30/31 for the week ending 2^d February, 1858.

By order of the Honble
the President in Council

Fort William,
Public Works Dept.,
The 15th June 1858.

W. H. Murray
Off Secretary to the Gov^t of
India

respect to privilege leave to Military Officers in civil employ will apply to Medical Officers in civil employ.

7 With respect to Uncovenanted Servants, His Honor in Council desires that the attention of the Gov^t of Madras may be drawn to the Notification in this Department, N^o 25 dated ^{Honble Council's Ltr. despt. N^o 28 of 17th April 1857.} 27th June 1857, that accumulative privilege leave to the extent of 3 months after 33 months' consecutive service may be granted to Uncovenanted Servants in all the Departments of the Public Service, in all the Presidencies.

Ordered that a copy of the above Resolution be forwarded to the Public Works Department, and that the Proceedings of the Madras Government received therefrom be returned, an extract thereof being taken for record in this Department.

Order

(A True Extract)
By L. A. Rushington,
Secretary to the Gov^t of
India

Contract Office of P Works
Fort Saint George
25 September 1858.

No 4017
The Officiating Chief Engineer
The Secretary to Government's
Public Works Department.

Sir,
In Extract Minutes of Consultation
No 1161 dated 16th June 1857, Government returned
an application from an Assistant Overseer for
leave, with instructions to the Chief Engineer to
dispose of the same under his unconsented
Service Absentee Rules.

In Extract Minutes Consultation
No 40 dated 20th June 1857, Government similarly
returned an application of another Assistant
Overseer Private A Goudie for disposal under
his Extract Minutes Consultation 16th June 1857
No 1161 above referred to.

Since the receipt of these orders, the
Chief Engineer granted leave to subordinates under
the rank of Overseers whether Civil or Military
under the unconsented Service Rules, and without
previous

Cons: 13th June 1858: 85-86.
27th Aug 1858 - 86-87.

By the Honble the Secretary to
the Government of the Madras
Presidency, in Council
of the Council of Madras
in the Council of Madras
Dec 29 1858.

In the second
Extract June 1857
Dec 29 1858.

1858.
The Secretary to Government
Public Works Department
Fort Saint George
Madras
The Secretary to Government
Public Works Department
Fort Saint George
Madras
The Secretary to Government
Public Works Department
Fort Saint George
Madras

Extract June 1857 No 25

231 July 1858
221 July 1858

previous reference to the Audit Office for report.

4. In Contract Minutes of Consultation No. 1036 dated 1st June 1857, Government ruled that all applications for leave to their servants of the superior grade (Government or Uncovenanted, Civil or Military) should be submitted to them thro the Audit Office to avoid delay.

5. In the upper and lower subordinate branches of the Department, warrant Officers hold appointments of the lowest grade, and a doubt has arisen whether applications from them for leave should not be properly submitted to Government.

6. The enrolment annexed to their warrants with the Civil salary drawn in this Department for over an hundred Rupees, the limit to which Heads of Departments and Officers can grant leave to their subordinates.

7. I have therefore the honor to solicit the orders of Government whether applications for leave to the warrant grades of the Department should be submitted to Government, or be disposed of by the Chief Engineer, under Contract Minutes Consultation No. 16th June 1857 above referred to.

8. The Chief Engineer has hitherto granted leave to all subordinates in ^{the} Public Works Department receiving

receiving Civil salary less than an hundred Rupees per month under the uncovenanted Service (Subordinate) Rules. I am not aware under what Rules leave to subordinate Officers of the superior grade whose applications pass thro the Military Auditor General is granted by Government.

In para 9 of the Notification dated the 28th January 1857, it has been ruled that, leave of absence will be granted in case of Commissioned, Warrant and Non Commissioned Officers and Soldiers, under the Rules applicable to Military Officers in Civil employ, and it is therefore not evident whether the leave granted by the Chief Engineer under Contract Minutes Consultation No. 16th June 1857 to the Military subordinates in the lower grade of the Department is not on a different rule from that under which leave to Military subordinates of the superior grade in the Department is granted by Government.

9. The Chief Engineer understands from para 11 of Contract Minutes Consultation No. 1219 dated the 8th Instant, that applications for Privilege leave, simple or cumulative from subordinate Officers, Civil or Military, drawing Civil salary of 100 Rupees and upwards, should be submitted to the Audit Office for report previous to its being granted. The decision of Government on

as the point first mooted above will determine,
whether Applications for privilege leave from all
warrant Officers, whether of the higher or lower
grades in the Department do not come under
the same rule, and be subject to the same
course of disposal.

Contract Office of S. H.

Fort Saint George

25th September 1858

& Co.

Please the honours to be

Sir

Your Most Obedient Servant

L. A. M. F. V. L.

Officiating Chief Engineer

To

The Secretary to Government.

Public Works Department.

2. In their Despatch of 16th Feb. 1838 to the
Govt. of India, the Court in speaking of
the 60 days cumulative leave granted to
Military officers on Staff employ in the
Peshawar valley, being extended to the
Frontier Indian territories, say that they "do
not consider it advisable that this privi-
lege should be ~~extended~~ allowed to any
Military officers in Civil employ, who while
holding Civil appointments, must abide
by the Regulations of the Civil Service
in this respect." [That is one month in each

be granted. ⁰ ⁰

3 In his letter of the 17th June 1856, -
June 1856
3@7. { Colonel Walker, in forwarding a notification of the Public Works Establishment of the Bengal Presidency and of the local administrations subject to the Government of India, framed on the principle of the Scheme

2017-1805 (18)
24 to 26 and 27/28.
C. 2. 1. 1. 1.

Dear Sir
I am extremely obliged to you for the
kind notice of my paper.

Druck 25
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No 4017

MS. A. 9. 2. 31/433 "November 1858"

exciting his story of
 Government as a subject of
 discussion for the
 American people of the
 United States and the
 world.

Ms. B. 3. 3.

I cannot or be dispossessed by
 the Chief Engineer under
 Captain & Kennedy's instructions
 W. L. Lane 1857

Estados Unidos

year, or a cumulative 3 months at the end of 3 years.]

3. The Govt of India now notice that the Madras Govt in their order of 28th January 1858 made ~~the~~ Sec XII of the Civil absentee rules (3 months cumulative leave) applicable to the D.P.W. They observe that this seems in accordance with the orders of the Honble Court (para 2 of this memo) but not in accordance with their previous orders (referred to in para 1 of this Memo.)

4. Before passing orders, the Govt of India resolve to solicit definite instructions from the Court.

5. As regards ~~discontinued~~ un-
wanted servants, the Govt of India observe, that they in all Despatch
memoirs, are entitled to 3 months
cumulative leave.

6. This letter from the Govt of India has opened up the whole question of leave in the D.P.W. and

19
the Memorandum prepared by Mr J. Fernald, shows, that great uncertainty & confusion exists, in consequence of orders having been passed, which are not in accordance with other orders.

7. In the new Code lately for the D.P.W. in Bengal & the N.W. Provinces, lately published, the Leave Rules are distinctly laid down, & if these were at once adopted in Madras, the prevailing confusion would be remedied.

8. The Rules themselves seem ~~quite unobjectionable~~.

9. These Rules however do not sanction 3 months cumulative leave, & it would therefore be necessary to cancel the Order of 28th Jan 1858.

10. The objection to cancelling this order, is that - as the Govt of India observe - it is in accordance with the Court's latest despatch on the subject of leave to Officers in Civil

be granted.

3
June 1856 } In his letter of the 17th June 1856, Colonel Walker, in forwarding a notification of the Public Works Establishment of the Bengal Presidency and of the local administrations subject to the Government of India, framed on the principle of the Scheme

employ.

11. I am inclined however to think that the Court in this Despatch did not refer at all to the D. P. W. It is a Department sui generis, & I doubt if it can be called "Civil employ."

12. At all events the 3 months cumulative leave is not in the new Code of D. P. W. of Bengal, & NW Provinces, allowed, except to the uncovenanted employes.

W. H. Burley

Sept 11th

I think we must await the answer to the reference made to the Court by the Government before this question can be settled - It

Memorandum.

Public Works leave of absence.

Pub. Works No. 1239.

* Directing that the Engineer engaged by the Hon. C. be placed under the ordinary uncovenanted service, ^{under the Hon. C.} excepting that the leave be limited to 2 years.

1. These proceedings from the Government of India, and the Orders communicated in separate proceedings from the same authority, dated 21st June 1858 now in circulation, show that some misapprehension prevails in respect of the grant of leave to persons employed in the department of Public Works.

2. The questions which require to be considered are

1st What are the rules regarding leave applicable to the Public Works Department

2nd The authority by whom leave is to be granted.

3. In his letter of the 17th June 1856, Colonel Walker, in forwarding a notification of the Public Works Establishments of the Bengal Presidency and of the local administrations subject to the Government of India, framed on the principle of the Scheme

From Col. Walker 17th June 1856
No. 2721 10. 307.

Scheme devised by the Calcutta Committee, intimated that the Government of India attached much importance to the establishment of "uniformity of system in the three Presidencies," and requested that the Scheme of the Madras Presidency should, under certain limitations, be drawn up in accordance with the Bengal Notification and the Scheme of the Committee.

The Bengal Notification is dated 17th June 1856, and contains two clauses regarding leave.

§ 9. permits the Chief Engineer to grant one month's leave of absence in the calendar year to all persons employed in the Public Works Department.

§ 10. directs that leave in excess of the period may be granted by the Government of Bombay, Madras &c. to the Military classes according to the Rules applicable to Military Officers in Civil Employ; and in other cases according to the Rules applicable to the Uncovenanted Service.

The

Notification 27 Jan 1857
and
G.O. 3rd Feb 1857.

The Madras Notification of the 27th January 1857 is based upon that of Bengal, and afterwards appeared in the form of a G.O. under date the 3rd February 1857.

The Madras Notification, para 8 quotes verbatim the first part of the Bengal order, but para 9, which follows for the most part the Bengal rule, does not state that leave in excess of one month will be granted

Bengal rule § 10.
* "This leave may be granted by the Government, nor does it say by whom such leave is to be granted; hence the confusion which now prevails.

These words are omitted in the Madras Notification.
then why not put them in.

The Madras Notification, professes to carry out in its integrity the Scheme of the Public Works Department as laid down by the Government of India, and in pursuance of the suggestion of the Calcutta Code, it declared the intention of this Government "that the Public Works Establishment should be formed into a gradation list (as then published) independent of the location assigned to the Officers composing it, the promotion in this list depending on the merits

merits of the individual, seniority being considered only one claim, and not the rule of promotion.

8 The Madras Schinbaras three grand divisions, the Engineering establishment, the Upper Subordinate, and the Lower Subordinate, and these again are composed of three classes.

1st the Military.

2. The Unconvenanted

3rd Those who have come from England under engagements entered into with the Honorable Court of Directors.

All these appointments are made by the Government on the recommendation of the Chief Engineer and Geographers.

9 As regards the first, the Madras and Madras Notifications direct that leave in excess of the one month may be granted according to the rules applicable to military officers in civil employ, and in respect of the second, the same Notifications

decide

From Govt of India 30 Aug 1856
in Dy. 26 Aug 1856 No 336
From Govt of India 31st July 1857 in Dy. 5 Sept 1857
No 1712.

From Govt of India 21 June 1858
1858: Off. No. 1596.

decide that the Unconvenanted Service Rules shall apply.

10 In respect of the third class, or the Engineers and Overseers engaged in England, the Government of India after special reference to the Honorable Court of Directors have obtained authority for this class being admitted to the benefits of the absentee rules laid down for the unconvenanted service both as regards leave on private affairs and on medical certificates. This Order and the one recently communicated in the Proceedings of the Government of India 21st June 1858 respecting Furlough to Europe, complete the whole of the Orders applicable to the grant of leave in the Public Works department, and show that the Government of India do not contemplate any change in

in the principle of the orders contained in their Notification, without authority from either themselves or the Honorable Court of Directors.

11 On the 1st June 1857 the Chief Engineer in forwarding for favorable consideration an application from an Assistant Overseer for leave of absence on sick certificate for 4 months, stated "that he" had no authority to give leave "for the period specified". The Assistant Overseer's salary being 80 Rupees, the Government ruled that the Unconvenanted Service Rules were not applicable to his case, and that it was not necessary, that the leave applied for should be granted by them.

They

Ex. No. 2, 16th June 1857, p. 1161.

Rules dated 28 July 1856 extended 27th June 1857.

* These rules apply only to unconvenanted servants receiving 100 Rupees and upwards; the grant of leave in appointments held direct from Government being made by Government, and those not so held being delegated to Heads of Offices.

Notification of the Govt of India 27th June 1857 published at page 161 of the Gazette No. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Notification 6 July 1857, p. 111.
Page 362 of the Gazette.

27 They therefore left the disposal of the application to the Chief Engineer, and directed his attention to the Notification of the Government of India of the 6th July 1857, by which, the spirit of the above rules was extended to all Unconvenanted servants receiving less than one hundred Rupees a month.

12 Bearing in mind that the Assistant Overseer referred to in the previous para was an officer of the department whose appointment was gazetted, the order of the 16th June 1857 conferring on the Chief Engineer the power of granting leave for extended periods, appears erroneous, and will need to be cancelled.

Ex. No. 2, 16th June 1857, p. 1161.

13 Again, on the 7th January 1858, the Chief Engineer Col^l Taylor, for stated reasons, strongly recommended "that all officers of the Department of Public Works without exception might be allowed the triennial indulgence of

of three months cumulative leave" under Sec: XII of the Civil Service "Rules." In their order of the 28th January 1858 & 1859 the Government acceded to this recommendation, but did not state by what authority the extended leave was to be granted.

14. As stated before, the Public Works Department comprises three classes, of which one is the Military. By the established rules of the service, Military officers in Civil employ are allowed the privilege of 60 days leave in the year, that is 30 days once in six months. The order of the 28th January 1858 & 1859 in granting the indulgence of 3 months cumulative leave to all officers in the Public Works Department interfered with the principle of Rules appertaining to the Military branch framed on the orders of the Honorable Court of Directors, and introduced a new feature in the Rules of the Public Works Department which does

27
does not appear in the Bengal Rules. As regards the uncovenanted servants, the order of the 28th January 1858 was altogether unnecessary, as by the Bengal Notification of the 17th June 1856, the privilege of cumulative leave had already been vested, and it only remained to be understood by whom the leave was to be granted.

15. The Government of India have taken up both these points in their proceedings dated 15th June 1858. It would seem by the reference to the Honorable Court for instructions, that the Government of India did not themselves feel competent to dispose of the point which affected that portion of the established rules relating to the grant of leave to military officers in civil employ.

16. In the present state of the question, the order of the 28th January 1858, & 1859, is erroneous, and should be
at

To page para 17.

Page No. of order. To whom granted. Rank & Salary. Period & nature of leave.
of leave granted

July 2nd

2. 1853 February 1857 Lieut. Col. Kerley District Engineer 600 3 days privilege leave
" do do Mr. Vickrells Officer in Charge 200 10 do do
2nd 2nd July 1856 & 1853 Lieut. Col. Stewart District Engineer 600 3 days leave

July 13th

83 Sec. XII of the Civil Rules Capt. Rindall District Engineer 700 Privilege leave for one month cancelled, and 10 days privilege leave given in lieu under Civil Rules.
34 2nd 28 Jan'y 1856 & 1857 W. C. Wright Assistant Engineer 250 3 months cumulative leave
" 25. 4. 1853 February 1857 E. C. Morrall Asst. Engineer 250 30 days privilege leave

July 20th

135 2nd 28 Jan'y 1856 & 1857 W. C. Wright Assistant Engineer 250 2 months on medical certificate
136 Under Sec. VII of the Civil Rules Mr. W. W. W. Supervisor 200 One month privilege leave cancelled and two months cumulative leave given in lieu
40 4. 1853 February 1857 J. W. W. Sub Engineer 3rd 140 1 month privilege leave
2nd 2nd July 1856 & 1853 Mr. W. W. W. District Engineer 600 3 days casual leave

* Confirmed by Jt. Secy 15 Feb 1858.

at once cancelled. If the Honorable Court allow the privilege of 3 months cumulative leave to Military Officers in Civil employ, the rule contained in the Notification will still hold good and apply without the necessity of any fresh order.

17 Since the 1st of July, the officiating Chief Engineer has granted leave of absence for periods varying from 2 days to 2 months, under the designations of casual leave, privilege leave, cumulative leave, and leave on medical certificate, and he has quoted for his authority the Notification of the Government of India of the 6th February 1854; the G.O. of the 3rd February 1857; Section XII of the Civil Rules; Sec. VII of the Unconquered Service Rules; and the orders of this Government of the 2nd July 1856 & 1853 and 28 January 1855 & 1857. From these quotations it would appear that the officiating Chief Engineer has no distinct idea of the Rules pertaining to the Public

- a. Extending the principles of the unconquered service rules to persons drawing less than 100 Rupees.
- b. Notification of the Munro Scheme and Rules pertaining to it. 27 Jan'y 1857.
- c. Short leave on private affairs to Civil Servants for 1-2 or 3 months according to the time they have been in their duties without leave.
- d. Permitting cumulative leave.
- e. Leave for 3 days irrespective of privilege leave.
- f. Government order for the grant of cumulative leave to all officers of the Public Works Department.

Public Works department in this respect, and it seems very desirable that the matter should be placed on such a footing as to admit of no mistake.

18 The unconvincing services rules rest in the Government alone, the power of granting leave to officers holding appointments direct from themselves, but in respect of persons not so holding appointments of them, the rules permit the Government to delegate this power to the Heads of Offices. The Public Works Department is differently constituted; all the appointments are from Government, and it would seem that the Government could not delegate their authority to another. That this was the view once held, might be gathered from the order of the 26th March 1857, which permitted the Chief Engineer to "grant leave of absence on Medical Certificate

The Cabanah }
1857 1858 D. }

Certificates to the extent of six months" under Chapter II, and on "private" affairs under Chapter III of the "absentee Rules of the Unconvenanted Service, to Unconvenanted Servants in the "Central Office" whose salaries exceed 100 Rupees." This order is confined only to office establishments.

19 In the Gazette of the 13th July 1858, the officiating Chief Engineer is represented to have granted to Mr. Wright, Assistant Engineer, under an Extract Minutes of Consultation 28th June 1858 at 159, 2 months cumulative privilege leave of absence. The order noted does not vest in the Chief Engineer the power of granting extended leave, and does not properly apply to the case of Mr. Wright, who, being an unconvenanted servant, is an Assistant Engineer on a Civil salary of 250 Rupees, was subject to the unconvenanted Service Rules under the Bengal & Madras Notifications which allowed the indulgence being granted by Government provided the party was entitled to it.

again

20.

Again on the 20th July 1858 casual leave is given to an

Engineer for three days under an order dated 2nd July 1856 which was issued prior to the establishment of the new Rules. *Or Min. Con. 2nd July 1856 No 1083. Authorizing 3 days leave in respect of privilege leave.*

21.

This Order of the 2nd July 1856 is an innovation on the Unconvenanted Absentee Rules, and is according to the interpretation given in the correspondence noted in the margin altogether erroneous. Casual leave is intended only to such cases of sickness amongst Office Establishments, and not cases of private convenience amongst Heads of Offices.

22

Although the Notification of the 27th January 1857 gave the Chief Engineer power to grant one month's privilege leave to the Officers of the Department of Public Works,

(yeh)

Ingle page

147 - 12 June 1857 to 1857.

587 - 17 March 1858 to 1858.

1168 - 30 April - 1858.

or see

Con: 22 June 1858 of 1857.

Yet five days later, or on the 2^d Feb.

-bruary^{*} 1857, is to be found an Order

No 246 giving the same power. The

circumstances may be explained

by the Order having been prepared

previous to the Notification, and printed

subsequently to its publication;

but it is unnecessary, and

should be cancelled.

23. It seems clear, that the

only rules applicable to the Public

Works Department are those

contained in the Notification

of this Government 27 January

1857 based on the Notification of

the Government of India, and

those since authorized by the Govt

of India with the sanction of the

Honorable Court of Directors.

And if these are to be maintained

in their integrity, it follows that

beyond the grant of privilege and

By Min. C. &

2^d Feb 1857 No 246

* From Govt of India

31st July 1857 No 3900

Do 21st June 1858 No

a few days occasional leave in cases
of sickness amongst subordinates which
is not taken into account, the

Chief Engineer does not possess
authority for granting leave for
extended periods

24. The Bengal Public
Works Code just received, contains
the following rules on the subject
of leave.

Chap III. Section I p. 13. A Chief En-
gineer may grant leave of absence
to Superintending, Executive, and
Assistant Engineers, for periods
not exceeding one month in each
year, also to subordinates, mil-
itary or civil, according to the
rules laid down in Chapters XV,
XVI and XVII.

Executive Engineers Chap III. Sec III p 27. Executive Engi-
neers shall not grant leave
to the Officers of the Upper Subor-
dinate Establishment (except
in

Chief Engineer.
page 24.

* (Consolidated with the Madras
District Engineers & Assistant
page 38.

in special cases to be reported immediately, without the sanction of the Chief Engineer obtained through the regular channel; nor are they to permit a senior subordinate at an outpost to grant leave to a junior serving under him. Sub Executive Engineers may grant leave to individuals of the Lower Subordinate Establishment under the rules laid down in Chapter XV.

Chap XV Sec I p 8. Persons in the Public Works Department may be allowed one month's leave of absence in the calendar year, without loss of salary, provided it can be granted without inconvenience to Public Service. The Executive Engineer may grant this leave to any person employed under him, except those belonging to the Engineer Establishment, whose

General Privilege
leave page 138

as

Military Branch
Commissioned Officers
page 184.

31
whose applications must be sent to the Chief Engineer. The Chief Engineer may grant a month's leave in the year to any Officer of the Engineer Establishment. The Chief Engineer himself requiring leave must apply to the Local Administration.

4. Leave for longer periods will be granted under the rules applicable to Commissioned, Warrant, Non Commissioned Officers and Soldiers, or uncommissioned servants, respectively as explained in the following Chapter.

5. All applications for leave must be made to, or through the departmental superiors of the applicant.

Chap XVI Sec I p 9. The Officers in the Public Works Department are

are subject to the General Rules regarding time allowed for joining appointments, furlough and leave of absence, staff salary while on leave, no demand certificates, audit of military pay and allowances, drafts and pay bills, and occupation of quarters (with the exception Para 13 Section 2 Chap. XV) as are applicable generally to Staff Officers.

10. Temporary leave to Commissioned Officers in the Public Works Department, in excess to that allowed in para 3, Section ^{I Chapter} XV, may be granted by Local Administrations, but general leave can only be granted by the Government of India.

11 Applications for leaves beyond

41
beyond the sea will, after receipt from the Local Government, be sent by the Government of India to the Adjutant General of the Army, or to the Officer in charge of his Office at the Presidency for re-submission with a report of the views of His Excellency the Commander in Chief.

For Commissioned Chap XVI Sec III § 10. For page 188.

Sick leave

Commissioned Officers and Soldiers employed in the Public Works Department, may be allowed leave of absence by the Local Government for any period not exceeding two years, on medical certificate provided

provided that no such leave
be granted within two years
after return from a previous leave.

The Local Government may
also grant leave on private
affairs, for any period not ex-
ceeding six months, after six
years' service, provided
the exigencies of the Public
Service admit of it. Men

obtaining leave as above,
will be allowed half their
staff salaries, together
with their Military pay
and battery, but no tra-
-velling allowances.
Their allowances will
be drawn by the
Executive

Leave on private
affairs.

This is taken
from the Civil
Service Furlough
rules, but was
abrogated by the
Honble Court No 10
G. Feb 1857. Gazette
page 362.

Persons not in the
Military Service -
page 192.

Office Establishments
page 196.

Executive Engineer of the Division to which
they are attached.

Chap XVII p. 7. Leave in excess of one month
in the year to Uncovenanted Officers and
Subordinates will be granted under the rules
applicable to the Uncovenanted Service in
generally, which are given in Appendix III

Chap XVIII Sec. I p. 3. Every clerk or other
person employed in a Public Office, who
may be absent from his duty without
leave from the head of the Office, except
in case of sickness, shall forfeit his
salary for the period of such absence, or
may at the discretion of the head of the
Office, be permitted to make up for his
non-attendance by working beyond the
ordinary hours.

Persons absent on the plea of
Sickness must produce a Medical Certi-
-ficate of their inability to attend, if
called upon to do so. In every such case
a Medical Certificate shall be required
when the absence extends over more than
three days.

5 In case the absence extends over one month, the person shall be considered on leave on Medical Certificate, and his salary will be subject to reduction under the rules referred to in Chapter XVIII.

25. Besides the above it is provided that Executive Engineers when sending in their monthly bill for an Establishment, shall attach to it a Statement showing the persons who were "on leave of absence during the month." "Casual leave for a few days in cases of sickness need not be inserted, unless it be in excess of 15 days during the current official year." pages 122 & 1257.

26 The whole of the Rules are based upon those given in the Bengal Notification of the 17th June 1856, and it is desirable for the sake of uniformity that the same course should be followed at this Presidency, more especially as the Government of India appear to be very particular and stringent in the application of

* See Govt. 3rd March 1857. No. 69.

of the Rules when the privilege leave is exceeded.

27. For this purpose it will be necessary in the first place that the following orders should be cancelled.

Ex: M. C. 2nd July 1856, No. 1083, vesting in the Chief Engineer the power to grant three days casual leave irrespective of privilege leave.

Ex: M. C. 2nd February 1857, No. 240, vesting in the Chief Eng^r the power to grant one month's privilege leave.

Ex: M. C. 16th June 1857, No. 1161 authorizing the Chief Eng^r to grant leave beyond one month to persons whose salaries were less than 100 Rupees.

Ex: M. C. 28 January 1858, No. 159, extending the indulgence of three months cumulative leave to all officers of the Public Works Department.

28 After this is done it will be necessary to explain that the Rules regarding leave applicable to the Public Works Department are those contained in the Notification of the 27th January 1857 and

and in the Resolutions of the Govern-
ment of India dated 31st July 1857
No. 3900, and 21st June 1858 - 82, and
that under those Rules and orders, the
power to grant one month's privilege
leave is conceded to the Chief Engineer
and that all leave for periods extend-
ing beyond one month, will, so far
as it relates to persons in the profes-
sional department, be granted by
the authority under which the appoint-
ments are made.

29 It might be added in confor-
mity with the Bengal practice, that
casual leave is only intended to meet
cases of sickness in office Establish-
ments, and that leave for a few days
in such cases of sickness may be granted
unless it be in excess of 15 days during
the current official year when the leave
will count, as part of the two years
allowed by clause of Sec. V of the Un-
convenanted Service Absentee Rules.

30 With this exposition of the
principles

principles on which leave of absence should
be granted, the Chief Engineer might be
requested to draw out a circular, elaborat-
ing the rules as has been done in the
Bengal Code and submitting it to Govern-
ment for approval.

31 It may be supposed that these
orders may entail much trouble and
correspondence on the Government; but
it must be remembered that the Public
Works Department is not like other bran-
ches of the service where arrangements
may be made without difficulty for
supplying the place of the absentee; it is
a professional department, and the
Government cannot well afford to
grant extended leave to such without
risk of inconvenience or incurring
extra expense. The grant of a month's
privilege to all officers of the Depart-
ment is as much as will be needed,
and the power to grant this leave being
vested in the Chief Engineer, the
Government will be relieved of
the

[illegible]

The papers current & in the hands of the present are
all we have to do is to declare the rules of the Brazil S.P.W.
on matters of law applicable to the Rest & to publish those
sec^{ts} of necessity in "more" together - they are good & definite &
clearly put & rather an improvement than otherwise in ours
It seems hardly worth while to alter the terms of association leave it
mid 3 years for 90 to 100 days, kind of the up a home of the S.P.W. did not
find a seat at liberty to concede the indulgence, kindness, which self ought we to have
done so. But is to marginalize the Brazil rules in their entirety. Wg

1/10/58

what is referred to in
course of para 4. Page 6
The rules of the Keeford
who must be altered
in their wording
to suit this point -

[Signature]

P.W.D.

No 2314

Extract from the Minutes of Consultation

Under date the 3^d ^{July} ~~October~~ 1858.

Read the following

Papers.

Extract from the Proceedings of
the Honble the President of the
Council of India in Council
in the Financial Department.

(Here enter 15 June 1858 No 3155)

From the Offg. Chief Engineer

(Here enter 25 September 1858 No 4017)




Q1 In their proceedings
of the 28th May 1858, the Govt^{some}
of India notice with previ-
ous correspondence on the
same subject with the
Honorable Court of Directors,
the order passed by this
Government on the 28th May
1858, No 159, recorded in cons.
2^d February 1858 No 30-31,
extending

23rd July 28th Sep: R4 Oct 25th 29th

extending to the Officers
of the Department Public
Works the ~~trivial~~
indulgence of 3 months
cumulative leave ^{after 33 months continuous service} under
Sec: ~~XII~~ of the Civil and
absentee Rules.

2 ^{It is noted in}
^{as appears from}
para 4 of the above proceed-
ing ^{that} Sec: ~~XIX~~ of the Civil
-mounted Civil Service
absentee Rules ^{which} was
framed in ^{strict} accordance with the instructions conveyed
to the Honorable Court's
Dispatch of the 5th of April
1854, ~~and~~ prescribes that
military Officers in civil
employ shall be subject
to the same Rules as
Officers holding military
staff appointments; ~~that~~ and shall equally with
the latter be restricted

in respects
~~is a~~ cumulative privilege
leave ^{to} of 60 days in each
year.

3 From para 2 of
the same proceedings, it
would appear that in
their Dispatch of the 16th Feb'y
1858 to the Government of India,
the Honorable Court have
expressed a different view.
alluding to the 60 days cumu-
lative leave granted to
military Officers on staff
employ in the Peshwar
valley, being extended to the
Trans Indian territories, they
say, that they "do not consider
that this privilege should
be allowed to any military
Officers in civil employ who
while holding civil appoint-
ments, must abide by the
regulations of the civil service
in this respect," that is, one
month

month in each year, or a
cumulative leave of three
months after 33 months
continuous service.

The Government of
India observe that though the
order of the Madras Govt.
dated 28th January 1858 seems in
accordance with the Honble
Court's views contained in
their more recent Despatches
noticed in the proceedings
paragraph, yet it is not in
keeping with the orders
communicated in their
previous despatches of the
5th April 1854. The Govern-
ment of India propose
to address the Honorable Court
for definite instructions,
and until the result of
this reference is ^{made} known
^{to this Govt.} their order of the 28th Jan^y 1858 No 159
will continue in force.

The

5 The proceedings
of the Government of India
have however now opened
up the whole question
of "Leave" in the Depart^t of
Public Works, and the
Government find from a
consideration of the papers
before them, and of
others recorded in their
Proceedings, that great un-
certainty and confusion
prevail in respect of
this question. The
officiating Chief
Engineer appears to
have granted at different
times leave of absence
to persons in the
Department of Public
Works for periods varying
from

from 2 days to 2 months
under the designations
of 'casual leave', 'pri-
vilege leave', 'commutative
leave', and 'leave on cer-
tificate', and he has quoted for his
authority, the Notification
of the Government of
India of the 6th February
1857; the G. O. of the 3rd
February 1857; Section XII
of the Civil Absence
rules; Section VII of the
unrenewed Service
Rules; and the orders of
this Government of the
2nd July 1856, No. 1083, and
28th January 1858, No. 159.
Colonel Launford
now asks in his letter
of

57
of the 27th September 1858
No. 17, whether applica-
tions for leave to the
Warrant grades of the
Department Public
Works should be sub-
mitted to Government, or
be disposed of by him
under Extract Minutes
Consultation 16th June 1857.
It seems therefore
from what has been
stated above, that the
Central office has
no distinct apprehension
of the Rules pertain-
ing to the Public Works
Department, either
in respect of the
nature of the leave,
or of the authority
by

6

In the new Code for the Department of Public Works in Bengal and the North Western Provinces, the Rules respecting "leave" are distinctly laid down, and appear unobjectionable; they do not however allow 3 months cumulative leave, but ~~with this~~ ^{exception}, if they are adopted in Madras, the prevailing confusion will, it is believed, be remedied. In Extract Minutes Consultation 10th September 1858 N^o 1866 the Government required the Officiating Chief Engineer to report in Communication with the Superintending Engineers whether the Bengal Code ~~or~~ might not be extended to this Presidency, and to state the modifications that would be necessary for that purpose.

They

~~For the Madras Code~~

by whom it is to be granted. Some of the confusion and uncertainty is indeed to be traced to the orders of Government and those of the 2^o July 1856, N^o 1083, and 16th June 1857, N^o 1161 are particularly open to question. The order of the 2^o February 1857 N^o 240 also is a repetition of the rule contained in the Notification of the 27th Jan^y 1857, and is consequently unnecessary.

In

They now direct that the Leave Rules which appear in that Code be at once taken up, and made applicable in their integrity to the Public Works Department

in this Presidency, subject to the ^{addition respecting three months cumulative} ~~exception~~ ^{leave after 33 months} ~~retention~~ ^{continuous service, at} ~~before~~ ^{ready notice which} ~~of~~ ^{indulgence will be} ~~the Rules~~ ^{continued provisionally} ~~however appear~~ ^{until the Honorable Court} ~~scattered over different parts~~ ^{order on this point be} ~~of the Code, and it is desirable~~ ^{communicated -} ~~that they should be brought~~ ~~together in one place, and exhibited at one view.~~ Col.

Lawford is accordingly requested to submit as early as possible a draft of the Rules, altering the wording where necessary to suit the circumstances of this Presidency, and showing the alterations in red ink, with side notes of the Pages of the Code whence the

several rules are extracted - such revised rules when approved to The several orders and rules have supersession of all previous rules &

order on the subject

J.P.

10 Orders to the Offg. Chief Engr. Dated 14th
1 - - - - - Mr. J. H. G. G. G.
1 - - - - - Col. H. G. G.

61
rules regarding leave in force at this Presidency - which may require to be abrogated on the introduction of the Bengal Rules, should be also distinctly pointed out.

Cons. 12th May/57 N^o 85488.
 " 16th June " " 114 & 115.
 " 2nd " " " 55 & 56.
 " 2nd Feb^y/58 " 30 & 31.
 Mis. 23rd June/57 " 93 & 94.
 R 14th Sept^r/58 " 1 & 2.

Public Works 1858 Depart^{ts}
 Dy. to Cons. B^o Nov^r

N^o 2314
 Extract Minis. of Cons.
 D^y B^o Nov^r/58

From the Off^{ce} Chief Eng^r 8/9th
 Nov^r/58 C^o 2656 ind. 16

Are of opinion that
 the Bengal Rules regarding
 leave of absence might
 with advantage be extend-
 ed to this Presidency. Re-
 solve accordingly by request
 Col^l Lawford to submit
 as early as possible a draft
 of the rules altering the
 wording where necessary
 to suit the circumstances
 of this Presidency.

N^o 32 at 34.

21st October 1829th