M.R.O. 1—77,006—8-6-37.

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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.
Ar 3/5/59

G.O. No. 1501 Press ~~Mis.~~

5-6.

Dated 30 — 4 — 1859.

Not to be folded or roughly handled

25.5.38

Proceedings of the Madras Government-Public Works Department, from 30th April to 3rd May 1859.

No. 5. Read the following Extract from the Minutes of Consultation in the Military Department, dated 4th April 1859, No. 1276.

Observing that Conductor James is apparently entitled to retain his appointment in the Department of Public Works during absence on Medical Certificate, under the new furlough regulations and communicating a letter from the Adjutant General of the Army regarding the case of the said Warrant Officer, in view to the orders removing him from his appointment in that Department, being re-considered. (Vide Military Consultation, 5th April 1859, Nos. 22-23.)

No. 6. ORDER THEREON, 30th April 1859, No. 1001.

By an order dated 24th August 1858 No. 1704, Conductor James was removed from the Department of Public Works on the ground that he was unfit for the duties of that Department. This course was adopted, for two reasons ; first because Conductor James had at the time been a year on sick leave without any benefit to his health ; and secondly because the Officiating Chief Engineer had represented on the report of Acting Superintending Surgeon Kellie, that Mr. James would never be fit for any duty requiring exposure to the sun. No reason appears for revising that order.

(Signed) J. D. BOURDILLON,
Secretary to Government.

My Dear Frank

As it is not stated in G.O. that Lord James obtained leave under the Regulations of 1854 he was brought under the provisions of the old Regulation, by which he forfeits all Pay & Indian allowances from the day of Gunbarrel Station — As however as Officers have got obtained leave under the new Regulations

allds entitled to it—
strange that the proceedings of Comm is not stated in the Gazette—

I would also inform you that James was removed from his appointment in the D of Wards consequently drew nothing but his Military Pay and allowances in the July Dispt the whole Bill he forfeits under the

old Regulations while absent on leave Employed Made Journey and Commission the Regulations of 1854 he would be entitled to Pt and allowances for 6 Months

You had better refer to the Civil Audr for to know if he drew any Staff Salary in the Civil Dept at the time he obtained leave if Staff Salary was stopped then he would only entitled to a Gratuity for 6 Months under

The Army Rules 3
1852. —

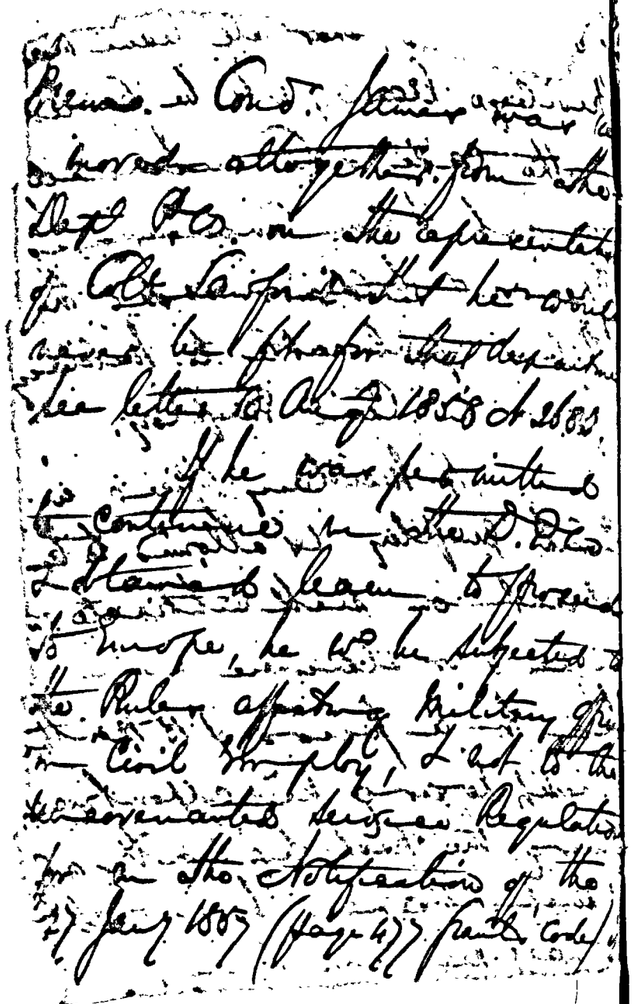
declare, that all leave, privilege leave, will be granted in the case of Commissioned Officers when Convenience of Service & Public Interest will admit in Civil Employ.

A Military Officer on Civil employ is allowed to grant on sick certificate leave for a period of 15 months, during the first 12 months of such absence, he is entitled to half his Civil Salary.

Conductor Skinner was on Service in the D. P. in a Civil Salary of 85 Rs; on half of which he was paid for 12 months. But he was previously absent from

1 July to 31 Dec 1857 = 6 months
2 Feby to 1 Aug 1858 = 6 do.

and on the 1 Oct 1858 he got leave to proceed to Europe for 15 months



MILITARY DEPARTMENT.

No. 1276.

Extract from the Minutes of Consultation, 4th April 1859.

Read letter from the Adjutant General of the Army, 23rd March 1859, No. 281; to the Secretary to Government, Military Department.

With reference to para. 2 of Extract Minutes of Consultation,* No. 1011 dated 15th instant, I have the honor by order of the Commander-in-Chief, to report for the information of Government, that Conductor James embarked for Europe on Medical Certificate on the 21st January 1859, the question of his fitness for further service, will therefore remain to be determined on his return from leave.

* *Observing that the proper course, in the case of Conductor James of the Department Public Works seems to be, that he should be examined by a Medical Committee as to his fitness for active duties.*

2. Since the dispatch of letter No. 157, dated 28th ultimo from this Department, regarding the case of this Warrant Officer, it has been observed, that a Conductor of the Department Public Works in Bengal has been permitted to proceed to Europe on Sick Certificate for 15 months, retaining his appointment in the Department Public Works, vide G. O. G. G. No. 172 dated 11th February 1859, Page 384, Calcutta Gazette.

The Governor in Council observes, that Conductor James is apparently entitled to retain his appointment in the Department Public Works during absence on Medical Certificate under the new furlough regulations.

The proper course for removing the above Warrant Officer from the effective list not having been adopted prior to his embarkation for Europe, the question of his fitness for further service, will therefore remain to be determined on his return from leave.

The foregoing letter from the Adjutant General of the Army, will accordingly be communicated to the Department Public Works, with a view to the orders removing Conductor James from his appointment in that Department, being re-considered.

(True Extract & Copy.)

Ag. Dy. Secretary to Government.

To the Adjutant General.
Department Public Works.

Extract from Mily Dept 15th March 1859 to Mun Cons-

P. Works 1859 Dept
Cons: 3d May
No 874

Extract Mins: Cons: in the Military Dept

Dated 4th apl } 1859.
Recd 9 " } No 1276.

S.P.A: 1001 - 30 April

Observing that Conductor Jones is apparently entitled to retain his appointment in the Dept of P.W. during absence on Medical Certificate, under the new furlough regulations and Communicating to P.W.D a letter from the Adjutant Genl of the army regarding the Case of the said Government Officer, in view to the order removing him from his appointment in that Department being reconsidered.

No 5.

15 April R 21

No. 32. Public Works Dept

Official Memo

With reference to the leave granted to Conductor J. Jones in G. O. dated 1st October 1858, the Secretary to Government requests that the Military Auditor General will be good enough to inform him what allowances the Conductor would have drawn had he obtained the leave while employed in the Department of Public Works, and what allowances he now receives.

Fort St George
6th April 1859

(Signed) J. D. Bourdillon
Sec. to Government

To

The Military Auditor Genl

News on No 46 1671 P.W.D.

Q1. The Royal Notification of the 17 June 1856 contains a provision for affording Military Promotion to deserving Non Commissioned Officers employed on the D.P.O. The principle upon which promotion is to be made, is to begin with Sergeants employed in the D.P.O. Sergeants of not less than 8 years standing & not less than 18 years service in the Army (including departmental services) are eligible for promotion to Sub Conductor, from which grade Sub Conductors Warrant Officers would in turn rise by seniority on vacancies occurring. But no Warrant Officer could be promoted to a higher grade until he had served 2 years in the grade below.

2. Before the Rule could be considered & extended to the Presidency, the Chief Engineer Bengal & Upper Provinces asked on the recommendation of the Chief Engineers to several Non Commissioned Officers employed in the P.W.D.

Gazette for 1857 Page 865 Vol II

See No 4800 of 1858 Vol II

although any regard to the principle
inculcated in the Bengal letter
of 14 Dec 1857 No 227 the irregular promotions to
Sergeant, for not only were deserving
Corporals passed over, but Sergeants
were promoted to the rank of
Colr Sergt. of Ordy. without
having served through the intermediate
grades. This error was pointed
out to the Govt of India, who allowed
the irregular promotions to stand
but directed that future promotions
should be made in strict accordance
with the Rules. At this it became
the present duty of the Bengal Govt to
Vide Govt of India letter dated 16 Aug 1858 No 2683.
Govt of India letter dated 26 March 1858 No 547.
sanction the promotion of Sergeant James who
was one of those who had risk attained
the rank of Conductor
although passed through the
intermediate grade of Sub Conductor
Mr Johnston appeared in a
G. O. No 149 dated 21 May 1857.
from a letter written by Lieut
Colonel Lawford Offg Chief
Engineer the State of

health was brought to the notice of Govern-
ment. It was explained that Mr James had
Vide Govt of India letter dated 24 Aug 1858 No 1054.
sick leave from 1st July to 31 Dec 1857, and
again from 21 Feby to 7 Augt 1858; and
that at the date of the
letter of the 16 Augt 1858, he was an
inmate of the Lunatic Hospital.

5. On this representation
the Govt directed that the
State of Mr James health should
be kept in view for the future, and
if Govt India Letter dated 6 Sept 1858 No 1437.
Hyderabad do 6 Sept 1858 No 1437.
do do 6 Oct 1858 No 2857.
L. M. C. 11 Dec 1858 No 2679.
he recovered sufficiently by January
next to resume his duties, he should
be restored to his appointment of Assist
Executive Engineer on the 24 Augt
1858.

6. Mr Reid
who was Acting Conductor James promoted
to the rank of Conductor from being
a Corporal without passing through
the intermediate grades of Sergeant
& Sub Conductor, attained employment
in the Hyderabad department of
Public Works. On the
Offg Chief Engr bringing to the notice
of Govt that by the removal on
the warrants as Conductor had become
vacated "the appointments were
"designated exclusively for the Madras
"dept P.W." but on behalf of Conductor
James who had on the intermediate
Leave granted on the Medl Certificate
Mercy dept 1 Oct 1858
attained sick leave to Europe for 18 months
on Medl certificate he enquired

whether their Offices was also
to be "borne on the effective
list of the Warrant Grades
of the D.W.D." and whether
individuals appointed to act
for them during their absence
and also if in the event
of their return to India they
were to be provided with the
Civil Appointment of Overseer
which they formerly held.

7. Col Commanding 4th
Dist Offg Chief Engr states that the transfer
of Conductor Reid to Hydrabad Pro
one of the Warrant had
become Vacant in that deptt but in
the expansion of
expect to Conductor James
they stated they were list in
a position to place any
or door as Col Crawford had
expressed his opinion on
the matter. As regards the
Civil Appointment, he remarks
that as Cond James was
removed from the Dept his
appointment must be held
to be permanently vacated &
he be deprived of unexpected
of those Considerations.

8 Lastly the Offg Chief
has communicated his

from Col Crawford 15 Dec 1858 No 6339

opinion that it would be desirable
to allow Cond James to retain
his rank & stay as a
Warrant Officer during his
absence on such Certificate
"and then being appointed to
"act for him on the forfeited
"portion of his salary" agreeable
to the usage of the Service in
other departments, & that on
his return to India he shall
be reappointed on the first
Vacancy to his former Grade
of Overseer in the D.P.Co. Rule
be added of Cond James is
be invalided or pensioned
the person acting for him
in the Military Grade will
as a matter of course be
-come permanently appointed
Col Crawford urged as for that
the Warrant Officers of the
P.W.D. should have the same Pri
-vileges, rights & status
in the Service as those in
the Ordnance & Commissariat
departments, & he suggested
that the Chief Engr should
be authorized to recom
mend eligible men

See No 4800 of 1858 Pol Dept

Conductors Peons in the D.P.O. for temporary employment as Acting Warrant Officers whenever any members of the permanent strength may be absent on leave in India or Europe.

9. The G.G. in Council on the 6 June 1859 that as Cond.rs had been removed from the D.P.O. & her Cadet Officiating Warrant declared permanently Vacant. The question at issue was whether by that Circumstance a Conductor Warrant had been set free in the P.W.D. whether it was available for parties who from their services in that Dept were entitled to promotion. Pak on the ground the Offg Chief Engr expressed his opinion but had referred to matters connected with the warrant rules on which the Govt. said that they were not prepared to pass orders beyond requesting the Chief Engr to follow the Rules of the Bengal P.W. Code

regarding the warrant Rules. The Correspondence was referred to the Military Dept. with the view of ascertaining whether under Military Rule Cond.rs Peons P., under the Circumstances of their removal from Active employ in the D.P.W., be allowed to retain their Warrant.

10. The two papers on which the Peons has been prepared in reply to the above requisition & Call for the Orders of Govt.

11. The next letter No 146 & from the Chief Engr. He quotes the Rules in the Bengal P.W. Code & says that if there had been published in the Gazette they would have secured to Conductors Peons and others the rule herein of the eighth convened on the Warrant Orders in Bengal & the difficulty in Col Crawford's letter of the 4th Dec 1858 would have been obviated. Col Baker admits that there is no precise rule on the subject of Acting appointments, but he quotes

* Note. This was kept back awaiting the receipt of the reply to the reference made to the Mily Dept.

* To the effect that Conductors Peons retain their rank & pay as a Warrant Officer during their absence on sick leave & another appointed to act for him on the proportion of his salary.

the practice in the other depts.
I think that a similar Order
sh. be introduced in the W.D.
especially as by the Bengal
Rules "the allowances of warrant
Officers absent on leave are
to be regulated by the same
Rules as apply to Commissioned
Officers similarly situated."
He represents the hardship which
under the present practice
will be sustained on leave
of the Artillery or Infantry
Subaltern the Department
as Cornet or Private, the
Legislature can never hope
to reach the warrant
grade. Finally he forwards
a draft of Rules for the
Presidency, for the separate
consideration of Lieut. Auth-
-orities & Secretaries
of St.

12. The second letter
No 671 dr an D.W.O -
from the Mily dept stating
that Conductor Jones cannot
be deprived of his warrant
and that suggesting an

Note. From the Correspondence which
has arisen in the Mily dept. previous
to the grant of leave to Cond. Jones
it appears that the Govt of
the Army held the Opinion that
without abrogating the removal of warrant
Officers from the Civil Appts in the
D.W.O they still maintained
their warrant in that dept
See Ab 4800 of 1848 Mil. Dept

the proper course that a Medical
Committee sh be held on
the Conductor, by ground
of unqualified. probable
future, that their sh. charge
to Pension with his warrant
wd follow under Regulations
B. There two papers do
not still touch upon the main
question which requires to
be decided in the Dept W.O.
That Question is whether by
Cond. Jones removal from
his Civil Appt in the D.W.O.
his warrant is forfeited to
for other in the same depart-
-ment. It is clear that Cond.
Jones cannot be deprived
of his warrant. he is no
longer in the D.W.O, he is
merely a Military man
and the further Question
which now arises is does
the burden of his warrant
fall on the D.W.O or on
the Military. It should
not fall on the D.W.O as
Cond. Jones is no longer
a Member of that Service
but under the Warrant he

become in the Mily Dept.
and arrangements made
for promoting another in
the Subaltern Dept. to act
for the Absentee.

14. Returning to Col
Tatem's letter No 61 in which
he says that had the Bengal
Rules been promulgated
at the Presidency at the
time he came to Calcutta
he would have had the full benefit
of the Rights conferred on
the Warrant Holders in Bengal
& the object sought for Col
Lawford's letter of the 15 Dec
last would have been obtained,
it is to be observed from
the position which the Question
has assumed, that no Officiating
Appointment in
the R.O. D. could be made
in succession to Col Tatem
for these two reasons.

1st. That Col Tatem no longer
belongs to the R.O. D. and
the Question was, as it
stood, to be decided with

reference to the Vacancy of a Warrant
Holder in the R.O. D.

2nd Even if Col Tatem
did belong at the time to the
R.O. D. an Acting Appointment
could not be made, there was
no one in the Dept of Officiating Standing entitled
to promotion, at most one
had served two years in
his last Warrant to entitle
him to look forward to the
Rank.

15. It might be added herein
that the Bengal Rules make
no specific allusion to Acting
Appointments of Warrant Holders as
admitted by Col Tatem himself
but it is for the Govt to consider
whether the System of Acting
Appointments can be introduced without creating
Confusion or inconvenience.

16. In the draft Rules
prepared by Col Tatem in relation
to Warrant Officers, the points
are marked to show in
what respects they are dif-
ferent to the Bengal Rules
It will be seen that Col Tatem
has introduced a Rule regarding

* Vide Rule quoted
in foot of this page.

letter appointment which does not exist in the Bengal Code.

7. It is only necessary on this occasion to remark in reference to the rules communicated in the Military Letter that as Civil Surgeons it has been usual in the Medical Committee to pronounce on the qualifications for appointment to Military Duties, should be appointed to the Military Department.

Fort William 4 April 1809.

Public Work Dept.

Resolution of the Government of Madras
~~Extract from the Minutes of Consultation~~
Under date the 30th April 1859

Read the following
Extract Minutes Consul-
tation in the Military
Department

(Here enter 4th April/59 No 1276)

By an order dated
21st August 1858 No 1704 o
Conductor James was
removed from the Depart
of Public Works on the
ground that he was un
fit for the duties of
that Department. This
course was adopted, for
two reasons; first because
Conductor James had
at the time certain year
on

on sick leave without
any benefit to his health;
and secondly because
the Officiating Chief
Engineer had represented
in the report of Acting
Superintending Surgeon
Kellie, that Mr James
would never be fit for
any duty requiring expo-
sure to the climate
reason appears for
rescinding that order

To Capt to the Chief Engr
with E. Mr. Respectfully
&c &c
Chief Military Depot

Public Works 1859 Dept.
Cons: 5th May.

No 1001.

From the Madras Govt.
Dated 30th April 59.

No reason appears to
revise the order removing con-
ductor James from the Public
Works Department.

No 586.

615 April 21st