M.R.O. 1—77,006—8-6-37.

(1) Number of pages 10.

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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 756 Press / Mis.

64.66

Dated 11-4 — 1860

Not to be folded or roughly handled

5/11/38

No. 64. Read the following Report A. from Lieutenant-Colonel J. J. LOSH, Military Auditor General, to J. D. BOURDILLON, Esq., Secretary to Government, dated 2nd April 1860 :—

The Military Auditor General has the honor, in submitting the letter noted in the margin, to state that under Regulation, as interpreted by the Resolution of the Honorable the President in Council, published in G. O. G., 19th February last, No. 57. Lieutenant-Colonel Boileau, District Engineer, Godavery, appears entitled to one month's privilege leave only, as he only resumed his Civil appointment in August 1858; and to earn three months' privilege leave it is necessary that an Officer should have served 33 months continuously in the Civil Department alone.

Letter from the District Engineer, Godavery District, to the Deputy Chief Engineer, Northern Circle, dated 22nd March 1860, No. 205.

2. If the time during which Lieutenant-Colonel Boileau was detached on temporary Military duty in Persia*, and afterwards in Central India†, still remaining attached to the Civil Department, and drawing moiety of Civil Salary, could be allowed to reckon, his application for 3 months' privilege leave might be admissible ; but the Military Auditor General does not see how Colonel Boileau's service in the Military Department, temporary though it was, can be allowed to reckon in an application for cumulative leave under the Civil Rules.

*G. O. G. 13th January 1857.
†G. O. Government of Bombay 2nd September 1857 No. 804.
G. O. Government of Bombay 4th January 1858, No. 4—7.

No. 65. ORDER THEREON, 14th April 1860, No. 756.

Under the above report, the Government grant one month's privilege leave to Lieutenant-Colonel Boileau, District Engineer of the Godavery District; with respect to the other two months applied for, they resolve to refer the question to the Government of India, whether the Rule cited by the Military Auditor General applies to an Officer temporarily withdrawn from Civil employ by the exigencies of the Public Service.

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

No. 66. Ordered in consequence that the following letter be dispatched :—

From J. D. BOURDILLON, Esq., Secretary to the Government of Fort Saint George; to Captain C. H. DICKENS, Officiating Secretary to the Government of India, D. P. W., dated 14th April 1860, No. 757.

Lieutenant Colonel Boileau, District Engineer of the Godavery District, has submitted an application for three months' cumulative privilege leave under the Rules applicable to the Uncovenanted Service, agreeably to the terms of paragraph 9 of the Public Works Notification, dated 27th January 1857. The last occasion on which Colonel Boileau obtained leave of absence, being for thirty days, was in November 1856;* but in the interval he has been withdrawn for Military duty, at first with the field force in Persia, and subsequently in Central India. Having returned to Civil duty only in August 1858 he cannot reckon a continuous service of thirty-three months in Civil employ between his last leave and present application, and the Military Auditor General has objected to the cumulative leave, and declares Colonel Boileau entitled to privilege leave for only one month.

* Fort Saint George Gazette, 11th November 1856, page 716.

2. The Military Auditor General bases his objection on the Resolution of the Honorable the President of the Council of India, dated 6th January 1860,† Financial Department, in paragraph 2 of which it is declared that "when it was laid down that two or three months' accumulated "privilege leave could be granted, under the Civil Rules, to Military Officers in Civil employ, it "was intended that such leave should be earned by continuous service of the required number of

† Fort Saint George Gazette, 10th February 1860, page 209.

"months in the *Civil* Department alone." It appears, however, from the context that this Order was passed on the case of an Officer transferred from Military to Civil employ. Colonel Boileau on the other hand was taken from Civil employ, for the exigencies of the public service, to go on duty in the field; and while he was so withdrawn, he continued attached to the Civil Department, and drew moiety of Civil salary. This Government doubt whether the Government of India intended to pass an Order which would operate to the injury of an Officer so circumstanced; and as they think that it would be hard to apply the Order to Colonel Boileau's case, they therefore direct me to submit the question for the Orders of the Government of India.

No 1815

Submitted to Government thro' the Military Auditor General with the recommendation of the Chief Engineer that cumulative leave of absence for three Months may be granted to Lieutenant-Colonel A. Boileau District-Engineer of Godavery.

Central Office 29th March 1860

Colonel
Chief Engineer

To

The Secretary to Government
thro' the Military Auditor
General

Dowlaiswaram
22nd March 1860 5

No 205

From

The District Engineer.

Godavari District

To

The Deputy Chief Engineer

Northern Circle

Sir I have the honor to request you will be good enough to submit this my application for three months Commutation Privilege leave under Sections 10 & 11 Ch XI Act A. Manual

2 The last occasion on which leave of absence was granted to me was in December 1856. Vide Fort Saint George Gazette No 3074 dated 11th November 1856.

3. As I am informed that the freshes do not ordinarily come down till the End of June or Even the beginning of July I should hope to be back in time for them.

4 I propose however to make over Charge of the District temporarily to Captain Maddard whose acquaintance with it is in fact much greater than my own, and who would well understand how to act in case of an Emergency.

5 Of the two Ranges now in charge of

Captain Stoddard I propose as a temporary measure to entrust Lieut Haguay with the Luginupurly Range and Mr Ouseley with the Colaramunchendra Purnea Range - This latter Officer is I understand in every way qualified to manage the Executive duties of a Range

6th Mr J. D. Harris ouseley would act as he did on a former occasion in the Western Delta when Captain Greenaway was acting for Captain Rundall.

I have the honor to be
Sir
Your most obedient Servt

Godaveri District
22d March 1860.

A Boileau Lt Col
Dist Engineer Godavery District

Bd of Wks
No 832/60.
Dated 15th May 1860

Rec'd 22d March 1860
No 205
Endorsed to
Superintg Engr for
3 months Commutation
Privilege Leave

From the Chief Engr & Secy
To the Supdg Engr
Godavery District

Rec'd 26th March 1860

Submitted for Consideration

7

A

To the Military Auditor Genl

Letter from the District Engineer Godavery District to the Do. Collr No 205 dated 22d March 1860

has the honor, in submitting the letter noted in the Margin, to state that under Regulation, as interpreted by the Resolution of the Honorable the President in Council, published in G. O. G. 10th February last No 67, Lieut Colonel A Boileau, District Engineer, Godavery, appears entitled to one Months privilege leave only, as he only presumed his Civil appointment in August 1858, and to earn three Months privilege leave, it is necessary an Officer should have served 33 Months, continuously in the Civil Department alone.

2. If the time during which Lieutenant Colonel A Boileau was detached on temporary Military duty in Persia, and afterwards in Central India, still remaining attached to the Civil Department, and drawing moiety of Civil Salary, could be allowed to reckon, his application for 3 Months privilege leave might be admissible, but the Military Auditor

G. G. O. 15th Jany 1857

G. G. O. Bombay 2d September 1858 No 805

G. G. O. Bombay 4th January 1858 No 17

General, does not see how Colonel Boileau Service in the Military Department, temporar, though it was, can be allowed to reckon in an application for Cumulative leave under the Civil Rules. —

Fort Saint George
2d April 1866.

99 Soth. Lieut Col
Military Aud Genl

To
The Secretary to Government
Revenue Deptt.

P. W. 1860 Sept.
Pro: of Govt 20th April.
N° 832.

From
The Military Aud.t Genl
To
The Secretary to Govt
Revenue Dept

Dated 20th April 1860
Rec.d 23rd
N° 1756. 14th April.
Transmits Govt of India D/5th Inst. 166 Cal. 1533 with Rs 25 Amount enclosed & returned 15-5-60

Submits an application from Lieut.t Coll.l H. Boileau Dist.t Engineer Godavari District for 3 Months Cumulative privilege Leave, and states that under Regulation he is entitled to one months privilege Leave only as explained within

N° 64 & 65

N° 756.

Under the above re port, the Govt grant one months privilege leave to Lt. Coll.l Boileau, District Engr of the Godavery Distt; with respect to the other two months applied for, they resolve to refer the question to the Government of India, whether the rule cited by the Military Auditor General applies to an officer temporarily withdrawn from Civil employ by the exigencies of the Public Service.

Fort St George
14th April 1860

10 Copies
To Chief Engr Dispt 16/10
1 " Milty Audr Genl
1 " Copy to Lt. Col.l Boileau Dispt 14