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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.
Cor 20/4/60

G.O. No.	757	Press
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<i>66</i>	Dated	<i>11-2-1860</i>

Not to be folded or roughly handled

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11/11/38

PUBLIC WORKS DEPARTMENT.
Public.

FORT SAINT GEORGE,
14th April 1860.

No. 757.

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.

SIR,

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being for thirty days, was in November 1856;* but in the interval he has been withdrawn for Military duty, at first with the field force in Persia, and subsequently in Central India.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.

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 "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was taken from Civil employ, for the exigencies of the public service, to go on duty in the field; and while he was so withdrawn, he continued attached to the Civil Department, and drew moiety of Civil salary.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.

I have the honor to be,

Sir,

Your most obedient Servant,

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

Exd. Wm. Thomas.

the field force in Persia, and

9 Copies
Dispt. 17

Public Works Dept.

W 757

The Secretary
Govt of India,

Sir,

St. Col. Boileau, District
Eng. of the Godavery District, has
submitted an application for
three months cumulative pri-
vilege leave under the rules
applicable to the uncommissioned
service, agreeably to the terms
of para. 9 of the Public Works
Notifications dated 27th Jan^y 57.
The last occasion on which ^{Colonel Boileau} ~~he~~
~~had~~ obtained leave of absence,
was in ^{being for thirty days, having}
been in November 1856; ~~then~~
in the interval he has
~~the same leave however, since~~
Col. Boileau had been withdrawn
for military duty, at first, with
the field force in Persia, and

* Fort St. George Gazette, 11th Nov 56
page 716.

Subsequently, in Central India, ^{being returned to} ~~the collection of~~ civil duty only in Aug 1858 ~~because~~ ^{so that} he cannot reckon a 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 Col Boileau entitled to privilege leave ^{for} only one month, as ~~he did not resume his civil duties until August 1858.~~

2. The Military Auditor General bases his objection on the interpretation put on the Rules by the Resolution of the Honble the President of the Council of India, dated 6 Jan 7/60, ^{Finl Dept} in para 2 of which it is declared that when it was laid down that two or three months

What Dept?
Financial Dept.

* Fort St. George Gazette, 10 Feb/60, page 299.

* It appears however from the context that this order was based on the case

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 months in the Civil Dept alone. ^{2x} ~~It is~~ ^{the} ~~case~~, apparently, refers to the case of an officer transferred from Military to Civil employ; ^{but Col 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 Dept and drew moiety of civil salary. This forbids doubt whether the Govt of India intended to pass an order which would operate to the injury of an officer in such circumstances; and as they think that it would be hard to apply the order according to the view of the Military Auditor

Good to let Boileau's ^{case} they
therefore direct me to submit
the question in the orders of
the Govt of India.

To Govt of India
At Boileau's house

[Signature]

Govt of India
16th April 1900

Sir -

Yours faithfully
J. H. ...

Public Works 1860 April
No. of Govt 20 April

210757.

To the Offr Secretary
to the Govt of India.

27th April 1860.
From - 8th Volume 60.
C 1521533 indr.

Submitting a question
with reference to the applica-
tion of Col. Bailey
District Engineer Godavari
for 3 months' cumulative
Sickleave leave.