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MADRAS RECORD OFFICE.

Government of Madras.

Public Works **DEPARTMENT.**

G.O. No.	1334	Press Mis.
228-229		
Dated	12-6-	1862.

Not to be folded or roughly handled



Proceedings of the Madras Government, Public Works Department, 12th June 1862.

No. 238. Read the following :—

CIRCULAR No. 36 of 1862.

Extract from the Proceedings of the Government of India, in the Financial Department, No. 2,231, dated 15th March 1862.

Read the following papers regarding several points connected with the Absentee Rules of the Uncovenanted Service :—

Office Memorandum from the Public Works Department, No. 1,821, dated the 28th May 1861.

Endorsement to Officiating Civil Pay Master, Fort William, No. 6,747, dated the 6th June 1861.

Report from ditto, dated 13th June 1861.

Resolution passed in this Department on the 27th June 1861, No. 8,155.

Office Memorandum from Public Works Department, No. 80, dated the 7th January 1862, with enclosures.

Endorsement to Civil Pay Master, Fort William, No. 821, dated the 7th February 1862.

Memorandum from ditto, dated 15th February 1862.

Resolution.—Mr. A. G. Crommelin, an Uncovenanted Officer of the Public Works Department, holding the appointment of Executive Engineer on the Baree Doab Canal, obtained leave to Europe on Medical Certificate under an Order of this Government, dated the 12th December 1858, and reported his departure from India on the 7th March 1859. While in England, he was allowed extensions of leave by instalments for another year, which carried his leave up to the 7th March 1861. But having, with the permission of the Secretary of State, left England to return to India viâ Bombay by a Steamer of the 12th February 1861, he did not arrive in Bombay till the 15th March following, i. e., eight days after the expiration of his leave. By an order of the Government of the Punjab, dated the 25th April 1861, which was subsequently confirmed by this Government, he was appointed to officiate as Controller and Examiner of Public Works Accounts in the Punjab, and he reported his arrival at Lahore on the 27th April 1861.

The Public Works Department, in reporting these circumstances in May last, enquired whether special leave on one-third allowances could be granted to Mr. Crommelin for the period occupied in travelling from Bombay to Lahore, and was informed in reply that, as Mr. Crommelin had exceeded the leave granted to him under Section V of the Absentee Rules of the Uncovenanted Service, he was "not entitled to any special leave that would carry allowances with it."

Mr. Crommelin now enquires whether the period between his landing at Bombay and arriving at Lahore (viz., from the 15th March to the 27th April 1861) may be allowed to count for pension, and solicits orders as to whether any retrenchment should be made in the case of Mr. Purdon, another Uncovenanted Officer of the Public Works Department in the Punjab, who, with the sanction of the Secretary of State, exceeded his sick leave for two years by two months, and was allowed special leave to rejoin his appointment for two months more, during which he received half salary.

The Public Works Department, in referring Mr. Crommelin's enquiry for consideration and orders, raises the following general questions connected with the grant of leave of absence to Uncovenanted Servants :—

1. To what allowances is an absentee entitled during the third year of sick leave?
2. What is the correct construction of the passage in the Resolution passed in this Department, on the 14th October 1857, declaring that an absentee on special leave is entitled to the rates of allowances granted under clause 3 of Section V of the Absentee Rules (cited in the margin) ?

"During one year of the entire period of absence under "this rule, the absentee will be subjected to a deduc- "tion of one-half, and during the remainder, to a "deduction of two-thirds of his allowances, provided, "however, that he shall in no case draw a larger sum "than Rupees 6,000 (£600) per annum."

3. Is the permission given to an Uncovenanted Officer by the Secretary of State to return to his duty a mere formality, or does it entitle him to retain his appointment; if he exceeds his leave; and, in the latter case, does the excess and the time occupied in joining count towards pension?

The Civil Pay Master, Fort William, whose opinion on the subject was called for, replies in regard to the case of Mr. Crommelin, that "when an Uncovenanted Officer forfeits his "appointment by overstaying his leave, he is not entitled to special leave, inasmuch as he has no "appointment to join, consequently the period intervening between the date of Mr. Crommelin's "return to Bombay, and that of his assuming charge of his Office at the Punjab, cannot count "as service qualifying for pension."

With reference to the first and second questions raised by the Public Works Department the Civil Pay Master reports that an absentee, during the third year of sick leave, is entitled to one-third of his salary, and during special leave to one-third or one-half, according as the period of his absence on sick leave shall or shall not have exceeded twelve months; and that it is therefore necessary to recover from Mr. Purdon the difference between half and one-third of his salary during the period of his special leave.

His Excellency the Governor General in Council concurs in the views of the Civil Pay Master, and observes, with regard to the third point referred for consideration by the Public Works Department, that the question whether an Uncovenanted Servant, who has the permission of the Secretary of State to return to his duty, is entitled to retain his appointment, depends on the circumstances under which that permission was given. If an Officer merely applies to be allowed to return to his duty on a particular Steamer, without explaining that his leave will expire before he can reach India, the permission of the Secretary of State (which would then be given as a matter of course) cannot be held to imply that it was intended he should retain his appointment contrary to the letter of the rules; but if, on the other hand, the Officer explains to the Secretary of State that his leave will be exceeded, it may fairly be inferred that it was intended that his claim to his appointment should not be forfeited, and in this case he might be held to be entitled to special leave and to count such special leave as service qualifying for pension. Every case, however, must be considered on its merits. No general ruling can be passed.

PUBLIC WORKS DEPARTMENT, FORT WILLIAM, 5TH MAY 1862.

Governments of Madras, Bombay, Bengal, N. W. P., and Punjab.
Governor of Straits Settlements.
Chief Commissioners of Oudh, Central Provinces, and British Burmah.
Commissioner of Mysore.
Resident at Hyderabad.

Copies forwarded for information and guidance to the Local Governments and Administrations marginally noted.

(Signed) A. G. GOODWYN, Lieut.-Colonel
Under Secretary to the Government of India.

To the Secretary to the Government of Madras.

No. 229. ORDER THEREON, 12th June 1862, No. 1331.

Ordered to be recorded.

(Signed) W. H. HORSLEY, Lieut.-Colonel,
Secretary to Government.

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Governor of Straits Settlements.
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A. R. Crommelin Lieut. Col.,
Under Secy. to the Govt. of India.

To
The Secretary to the Govt. of Madras

Pro: 2d March 63 - No 69-70
" 21st December " - 57-52

Pro: 1862 December
" 1861 June

From the Under Secy
to the Govr of India

Dated 5th May 1862
Rec'd 23 "

No: 36

Chepauk R
12th June 1862

No. 1334

Recorded

Enclosing Copy of the
Resolutions of the Govr of
India on the Question of
the Salary of Colonel
Commissioner, on Encou-
-ragement to Officers of the
[illegible] to Limit
[illegible] between the
Expiration of Furlough
and the Resumption of
Duty -

No 238. 239

Pro: 29th May 63