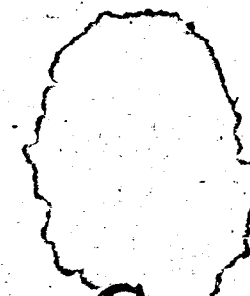


MADRAS RECORD OFFICE.



Government of Madras.

Revenue DEPARTMENT.

G.O. No. 396

Press
~~Mis.~~

436. 437

Dated

23 - 2 - 1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
23rd February 1865.*

No. 436. Read the following Proceedings of the Board of Revenue, dated 4th January 1865, No. 3.

Read again Board's Proceedings, dated 3rd and 12th December 1864, No. 7,770 and 7,964, and Official Memoranda, dated 14th and 16th December 1864.

Read also the following Official Memorandum from R. W. LODWICK, Esq., Civil Paymaster, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Fort Saint George, 17th December 1864, No. 37:—

1. Your Memorandum No. 1,053, dated 16th instant.
2. States that it is well known that the spirit of the Leave Rules for Uncovenanted Servants receiving above 100 Rupees apply to those receiving less, and draws attention to the orders of the Government of India, No. 3,654, dated 10th August 1863, published at page 2,275 of the Calcutta Gazette, dated 12th idem.

2. In reply I am desired * * * * * to draw attention to the orders noted in the margin, declaring that the spirit of the new Leaves Rules should be observed in the cases of Uncovenanted

Servants on less than Rupees 100 per mensem.

(True Extract.)

(Signed) W. DONALD,

Chief Assistant Civil Paymaster.

1. The Board are perfectly aware that the *spirit* of the Rules is to be observed in all cases, and do not consider that it has been violated in the present instance, as it must be presumed that the Collector had good grounds for allowing the second leave; and the grant of half pay in such a case, to a Clerk whose full pay is only Rupees 25, is no extravagant concession. The Civil Paymaster appears to desire to bring these cases within the *letter* of the Rules, from which they are expressly excepted.

2. The papers will be submitted for the orders of Government, as the Board do not consider that the *letter* of the Rules was intended to be applicable to such cases.

Ordered that the following letter be despatched.

No. 437. From J. D. SIM, Esq., Secretary to the Government of Fort Saint George, to the Secretary to the Government of India, dated 23rd February 1865, No. 396.

SIR,

Miscellaneous.

1. I am directed to request that His Excellency the Governor in Council may be informed of the precise meaning of the ruling conveyed in paragraph 2 of your letter to my address, dated 30th November last, No. 3,609, viz., that "the *spirit* of the new Leave Rules should be observed in the cases of Uncovenanted Servants on less than Rupees 100 per mensem."

2. In the instance which led to the above ruling this Government, in dealing with a case of special hardship, remarked that the Leave Rules do not apply *with the same strictness* to officers drawing less than Rupees 100 per mensem as to those drawing that sum or more. From your reply above quoted it would, however, seem that the rules apply with at least equal strictness to all Uncovenanted Officers.

3. Another case has now occurred, in which a Clerk on 25 Rupees per mensem who obtained Private Leave in February 1859, was granted similar leave in March 1864. A moiety of his pay, during the latter leave is available, but the Civil Paymaster objects to its disbursement, because under the rules, a second leave on private affairs cannot be taken by a servant drawing 100 Rupees and upwards until the expiration of six years.

4. The Civil Paymaster, if correct, in fact applies the *letter* of the rules to these officers, whereas the ruling of the Supreme Government seems to imply that it is not the *letter* but the *spirit* of the rules which is applicable. The Governor in Council would be glad, under these circumstances, of a fuller expression of the wishes of the Supreme Government for his guidance.

No. 7,770.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 3rd December 1864.

Read the following letter from A. HATHAWAY, Esq., Collector of Bellary, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Camp Raidrug, 17th November 1864, No. 210:—

1. A Vernacular Clerk of this Office, who had obtained leave on private affairs in February 1859, applied for a similar description of leave, which under a misapprehension was granted in March last by the then Officiating Collector.

2. As the granting of the latter leave is in opposition to the Rules, I cannot expect that the Civil Paymaster will pass the half salary of the said individual.

3. I have the honor, therefore, to request sanction for the disbursement of Rupees 74-12-2,

* Vide Memorandum from Collector, 19th November 1864, No. 212. which is the moiety of pay of the Vernacular Clerk from 14th March, to 12th September 1864.*

The Board sanction the disbursement of the half pay in question, amounting to Rupees (74-12-2) seventy-four, Annas twelve, and Pice two.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To A. Hathaway, Esq., Collector of Bellary.

Copy to R. W. Lodwick, Esq., Civil Paymaster.

Exd. J. Wright,

No. 7,964.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 12th December 1864.

Read the following Official Memorandum from R. W. LODWICK, Esq., Civil Paymaster, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Fort Saint George, 8th December 1864, No. 33:—

The undersigned has the honor to state that the sanction given in the Proceedings of the Board of Revenue, No. 7,770, dated 3rd instant, cannot be acted upon by this Department. The leave granted to the Clerk in question being in opposition to the Rules, no salary can be passed to him for such period of absence, and it is considered that the Board have no authority to order otherwise.

(Signed) R. W. LODWICK,
Civil Paymaster.

The Civil Paymaster is requested to quote the rule which he considers to be applicable to the case in question, and to preclude the allowance of any pay to the Clerk during the leave granted him by the Collector.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To R. W. Lodwick, Esq., Civil Paymaster.

Exd. J. Wright.

*Enrolled. Copy to be
of Rev. to the Civil Paymaster
R. W. Lodwick Esq.*

1864. Department

Rev = 30/65.

No.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 3rd December 1864.

No. 7,770.

Sanctioning the disbursement of Rupees 74-12-2 being moiety of pay improperly allowed to certain vernacular clerk absent on leave from 14th March to 12th September 1864.

Fixed Department
No 36

Fort St. George
Civil Paymaster's Office
14th December 1864.

Official Memorandum.
Board of Revenue's Proceedings
No. — dated 12th Instant.

Para 309 of the Uncovering
ed Service Vade Mecum states,
that leave under Section VIII
cannot be taken till the expi-
-ration of 6 years from the date
of return to duty from a former
leave, any servant therefore
who takes such leave within
that time must be considered
as absent without leave and
consequently forfeits full
Salary

* Old Rules
New Rules Section
XII cl: I

Enquire the No of the B
of Port & the duty & pay
to B. B. dated 4th inst 1863-4

1864. Department.
No. Rev-30/65.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 12th December 1864.
Despatched
Received

No. 7,964.

Requesting to quote the rule considered to
be applicable to the case of the Clerk in the
Bellary District, who was absent on leave.

Salary

Signed/ H. H. Lodwick
Civil Paymaster.

\$

The Secretary to the
Board of Revenue

No 1053.

Official Memorandum

It has always been understood that the Rules quoted in the Civil Paymaster's Memorandum are strictly applicable only to servants drawing Rupees 100 and upwards monthly.

The Civil Paymaster is requested to state under what order the letter of these rules is made applicable to

to the present case which is that of a clerk on Rupees 25, monthly pay

/By order/

Revenue Board Office
Madras.

16th December 1864.

Signed/ W. Rudington
Secretary

/True Copies/

[Signature]
Secretary.

10/10/65
10/10/65
10/10/65

Office of Secretary

Rev-30/65

Enc in the line of the
B of Rev. to the Secy
to Govt. R. D. dated 4th
January 1865 etc 3.

No. 3.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 4th January 1865.

Read again Board's Proceedings, dated 3rd and 12th December 1864, Nos. 7,770 and 7,964, and Official Memorandums, dated 14th and 16th December 1864.

Read also the following Official Memorandum from R. W. LODWICK, Esq., Civil Paymaster, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Fort Saint George, 17th December 1864, No. 37:—

1. Your Memorandum No. 1,053, dated 16th instant.
2. States that it is well known that the spirit of the Leave Rules for Uncovenanted Servants receiving above 100 Rupees apply to those receiving less, and draws attention to the orders of the Government of India, No. 3,654, dated 10th August 1863, published at page 2,275 of the Calcutta Gazette, dated 12th idem.

2. In reply I am desired * * * * * to draw attention to the orders noted in the margin, declaring that the spirit of the new Leave Rules should be observed in the cases of Uncovenanted Servants on less than Rupees 100 per mensem.

(True Extract.)

(Signed) W. DONALD,
Chief Assistant, Civil Paymaster.

1. The Board are perfectly aware that the spirit of the Rules is to be observed in all cases, and do not consider that it has been violated in the present instance as it must be presumed that the Collector had good grounds for allowing the second leave; and the grant of half pay in such a case, to a Clerk whose full pay is only Rupees 25, is no extravagant concession. The Civil Paymaster appears to desire to bring these cases within the letter of the Rules, from which they are expressly excepted.

2. The papers will be submitted for the orders of Government, as the Board do not consider that the letter of the Rules was intended to be applicable to such cases.

(True Copies and Extract.)

W. Hudleston

Secretary.

To J. , Esq., Secretary to Government, R. D.,
with correspondence.

Copy to R. W. Lodwick, Esq., Civil Paymaster.

Exd. J. Wright.

Revenue Department

N^o 396.

The Secretary to the
Govt of India

Sir,
I am directed to request that His Excellency the Governor in Council may be informed of the precise meaning of the ruling conveyed in para 2 of your letter to my address dated 30th November last No 3609 - vizt that "the spirit of the new Scale Rules should be observed in the cases of the contracted servants of less than Rs 100 per mensem."

In the instance which led to the above ruling this Govt is dealing with

By

1 Copy to Do. 14 Feb

W.D.M.

Item = 1865. Department
No. 30.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 4th January 1865.
Sd/-
Sd/-

No. 3.

Sd/- 14th Jan. 25-65

Submitting for orders certain correspondence with the Civil Paymaster regarding the pay to be allowed to a Clerk in the Bellary District absent on leave.

No 436.

2058/1865

with a case of special hardship remarked that the leave rules do not apply with the same strictness to officers drawing less than Rs 100 per mensem as to those drawing that sum or more. From your reply above quoted it would however seem that the rules apply with at least equal strictness to all uncovenanted officers.

Another case has now occurred in which a clerk on 25 Rs per mensem who obtained private leave in February 1859, was granted similar leave in March 1864. A moiety of his pay during the latter leave is available - but the Civil Paymaster objects to its disbursement because, under the rules a second leave on private affairs

affairs &c. by a servant. Ruffles and up until the expiration years.

The Civil Govt. if correct - in fact applies the letter of the rules to these officers whereas the ruling of the Supreme Govt. seems to imply that it is not the letter but the spirit of the rules which is applicable. - The Governor in Council would be glad under these circumstances of a fuller expression of the wishes of the Supreme Govt. for his guidance.

Mont St. George
23rd Feby/85

LH

Received \$55.00
of the Treasury

Feb 11/86

27
The Secretary of the
Govt of India

2920 February 11/85

to the Secy of the Treasury
Feb 11/85

Respecting that under
the provisions of the rules of
the Supreme Government
to be stated in regard to the
applicability of the view
of the Secy to the Treasury
concerning receipt of
subscriptions to the
Hon. Secy to Govt of India
in the form of 11/85
March 11/85