

(1) Number of pages: _____

(2) Date of repair: _____

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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 1158	Press
6100-401.	~~Mis.~~
Dated 21. 11.	1891.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
24th April 1871.*

No. 400. Read the following letter from the Consulting Engineer for Irrigation and Canal Company, to the Secretary to Government, Public Works Department, dated Madras, 29th March 1871, No. 143:—

I have the honour to submit the papers noted in the margin relating to the salary drawn by Mr. Badham, Chief Accountant and Store-keeper, Madras Irrigation and Canal Company, while absent on leave to England.

From Agent, No. 79, dated 18th February 1871.
Examiner of Accounts, No. 32, dated 27th February 1871.
To Agent, No. 343, dated 20th February 1871.
From Agent, No. 135, dated 25th March ..

2. The Company's rules for leave of absence on sick certificate are, that such leave may be granted for six months to an officer producing the prescribed medical certificate while on duty, or while absent on one or two months' privilege leave, or while absent on leave without salary or allowance, and full salary shall be paid for the first month of such leave and half salary for the remaining five months, and if the sick leave be granted while the officer is actually on privilege leave for one month, the same principle shall apply, namely, the whole period will be considered to have been sick leave, and full salary, but without allowance, shall be granted for the first month only, and I understand the intention of the rules to be that, whether absent on leave on medical certificate from the first day, or on leave on medical certificate in continuation of privilege leave, full salary, without allowances, shall be paid for the first month only.

3. Mr. Badham proceeded on leave to England for six months on the 6th May 1870; he was not then entitled to privilege leave, as he had returned from such leave on the 6th July preceding; but the Agent thought he was so entitled, and, under a misapprehension of the rules, as explained in a former correspondence,

G. O., No. 2,704, dated 11th November 1870. admitted the claim, and, moreover, sanctioned an additional fortnight of privilege leave in consideration of Mr. Badham having given up his Christmas and Easter holidays to the Company's service, and he further granted Mr. Badham four-and-a-half months leave on medical certificate, in continuation of the six weeks' privilege leave, and on the understanding that the first month of the latter should be on full pay, and, consequently, Mr. Badham drew full pay and allowances for two-and-a-half months, instead of full salary only for one, and he drew half his salary and allowance for the remainder of his leave instead of half salary only.

4. All this was irregular, but I believe an unintentional irregularity except as regards the extra two weeks' privilege leave, and the Agent remarks that so valuable were Mr. Badham's services, his only anxiety was that this officer should proceed to sea as soon as possible, in the hope that his health might be restored, and he felt "that the interests of the Company demanded that no consideration of money or regulation should be permitted to interfere with the adoption of such remedial measures as were calculated to avert the loss of his services, which he so much dreaded."

5. As regards the grant of *allowances* to Mr. Badham while on leave, the Examiner of Accounts reports that the view taken by the Agent is, that this sum is not such an allowance as is contemplated by the rules (Rule I, page 26, Board's Code). The rule, however, is very distinct; it sanctions pay, but *without allow-*

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ances of any kind, and the allowance in question is Rupees 50 a month, called carriage allowance.

6. In the letter accompanying from the Examiner of Accounts, it is shown that for the period of his leave Mr. Badham drew Rupees 3,229 13 5 instead of 2,479 13 5 difference excess 750 0 0

These figures are not strictly right, and if a retrenchment was to be made would require alteration, as Mr. Badham's leave commenced on the 6th and not the 1st May. Seeing, however, that the Agent's action met with the approval and sanction of the Board of Directors, and that Mr. Badham had done all he could before proceeding on leave to ascertain what he was entitled to, to retrench him now would fall very hard on him, and the Government will, perhaps, on consideration of all the circumstances, not order the excess salary and allowances to be disallowed.

From the Agent and Manager of the Madras Irrigation and Canal Company, to the Consulting Engineer for the Madras Irrigation and Canal Company, dated Madras, 18th February 1871, No. 79.

I HAVE the honour to inform you that when in May last Mr. Badham was going on six months' leave I granted him privilege leave for one month and a half to which he was then entitled, entering the remainder of the six months as sick leave. This arrangement I made in the conviction that the Board would endorse and confirm my action. In this expectation I was not disappointed, and the Board disbursed to Mr. Badham in England salary in accordance with this arrangement.

2. In order that no difficulty may arise with the Government Examiner, I have the honour to request sanction for the payment of the salary in question to Mr. Badham.

3. I address this letter to you at the special instance of the Government Examiner.

No. 268

To the Examiner of Accounts for report.

(Signed) J. CARPENDALE, Colonel, R.E.,
Contg. Engr. for the M. I. and C. Comp'y

22nd February 1871.

From the Acting Examiner of the Madras Irrigation and Canal Company's Accounts, to the Consulting Engineer for the Madras Irrigation and Canal Company, dated Madras, 27th February 1871, No. 32.

With reference to your No. 268 of 22nd instant, I have the honour to report.

2. Mr. Badham went on leave on 6th May 1870, returning on 20th October. He drew pay as follows:—

	Rs.		RS.	A.	P.
* Pay ...	750	* Pay and allowance for May 1870	800	0	0
Allowance ...	50	for June ..	800	0	0
		for July ..	600	0	0
		for Aug. ..	400	0	0
		for Sept. ..	400	0	0
		For Oct. from			
		1st to date of			
		return to duty,			
		at 375 Rs.	229	13	5
		Total...	3,229	13	5

being as Mr. Henslowe states two-and-a-half months on full pay, and the rest of the time on half pay; there can be no doubt all this is totally opposed to the rules, for the following reasons:—

(1.) Mr. Badham was not entitled to privilege leave, as he only returned from leave on 6th July 1869, and therefore could not take leave on 6th May.

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(2.) Even supposing he was entitled to privilege leave, such leave would have merged into sick leave under Rule 12, page 29.

(3.) Under no circumstances was Mr. Badham entitled to draw pay and allowance when on leave.—Vide Rule 1, page 26. I consider then that Mr. Badham was entitled to the following:—

	RS.	A.	P.
May 1870 ...	750	0	0
June ..	375	0	0
July ..	375	0	0
Aug. ..	375	0	0
Sept. ..	375	0	0
Oct. .. from 1st to 19th, at 375 Rs.	229	13	5
Total...	2,479	13	5

so that he has overdrawn 750 Rupees.

2. I would beg to bring to notice, however, that when the leave was granted by the Agent, the impression was, as will be seen from previous correspondence with reference to the cases of certain Engineers, that privilege leave could be granted in any calendar year without reference to the time that had elapsed since leave was last taken, and also that Mr. Badham was entitled to run one leave into another, as he did not get sick when on privilege leave, but was sick before he left. I do not understand, however, how the Agent makes out that Mr. Badham was entitled to six weeks' leave.

3. With regard to the allowance of Rupees 50, the view taken by the Agent is that this sum is not such an allowance as is contemplated by Rule 1, page 26, but really a sum making up Mr. Badham's pay to 800 Rupees a month.

4. Government, in G. O., No. 2,704, dated 11th November 1870, recognized the fact that the rules had been misunderstood by the Agent, and passed pay incorrectly drawn by Messrs. Ross, East, and Hutchins, and, as in Mr. Badham's case, the pay was clearly drawn under a misconception of the orders, and, moreover, the sum drawn was actually paid by the Board at home, thus confirming the action taken by the Agent, I submit a retrenchment now would bear very hard, and I therefore solicit your sanction to pass the amount drawn. It will be observed that, from the 1st October to date of return to duty, pay is only drawn at the rate of 375 Rupees a month. This pay was drawn after Mr. Badham's return to India, when the correspondence that had lately taken place with regard to leave, etc., was brought to his notice.

From the Consulting Engineer for the Madras Irrigation and Canal Company, to the Agent and Manager of the Madras Irrigation and Canal Company, dated 20th February 1871, No. 348.

I HAVE the honour to acknowledge your No. 79 of the 18th instant, and to enable me to lay Mr. Badham's case clearly before Government. I request you will inform me on what date he returned from privilege leave prior to going to England in May last, and how he has at that time been entitled to one-and-a-half month's privilege leave; also what salary he drew for the whole period that he was on leave to England.

2. It appears to me from paragraphs 11 and 12, Appendix D. of the Code of rules sanctioned by the Board that when an officer proceeds on leave on sick certificate, all privilege leave to which he may be entitled merges in the general leave, and that he is only entitled to full pay for the first month of such leave, and not to any allowances.

From the Agent and Manager of the Madras Irrigation and Canal Company, to the Consulting Engineer for the Madras Irrigation and Canal Company, dated Madras, 25th March 1871, No. 135.

I AM now enabled to reply to your letter of the 20th February, No. 348, relative to the salary drawn by Mr. Badham while on leave to England last year.

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24th April 1871.*

2. Mr. Badham's case is a very special one. In the peculiar position which that Company now occupies, with reference both to the Government and to its own affairs, the office of Chief Accountant and General Store-keeper is one of incalculable importance, and any change of the person filling that office would be attended with the most disastrous consequences. When, therefore, Mr. Badham fell ill, I felt that the interests of the Company demanded that no consideration of money or regulation should be permitted to interfere with the adoption of such remedial measures as were calculated to avert the loss of his services, which I so much dreaded. My only anxiety without reference to any rules or regulations was to get him to sea, and I, therefore, granted him leave, and without hesitation paid him the current month's salary in advance. May well knowing that if the Government chose to enforce their rules, I was doing so at my own risk; with the Company, I knew I was safe.

Mr. Badham left Madras on the 6th May, and I had paid him his salary for that month. The amounts paid to him in London by the Secretary were as follows:—

Full pay for June.

Full pay for half of July, half pay for other half.

Half pay for August.

Half pay for September.

I have now the honour to hand you copy of a memorandum handed to me by Mr. Badham, and also copies of the correspondence which passed between us prior to his departure for England.

From the Chief Accountant, to the Agent and Manager of the Madras Irrigation and Canal Company, dated Madras, 24th March 1871.

My salary. I have the honour to address a few remarks to you with reference to the Consulting Engineer's letter, No. 348, of the 20th ultimo, which I have to-day for the first time since my return from Nallore had a few minutes to spare for.

2. To the first question asked by the Consulting Engineer, namely, how I was entitled to a month-and-a-half of privilege leave, the answer is very simple. Under the rules I was entitled to one month, and my devotion of the whole of my Christmas holidays as usual, and all but one or two days of the Easter vacation to the Company's business, gave me a claim, under the established practice, to at least another half month.

3. The Consulting Engineer's paragraph 2. On the 22nd April 1870, I being then sick at home, I addressed a letter to you asking in set terms for a month-and-a-half's privilege leave to be followed by three-and-a-half months' sick leave. To this request you acceded per your letter to me of the 28th April 1870.

4. This should have been sufficient for my security, but as my returning to England or remaining in India at all risks hinged upon this arrangement being carried out in its integrity, I, in order to place the matter beyond any doubt, addressed another letter to you, dated the 2nd May 1870, asking in set terms for the privilege leave. This you marked "approved," and you kindly wrote me a private note, as well as an official letter dated as above, confirming your approval.

5. Soon after my arrival in England, I saw the Secretary and explained the whole matter to him. He, in his official capacity, fully endorsed your action, and told me that, but for the financial difficulties of the Company, he would have considered the propriety of recommending to the Board a more liberal consideration of my case in granting me full pay for the period of my absence. He further held out a hope that if and when the Company tided over the existing pressure the point might be again considered.

6. Moreover, the Secretary confirmed your action practically by paying me in accordance with the foregoing arrangement.

From the same Officer, dated Madras, 22nd April 1870.

With infinite regret and concern I beg to inform you that the miasmatic fever from which I have been suffering has worked such mischief to my constitution as to render six months' leave of absence to England absolutely necessary for the restoration of my health.

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24th April 1871.*

2. In the present aspect of the Company's affairs, and especially in view of the existing condition of my own work, I would run any risk short of danger to life rather than be away from India at this time; but the Doctors are unanimous in the opinion that, if I do not take six months' change to a cold climate, there is the risk—almost the certainty—of dangerous organic disease setting in.

3. I enclose certificate from Drs. Urquhart and Mair.

4. I am afraid my absence from Madras will greatly add to your labours and responsibilities, but I hope to make such arrangements as will reduce these to their minimum.

5. I should be glad to be allowed to take the six weeks' privilege leave to which I am entitled this year before entering on sick leave. This will give me two-and-a-half months on full pay and three-and-a-half months on half pay, but any more liberal consideration, which the Board, upon your recommendation, may feel disposed to give my case, will be a great boon under the heavy pecuniary sacrifice which I am called upon to make.

6. Should my health exhibit earlier symptoms of restoration I shall gladly return to duty before the expiration of leave I have asked for.

We hereby certify that Mr. C. A. Badham has been suffering from fever for several months, and that he has consequently in a very bad state of health, and requires change of air and immediate return to Europe. We are of opinion that the circumstances of his case are such as to render six months' leave of absence absolutely necessary.

MADRAS,
21st April 1870.

(Signed) J. URQUHART, M.D.
(„) R. S. MAIR, M.D.

From the Agent and Manager of the Madras Irrigation and Canal Company, to the Chief Accountant, Madras Irrigation and Canal Company, dated Madras, 28th April 1870.

I HAVE the honour to acknowledge the receipt of your letter, dated 22nd April 1870, requesting permission to proceed to England for six months for the benefit of your health.

2. You are quite right in supposing that your absence at this very critical juncture will place me in a position of peculiar difficulty and anxiety. But I am perfectly alive to the urgency of the case, well assured that you would not abandon your post at this important crisis could it by any means be avoided, and in granting you the leave you apply for I am only desirous that you should avail yourself of it as speedily as possible, yielding implicit obedience to the directions of your medical advisers, in the hope that the expedient which they recommend may be effectual in restoring you to health and to the discharge of your duties at an early period.

From the same Officer, dated Madras, 2nd May 1870.

I HAVE the honour to acknowledge the receipt of your letter of this day's date, and have the pleasure to grant you six weeks' privilege leave from the 5th instant.

No. 401.

ORDER THEREON, 24th April 1871, No. 1,158.

IRRIGATION, No. 24.

It appears from these papers that the Agent and Manager of the Madras Irrigation and Canal Company, on the 6th May last, granted to Mr. Badham, the Chief Accountant, six months' leave of absence to England on the understanding that the first six weeks should be considered as privilege leave, and the remainder of the term as leave on medical certificate although Mr. Badham had no claim to leave of the former description,

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24th April 1871.

ten months only having elapsed since his return to duty from previous leave of the same kind. Another condition appears to have been that Mr. Badham should draw full pay with allowances for the first two-and-a-half months and a moiety of those emoluments for the other months.

2. The Government Examiner, rightly considering that the whole period should be reckoned as sick leave and salary disbursed accordingly, objected to audit more than full pay for the first month, and half pay for the remaining period, allowances not being admissible, and he recommended the Agent to lay the matter before the Consulting Engineer with a view to the orders of Government being obtained. This has been done, and the papers read at the head of these Proceedings contain the correspondence which has passed on the subject.

3. The Consulting Engineer explains that the Agent in this instance, as in the cases of the three Engineers which were considered and disposed of by Government in the Proceedings noted in the margin, acted under a misapprehension of the rules.

4. The Government, in the cases referred to, passed, under the circumstances, full pay to the Engineers, and at the same time expressed a hope that the Agent would in future take care to administer the leave rules in accordance with their evident intentions. Seeing that the transactions at present under notice occurred prior to the issue of the orders above quoted, and looking to the fact that the Directors have in a manner endorsed these proceedings by authorizing their Secretary to disburse to Mr. Badham while in England his salary in accordance with the interpretation placed upon the rules by the Agent, His Excellency the Governor in Council will not now insist on a refund of the amount overdrawn, but resolves once more to call the attention of the Agent and Manager to the manifest departure from rule which he has permitted.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R.E.,

Secretary to Government.

To the Consulting Engineer for the Madras Irrigation and Canal Company.
Agent and Manager for do. do.

Exd. E. C. Shunker.

Consulting Engineer's office
Irrigation and Canal Company
Madras, 29 March 71.

No. 143.

Mr. Colonel, W. Carpenter R.E.
Cons. Eng. for I. & C. Co.
The Secretary to Government
Public Works Department.

Have the honor to submit the papers from G.O. No. 79-18 dtd 10th July 70, noted in the margin relating to the salary drawn by Mr. Badham Chief Accountant and Storekeeper Madras Irrigation and Canal Company while absent on leave to England.

2. The Company's rules for leave of absence on Sick Certificate are that such leave may be granted for not more than 12 months if the officer produces the prescribed Medical Certificate while on duty or while absent on one or two months privilege leave, or while absent on leave without salary or allowance, and full salary shall be paid for the first month of such leave and half salary for the remaining five months, and if the sick leave be granted while the officer is actually on Privilege leave for one month, the same principle shall apply, namely the whole period will be considered to have been Sick leave, and full

full salary, but without allowances shall be granted for the first month only, and I understand the intention of the rules to be that whether absent on leave on Medical Certificate from the first day or on leave on Medical Certificate in continuation of Privilege leave, full salary without allowances shall be paid for the first month only.

3. Mr. Badham proceeded on leave to England for six months on the 6th May 1870, he was not then entitled to Privilege leave as he had returned from such leave on the 6th July preceding, but the Agent thought he was so entitled, and under a misapprehension of the rules as explained in a former correspondence admitted the claim, and moreover, sanctioned an additional fortnight of Privilege leave in consideration of Mr. Badham having given up his Christmas and Easter holidays to the Company's service, and he further granted Mr. Badham four and a half months leave on Medical Certificate, in continuation of the six weeks Privilege leave, and on the understanding that the first month of the latter should be on full pay, and consequently Mr. Badham drew full pay and allowances for two and a half months instead of full salary only for one, and he drew half his salary and allowances for

for the remainder of his leave instead of half salary only.

4. All this was irregular, but I believe an unintentional irregularity, except as regards the extra two weeks Privilege leave, and the Agent remarks that so valuable were Mr. Badham's services, his only anxiety was that this officer should proceed to sea as soon as possible, in the hope that his health might be restored, and he felt that the interests of "the Company demanded that no consideration of money or regulation should be permitted to interfere with the adoption of such remedial measures as were calculated to avert the loss of his services which he so much dreaded."

5. As regards the grant of allowances to Mr. Badham while on leave, the Examiner of accounts reports that the view taken by the Agent is that this sum is not such an allowance as is contemplated by the rules. (Rule 1 - page 26 Board's code) The rule however is very distinct it sanctions pay but without allowances of any kind and the allowance in question is Rupees 50 a month, called carriage allowance.

6. In the letter accompanying from the Examiner of accounts it is shown that for the period

period of his leave Mr. Badham drew Rs. 229.13.5
instead of Rupees 2179.13.5

Difference Rupees Rs. 750.00

These figures are not strictly right and
if a retrenchment was to be made would
require alterations as Mr. Badham's leave
commenced on the 6th and not the 1st May -
being however that the Joint action met
with the approval and sanction of the Board
of Directors, and that Mr. Badham had done
all he could before proceeding on leave to
ascertain what he was entitled to, to retrench
him now would fall very hard on him, and
the Government will perhaps on consideration
of all the circumstances not order the excess
salary and allowances to be recalled.

Have the honor to be,

Yours most obedient servant,

Wm. Murray & Co. Ltd.
Cable Engineers & Co. Company.

C. M. B.

Public Works Department

[Faint, mostly illegible handwritten notes and signatures on the right page, possibly bleed-through from the reverse side.]

No 11 November 1871 205
206

TS 7/18/71
No. of 100 for April
from 1871
The One for 1871
The Secretary to Govt. &c.

Dated 29th March 1871.
Recd: 1 April 1871.

Encs: 4.

Submits for the order of
Govt. the papers within men-
tioned relative to the salary
drawn by the Chief Accountant
& Store Keeper of the M. & C. Co.
while absent on leave to England
& recommends that under the
circumstances of the case the
special salary allowance will not
be disallowed.

No 1152-24 April 1871

No 400

6/6/71 (2.12)

Public Works Department

No 1158.
Proceedings of the Madras Government

Under date the 24th April 1871.

Read the following

The Consulting Engineer
for S & C Co. } H.E. No 1143 of 29th March 1871

It appears from these
papers that the Agent
and Manager of the
Madras Irrigation and
Canal Company, on the
6th May last, granted to
Mr. Badham, the Chief
Accountant, six months
leave of absence to England
on the understanding
that the first six months
should be considered
as privilege leave and the
remainder of the term
as leave on medical
certificate

certificate although Mr.
Batham had no claim
to leave of the former
description, two months
only having elapsed since
his return to duty from
previous leave of the
same kind. Another
condition appears to have
been that Mr. Batham
should draw full pay
with allowances for the
first two and a half
months and a moiety
of these emoluments for
the other months.

3. The Government
Engineer, rightly con-
sidering that the whole
period should be re-
ckoned as sick leave
and salary disbursed
accordingly

accordingly, objected to
audit more than full
pay for the first month,
and half pay for the
remaining period, allow-
ances not being admis-
sible, and he recom-
mended the Agent to
lay the matter before the
Hon. Engineer with a
view to the orders of
Government being
obtained. This has been
done, and the papers
read at the head of
these Proceedings contain
the correspondence which
has passed on the subject.
3. The Hon. Engineer
explains that the Agent
in this instance, as in the
cases of the three Engineers
which

92
1879
Govt of 1871 Madras.

PUBLIC WORKS.

The Consulting Eng^r for
the Madras Irrigation
and Canal Company

Dated

Recd.

24th April 1878

Nos 4008 & 401

640
To the
The Madras Irrigation
and Canal Company
The Government
of Madras
The Madras Irrigation
and Canal Company
The Government
of Madras