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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	2100	Press
B.P. No.		~~Mis.~~
Dated	1 - 8 - 195	6874

Not to be folded or roughly handled

Read the following papers :—

No. 8. From J. H. LATHAM, Esq., Chief Engineer and Manager of the Madras Irrigation and Canal Company, to Lieut.-Colonel J. MULLINS, R.E., Chief Engineer for Irrigation, dated Kurnool, 11th June 1874, No. 60.

I HAVE the honor to ask you to refer the subject of furlough and leave of Engineers (and of officers of similar grade) to the Madras Government, with a view to carrying into effect their Order, No. 2,704, of 11th November 1870. It seems that the late Agent and Manager took no steps to carry out the order, beyond

advising me* to deal with employés according to the wishes of Government, "allowing the Company to be sued by its employés for any injustice of which the former may be guilty."

* His No. 878 of 15th November 1870.

2. In order to carry out the wishes of Government without a risk of such consequences, I suggest that an explanation be added between Nos. 2 and 3 of the Furlough Rules to the following effect :—

"*Explanation.*—In Rules 1 and 2 a year means a calendar year; but privilege leave may not be taken in one year within (I suggest six) months after leave taken under any of the Rules 1, 2, and 6 to 11."

And a note as follows :—

"Privilege leave becomes cancelled, and all payment due thereon lapses if the recipient does not return to his duties immediately upon its expiring; but this does not prevent the substitution of furlough or of sick leave for the privilege leave if such be granted under the rules."

I propose that, in consideration of the present employés accepting these additions to the rules, the following note be also added :—

To employés who leave India with leave "granted them under Rules 6 to 11 inclusive, and who are not resident at Bombay, one month's leave on full pay without allowances shall be added to the furlough to enable him to join and return from the steamer."

3. I merely suggest these to illustrate what seems to me to be required by the Government Order. Any emendations proposed I shall be happy to send to the Board for approval, so that they may be formally incorporated in the Furlough Rules. It will be convenient, probably, that I here mention some modifications I strongly recommend :—

- (1.) As will be seen above, I recommend that an interval of eleven months between yearly privilege leave, or of twenty-two between similar leave for two months taken in alternate years, be not rigidly insisted upon. The usual object of privilege leave is to escape part of the hot weather; and I see no objection to granting an Engineer leave in March one year, after his having had leave in May the previous year, if March be more convenient for the Company's interests or for other Engineers. Whereas there would be great inconvenience were the Company under prohibition by the rules from granting it a day earlier, and under moral, if not legal, obligation not to defer it a day.

- (2) In certain cases it would, I think, be fair and expedient to allow uncovenanted employes leave with pay. I suggest that, on a Doctor's certificate that such an employe needs change of air, leave be granted for a month on full pay; and that upon an additional certificate from an approved Doctor that further absence is necessary, the leave be extended another month on half pay. This boon would enable many a clerk when suffering from debilitating illness, not absolutely preventing his coming to office, perhaps, though interfering sadly with his efficiency, to meet the expenses of travelling and of his household necessary for a trip to the coast. The restrictions as to the shortest intervals between such leaves might be that more be not allowed than at the rate of one month for each calendar year, excluding that year on which he is first engaged.

No. 8.

Note by the Chief Engineer for Irrigation.

No. 9. In this letter the Chief Engineer and Manager, Madras Irrigation and Canal Company, brings to notice that the late Agent and Manager of the Company took no steps to carry out the Order of Government, No. 2,704, of the 11th November 1870, beyond advising the Chief Engineer to deal with employes according to the wishes of Government, "allowing the Company to be sued by its employes for any injustice of which the former may be guilty." The order in question referred to the grant of privilege leave, and ruled that such leave could not be granted to the Company's Officers at the termination of their engagements when they had no intention of returning to their duties, and also that eleven months of service should follow the first grant of privilege leave before any more such leave is given.

2. It is not at all clear how the late Agent and Manager could have supposed that the employes of the Company could sue in connection with privilege leave. It is perfectly evident from the rules that such leave may be withheld if considered necessary, and (Rule 5) that it cannot be demanded as a right. Consequently the interpretation which the Government were obliged to lay down should either have been accepted or, after taking the opinion of the Board of Directors, appealed against if requisite.

3. It follows then that as regards privilege leave the employes of the Company have no ground for objecting to such interpretation or revision of the rules as the Company and the Government may see fit to make.

4. Mr. Latham proceeds to propose that employes taking furlough or leave on sick certificate under Rules 6 to 11 inclusive shall be allowed, if not resident at Bombay, (which under present circumstances no employe of the Company can be) one month's leave on full pay without allowances to enable them to join and return from the steamer. It has been already observed (G. O., dated 11th November 1870, No. 2,704, paragraph 2), that the leave rules of the Company have been based upon those obtaining in the public service, and there appears to be no objection therefore to preparatory leave for one month on the furlough rate of pay being granted to the employes of the Company taking furlough, but full pay when absent from duty on other than privilege leave is altogether opposed to the rules

of the public service, and is therefore inadmissible where not already provided for by the Company's regulations. It must be remarked that as leave on sick certificate carries with it, under Rule 11, full pay for the first month, preparatory leave cannot well be given, but joining leave not exceeding a month may be allowed on the rate of pay to which the employe may be entitled for the period immediately preceding, that is either half salary or one-third salary according as the leave has not or has exceeded six months.

5. With regard to the proposed grant of privilege leave before the end of eleven months from the expiration of previous leave of the same kind, it may be observed that, if it be desirable to admit of the Company's employes taking such leave in the hot weather, the desired end may be obtained by requiring an interval of nine instead of eleven months when cumulative leave is not taken, but in that case the full twenty-two months interval should continue to be required.

6. I see no objection to all the employes of the Company, though not under covenant, being granted, when it may be convenient to do so, one month's privilege leave in the year; but leave beyond this should, if on private affairs, be without pay, and, if on medical certificate, on half pay only; and, with respect to this latter leave, it seems necessary to prescribe a limit of three months in any one calendar year, after which pay should cease, though leave without pay may be continued as long as the Chief Engineer and Manager may think fit.

OOTACAMUND,
20th June 1874.

(Signed) JOHN MULLINS, Lt.-Col., R.E.,
Chief Engineer for Irrigation.

No. 10.

ORDER THEREON, 1st August 1874, No. 2,100.

IRRIGATION, No. 2.

His Excellency the Governor in Council concurs with the Chief Engineer for Irrigation in the opinion that

privilege leave being granted as an indulgence not claimable as a right, the Engineers and other employes coming under the privilege leave rules must accept such interpretation or revision of these rules as may be made from time to time by competent authority.

2. If the concurrence of the Board of Directors be first obtained, the Government will be prepared to sanction the following additions to or modifications of the leave rules:—

1st.—The grant of preparatory leave not exceeding one month to Engineers and other employes to whom Rules 6 to 9 apply, on taking furlough, the furlough rate of pay being allowed for such preparatory leave.

2nd.—The grant of joining leave, not exceeding one month, to Engineers and employes taking sick leave under Rules 10 to 12, the salary allowable being that drawn or claimable for the period immediately preceding.

3rd.—The grant of a month's privilege leave on full pay to employes of the Company, not under covenant, when this indulgence may be conveniently allowed.

Proceedings of the Madras Government, Public Works Department,
1st August 1874.

- 4th.—The grant of sick leave on half pay to uncovenanted employes, within the limit of three months in any one calendar year. If sick leave be taken in continuation of privilege leave the whole period of absence to be reckoned as sick leave.
- 5th.—The grant of leave without pay to uncovenanted employes at the discretion of the Chief Engineer and Manager.

(True Extract.)

Lieut.-Colonel, R.E.,
Joint Secretary to Government.

N^o 8
Note by the Chief Engineer for Irrigation
In this letter the Chief Engineer
& Manager, Madras Irrigation &
Canal Company, brings to notice
that the late Agent & Manager
of the Company took steps to
carry out the order of Govern-
ment N^o 2704 of the 11th November
1870, beyond advising the Chief
Engineer to deal with employees
according to the wishes of
Government allowing the Company
to be sued by its employees for
any injustice of which the
former may be guilty. The
order in question referred to
the grant of privilege leave,
and ruled that such leave
could not be granted to the
Company's officers at the ter-
mination of their engagements
when they had no intention
of returning to their duties,
and also that eleven months
of service should follow the
first grant of privilege leave
before any more such leave is
given.

2. It is not at all clear how the late Agent & Managers could have supposed that the employees of the Company could sue in connection with privilege leave. It is perfectly evident from the rules that such leave may be withheld if considered necessary, and (Rule 5) that it cannot be demanded as a right. Consequently the interpretation which the Government were obliged to lay down should either have been accepted, or, after taking the opinion of the Board of Directors, appealed against if requisite.

3. It follows then that as regards privilege leave the employees of the Company have no ground for objecting to such interpretation or revision of the rules and the Company with the Government may be fit to enact.

4. Mr. Pathan proceeds to propose that employees taking furlough or leave on sick certificate under rules 6 to 11 inclusive shall be allowed, if not resident at Bombay (which under present circumstances is employees

employees of the Company can be) one month's leave on full pay without allowance to enable them to join and return from the steam. It has been already observed (G.O. 11 November 1870-112704, para 2) that the leave rules of the Company have been based upon those obtaining in the Public Service, and there appears to be no objection therefore to preparatory leave on full pay on the furlough rate of pay being granted to the employees of the Company taking furlough but full pay when absent from duty on other than privilege leave is altogether opposed to the rules of the Public Service, and is therefore inadmissible and is therefore provided for where not already provided for by the Company's regulations. It must be remarked that as leave on sick certificate carries with it, under rule 11, full pay for the first month, preparatory leave cannot well be given, but joining leave not exceeding a month may be allowed

allowed on the rate of pay to which the employee may be entitled for the period immediately preceding, that is either half salary or one third salary, according as the leave has not or has exceeded 6 months.

5. With regard to the proposed grant of privilege leave before the end of 11 months from the expiration of previous leave of the same kind, it may be observed that, if it be desirable to admit of the company's employees taking such leave in the hot weather, the desired end may be obtained by requiring an interval of 9 instead of 11 months when cumulative leave is not taken, but in that case the full 22 months interval should continue to be required.

6. I see no objection to all the employees of the Company, though not under covenant, being granted, when it may be

13.1.01 he is convenient to do so; one month's privilege leave in the year, but leave beyond this should, if on private affairs be without pay, and, if on medical certificate on half pay only; and, with respect to this latter leave, it seems necessary to prescribe a limit of 3 months in any one calendar year, after which no further pay should cease, though leave without pay may be continued as long as the Chief Engineer & Manager may think fit.

Notarized
20.7.07
Chief Engineer for Brigade
Secretary to Govt M.O.
10/11/07

P. W. 1874 Dept.
No. 4305

From

The Chief Engr.
for Irrigation
No. 8

Dated 26 June 1874
Recd 13 July 1874

E.1

Ql. No. 2100. 1-8-74.

Regarding
the proposed modifica-
tion of the Privilege
leave and sick leave
of the Madras Irriga-
tion & Canal Company
employees.

Oct 9

Public Works Department
Proceedings of the Madras Government
Read the following
2100.
From The Chief Engineer for Irrigation - } H.E. No. 8 of 20th June 1874/

His Excellency the
Governor in Council
concurs with the
Chief Engineer for
Irrigation in the
opinion that pri-
vilege leave being
granted as an in-
dulgence, not claim-
able as a right,
the Engineers and
other employees coming
under the pri-
vilege leave rules
must accept such
interpretation or re-
vision of these rules
as may be made
from time to time
by competent authority

2. If the concurrence of the Board of Directors be first obtained, the Government will be prepared to sanction the following additions to or modification of the existing rules.

1st The grant of preparatory leave not exceeding one month to Engineers & other employees to whom rules 6 to 9 apply, in taking furlough, the furlough rate of pay being allowed for such preparatory leave.

2nd The grant of furlough leave, not exceeding one month, to Engineers & employees taking sick leave under rules 10 to

to 12, the salary payable being that drawn or claimable for the period immediately preceding.

3rd The grant of a month's privilege leave on full pay to employees of the Company, not under covenant, when this indulgence may be conveniently allowed.

4th The grant of sick leave on half pay to uncovenanted employees, within the limit of 3 months in any one calendar year. If sick leave be taken in continuation of privilege leave the whole period of absence to be reckoned as sick leave.

5th The grant of leave without pay to uncovenanted

covenanted employees
at the discretion of
the Chief Engineer &
Manager.

Am 24/6/74

Mr. H. B. ...
Mr. J. ...
Mr. ...

To
1. The Chief Eng. for ...
2. The Chief Eng. & Manager
in ...
7. - For ...
J. ...
J. ... 27/8/74.

Car 27/6/74 Retd 10/1/74

covenanted employees

450
Govt. of 1874 Madras.
PUBLIC WORKS.

To
The Secy to Govt.

Dated

Recd.

Encl. 1.

G. O., 1st August 1874. No. 2177

Nos. 8-10.

Leave Rules all DECC

Concurring with the Chief
Engg. for a large in the opinion that
privileges leave being granted as
an indulgence, not claimable as a
right, such interpretation or re-
vision of the Rules as may be
made from time to time by
Competent Authority must be
accepted and intimated
if the concurrence of the B.
Directors has first obtained
There will be prepared to be
a certain addition to or
modification of the Rules