

(1) Number of pages _____

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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	1896-91	Press
B.P. No.		Mis.

Dated 5-7-18.75 195.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
5th July 1875.*

Read the following papers:—

No. 120. From Colonel C. V. WILKIESON, R.E., Superintending Engineer, Coimbatore, to Lieutenant-Colonel J. MULLINS, R.E., Officiating Secretary to Government, Public Works Department, dated Coonoor, 27th May 1875, No. 34.

WITH reference to the ruling of the Controller of Public Works Accounts in reporting on my letter to Government on the subject of short leave not exceeding three months, which was communicated to me in the Order of 20th May 1875, I have the honor to request that the Government of Madras may refer the subject to the Supreme Government, with a recommendation that they may issue such modified orders as may meet the case of short leave, as it seems to me so hard on Officers of the Royal Engineers whose normal state is employment in the Public Works Department, that they should be the only officers who cannot get short leave of any description either on private affairs or sick certificate without loss of appointment, unless there is privilege leave due to them, or they have served three years since last furlough. G. G. O., No. 613, of 1871, quite met the case, but that was cancelled in G. G. O., No. 171, of 1874.

2. It surely must have been overlooked that such was the case when G. G. O., No. 630, of 1869, printed with the Accountant-General's Circular No. 16, of 28th July 1869, was published, that an officer of the Royal Engineers who was temporarily sick and required two or three months leave could not get it without forfeiting his appointment, and in fact his standing in the department. I have said officers of Royal Engineers, because other Military Officers in the department are in it from their own choice, and not from necessity as Royal Engineers.

3. The Controller's ruling in the case under reference seems to me wrong in paragraph 2, as if a Royal Engineer Officer is entitled to leave under Chapter I. of the furlough rules; surely by Rules VIII. and XI. he can have three months' leave on English pay without losing his appointment. Again, in paragraph II. of official memorandum from the Secretary to the Government of India, Public Works Department, dated Fort William, 6th February 1875, No. 367, communicated to my office in Public Works Order No. 83, dated 11th March 1875, it is stated that "a Military Officer in civil employ in this country can take furlough under rules of 1868 not exceeding three months."

No. 224.

REFERRED to the Controller of Public Works Accounts for report with reference to paragraph 3, and to Memorandum No. 397, dated 6th February 1875, from the Secretary to the Government of India, Military Department, printed with G. O., No. 83, dated 11th March 1875.

9th June 1875.

(Signed) J. O. HASTED, Major, R.E.,
Officiating Joint Secretary to Government.

No. 121. From Captain L. CONWAY-GORDON, R.E., Controller of Public Works Accounts, to Lieutenant-Colonel J. MULLINS, R.E., Officiating Secretary to Government, Public Works Department, dated Fort St. George, 15th June 1875, No. 12-W.

I HAVE the honor to return you Colonel Wilkieson's letter referred to me for report under your endorsement No. 224, of the 9th June, and with reference thereto to remark as follows.

*Proceedings of the Madras Government, Public Works Department,
5th July 1875.*

2. It is clear to me that under the Furlough Regulations of 1868, Colonel Wilkieson is not entitled to ordinary general leave under Military rules. The decision of the Government of India, with regard to Colonel Davidson, is conclusive on this point.

Vide letter from the Government of India, Military Department, No. 66, dated 3rd April 1875.

3. But whether Colonel Wilkieson is or is not now entitled to three months' furlough on English pay, *without forfeiture of his appointment*, I am unable to say with certainty.

4. Colonel Wilkieson has furlough to his credit, but he has not completed three years' service since his last return from duty. The revised Furlough Regulations of 1868 were published on the 25th February 1874. These revised Regulations cancelled prospectively, from the 1st January 1875, G. G. O., No. 613, of 1871, the order which permitted furlough for three months being taken by Military Officers in civil employ, and laid down in detail all the rules connected therewith.

5. Now, if you will turn to Rule VIII. of the revised Furlough Regulations of 1868, (G. G. O., No. 171, of 1874,) you will find it runs as follows:—

"A period of at least three years' service after return from last furlough, except furlough for a period not exceeding six months under Rule XI. (and excepting also, in the case of an officer in civil employ, ordinary furlough not exceeding three months), must be completed before furlough can again be taken unless obtained under medical certificate."

6. You will observe that there are two exceptions in this clause, one referring to Military Officers in general, placed in the body of the text, and another regarding Military Officers in civil employ, which is placed in brackets. In Rule XIV. two similar exceptions regarding the same classes of officers are again found treated the same way, one in the body of the text and the other in brackets.

7. The first exception, regarding the six months' furlough which may be taken by Military Officers in general before serving three years since last return to duty, is definitely treated of in Rule XI.

But the revised Furlough Regulations contain no such definite ruling regarding a three months' furlough to be taken under similar circumstances by Military Officers in civil employ. The Regulations omit, apparently purposely, all the rules contained in the cancelled G. G. O., No. 613, of 1871, with regard to such leave.

8. This omission—the printing significantly in brackets of the exceptions with regard to officers in civil employ, and the wording in the rulings in the cases of both Colonel Davidson and Colonel Bean, which are both general—all combined to lead me to believe that the short furlough hitherto allowed to Military Officers in civil employ was to be discontinued when the G. G. O., No. 613 of 1871, was cancelled, and that the exceptions in brackets would then disappear. In other words, I considered that an officer in civil employ who had not completed three years' service since date of his return to duty could only take leave on medical certificate with loss of appointment.

*Proceedings of the Madras Government, Public Works Department,
5th July 1875.*

9. The ruling referred to by Colonel Wilkieson in letter from the Government of India, Military Department, No. 397, of 6th February 1875, is opposed to this view. But even this, in paragraph 1, Clause II., does not state specifically whether the officer does or does not vacate his appointment.

10. The Government of India, in letter from the Military Department, No. 789, of the 29th July 1868, requested that all inquiries as to the application or interpretation of the Furlough Rules should be addressed to the Adjutant-General, Calcutta, and in the case of Military Officers in civil employ through the Local Government.

I have therefore to respectfully suggest that a reference be made to the Government of India not only on the point I have brought forward, but also as to the interval which must pass between successive furloughs of three months each, and as to all the other points which are treated in detail in G. G. O., No. 613, of 1871, now cancelled.

12. In the meantime I have applied to the Adjutant-General, Madras, for any ruling or information he can give me on the subject.

No. 122.

ORDER THEREON, 5th July 1875, No. 1,890.

ESTABLISHMENT, No. 14.

ORDERED that the following letter be sent:—

(Here enter No. 1,891, dated 5th July 1875.)

(True Extract.)

Major, R.E.,

Offg. Joint Secretary to Government.

To the Superintending Engineer, Coimbatore.

„ Controller of Public Works Accounts.

Exd. S. T. Austin.

Spare Copies

54
PUBLIC WORKS DEPARTMENT,
OOTACAMUND, 5th July 1875.

No. 123.

No. 1,891.

FROM

MAJOR J. O. HASTED, R.E.,
*Officiating Joint Secretary to the Government of Madras,
Public Works Department,*

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
Public Works Department.

ESTABLISHMENT, No. 15.

Proceedings No. 1,890, dated 5th July 1875.

SIR,—I am directed by the Honorable
the Governor in Council to forward the
correspondence marginally noted, with a
request that the orders of the Government

of India on the points referred to by the Controller may be obtained.

2. It appears clear that a Military Officer in civil employ is not entitled to ordinary general leave under Military rules, until he has served three years from date of return from last furlough, but it is not clear whether an officer can obtain furlough or sick leave not exceeding three months, on half pay without forfeiting appointment, when a period of three years' service from date of return from last furlough has not expired.

I have the honor to be,

Sir,

Your most obedient servant,

Major, R.E.,
Offg. Joint Secretary to Government.

Exd. S. T. Austin.

Spare Copies

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THE CONTROLLER,
PUBLIC WORKS ACCOUNTS,

The Secretary to Government,
Public Works Department.

FORT SAINT GEORGE, 15th June 1875.

Sir,

I have the honor to return you
Colonel Wilkieson's letter referred to me for
report under your indorsement N^o 224 of
the 9th June, and with reference thereto to
remark as follows:-

2. It is clear to me that under the Furlough Regulations of 1868, Colonel Wilkieson is not entitled to ordinary General leave under military rules. The decision

of the Government of India with regard to
Colonel Davidson is conclusive on this point.

3. But whether Colonel Wilkieson
is or is not now entitled to 3 months' fur-
lough on English pay without forfeiture
of his appointment, I am unable to say
with certainty-

vide letter from the
Govt. of India to the
Dept. of Ag. dated
3. April 1875.

Aug 17 July 1888

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P. W. 1895. Daphn.
from no. 3528
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10
BRITISH

at the Agricultural
to Courtship.
Indiana

Mr 3951/75.

No 224

Referred to the Controller of

P. W. Accounts for report with reference to para 3, and to Memorandum R-399 dated 6th February 1895 from the deputy to the Government of India, Military Deptt., provided with Rs 6 Rs 83 dated 11th March 1895.

11th March 1895.

dated 27
Recd 31st May/75

1234

Regrets that
there were no
additions

Discontinued
June 1845

Wm. H. McKeen
New York

Leave for Royal
Surrey Office.
Robert

of the Fatherless of
Pitt. County.

22-120

4. Colonel Melleson has five furloughs to his credit, but he has not completed three years' service since his last return from duty.

The revised furlough Regulations of 1868 were published in the 25th February 1871. These revised regulations cancelled prospectively from the 1st May January 1873 G. O. A. 613 of 1871, the order which permitted furlough for 3 months being taken by Military Officers in Civil employ, and laid down in detail all the rules connected therewith.

5. Now if you will turn to Rule VIII of the revised furlough Regulations of 1868, & G. O. A. 171 of 1871, you will find it runs as follows:—

"A period of at least 3 years' service after return from last furlough, except furlough for a period not exceeding 6 months under rule XI (and excepting also, in the case of an Officer in Civil employ, ordinary furlough not exceeding three months) must be completed before furlough can again be taken, unless obtained under Medical Certificate."

6. You will observe that there are two

exceptions in this clause, one referring to Military Officers in general placed in the body of the text, and another regarding Military Officers in Civil employ which is placed in brackets. In rule XIV, two similar exceptions regarding the same classes of Officers are again found treated the same way, one in the body of the text and the other in brackets.

7. The first exception, regarding the 6 months' furlough which may be taken by Military Officers in general before serving 3 years since last return to duty, is definitely treated of in Rule XI.

But the revised furlough regulations contain no such definite ruling regarding a 3 months' furlough to be taken under similar circumstances by Military Officers in Civil employ. The Regulations omit, apparently purposely, all the rules contained in the cancelled G. O. A. 613 of 1871 with regard to such leave.

8. This omission in the printing significantly in brackets of the exceptions with regard to Officers in Civil employ,

and the wording in the rulings in the cases of both Colonel Davidson and Colonel Bean which are both general - all combined to lead me to believe that the short furlough hitherto allowed to Military Officers in civil employ was to be discontinued when the G. O. No 613 of 1871 was cancelled and that the exceptions in brackets would then disappear - In other words I considered that an Officer in civil employ who had not completed 3 years service since date of his return to duty could only take leave on Medical certificate or with loss of appointment - The ruling referred to by Colonel Wilkison in letter from the Government of India Military Department No 397 of 6th February 1875 is opposed to this view. But even this in Para 1, Clause II, does not state specifically whether the Officer in

"He can obtain furlough in India for the period, if he desires it, has furlough to his credit and is able to take it."

Letter from Govt of India Mily Dept No 66 of 3rd April 1875.

"Colonel Bean vacated his appointment in the Public Works Dept on proceeding on the above leave not having served 3 years in India from the date of his last return from furlough to Europe"

Letter from Adjutant General Madras to Secretary to Government Military Department No 129 dated 25th May 1874

does or does not vacate his appointment. 34
10. The Government of India in letter from the Military Department No 789 of the 29th July 1868, requested that all inquiries as to the application or interpretation of the furlough rules should be addressed to the Adjutant General, Calcutta, and in the case of Military Officers in civil employ through the Local Government.

I have therefore to respectfully suggest that a reference be made to the Government of India not only on the point I have brought forward but also as to the interval which must pass between successive furloughs of 3 months each and as to all the other points which are treated in detail in G. O. No 613 of 1871 now cancelled.

12. In the meantime I have applied to the Adjutant General, Madras, for any ruling or information he can give me on the subject.

I have the honor to be,
Sir,
Your most obedient servant,
Lowrey Gordon
Controller of P. & A. Co.

G.D.

6811 Sept 1740 - 42 hrs.
 " 11 Dec 175 - 83 -
 " 12 Sept " " 252 -
 " 20 May " " 3764 - 3760
 Gazette of 10 branches from page 403
 to 410 -

Gov. 1895 Dept.
 From
 No: 3951
 The Controller of
 M. Accounts

To The Secretary to Government
 Public Works Department

No 12 W
 Dated 15th June 1895
 Recd 16
 L.I.D.

Return with

Remark to Colonel Withers
 letter regarding short leave
 for under 3 months being
 obtained on sick certificate

No. 121

Cir. 23/6/96 No 30/6/96
 Dept. to Art. 16-1-25 R 2-2-96

Public Works Dept.
 1895

Proceedings of the Madras Government
 Under date the

Read the following

From The Supg Engr. Comtee } (H.C. No 34 of 27th May 1895)
 The Comtee of M. Accounts (H.C. No 12 W of 15th June 1895)

6 1890 of 5 July 1895

Ordered that the
 following letter be sent

S. S. Cimbato 6 SC 2102
 Cont. P. W. Dept 4 50 17/7/95
 (H.C. No 189 dated)

To The Secy. to the Govt of India
 Public Works Dept.

Sir,
 I am directed by
 the Honble the Governor
 in Council to forward
 the correspondence
 marginally noted with

No 1890 of 5 July 1895