

5426

*Proceedings of the Madras Government, Public Works Department,
13th September 1875.*

No. 306. Read the following endorsement of the Consulting Engineer for Railways, dated Madras, 6th September 1875, No. 497 :—

From R. G. MACDONALD, Esq., Examiner of Railway Accounts, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Madras, 23rd August 1875, No. 787.

I HAVE the honor to put forward the following cases with the view of obtaining an authoritative decision, for future guidance, upon the question whether the absence of officers of the Madras Railway from duty, upon leave other than privilege leave, is to be held to break the continuous service necessary according to the Leave Rules before an officer can obtain more than one month's privilege leave.

Case (a.)—Mr. B., an officer of the Traffic Department, had exhausted all his privilege leave upon the 25th September 1873, having upon that date returned from three months' privilege leave. He was absent for 21 days upon sick leave, from the 10th to the 31st May 1874. Is he entitled to two months' privilege leave from the 10th August 1875, or did the sick leave in May 1874 break his service for privilege leave? This is a case which has actually occurred.

Case (b.)—Mr. E., an officer of the Engineering Department, having been on uninterrupted duty for over thirty-three months, went on furlough or sick leave to England for one year; and three months after his return he claims three months' privilege leave. Is the privilege leave due at the time of going on furlough still at Mr. E.'s credit, or has it been lost by break of service?

2. Paragraph 6 of the Leave Rules of 6th September 1872, which are recognised as having been sanctioned by Her Majesty's Secretary of State, empowers the Agent to grant two months' privilege leave after 22 months' continuous service, or three months after thirty-three months. In paragraph 11 of the same Rules it is laid down that a service of not less than three months is necessary between the date of return from furlough or sick leave and the grant of privilege leave.

3. I am inclined to think that the first quoted rule, which is plain, and is in accordance with the similar rule in the Government service, should be held to be applicable; and that leave of any kind, except instalments of privilege leave, breaks the continuous service required before privilege leave can be enjoyed. Rule 11 appears to be, in so far as it refers to the grant of privilege leave after furlough or absence on sick certificate, inoperative, as there cannot be any leave at the officer's credit until he has served eleven months. The Rule says a service of not less than three months is necessary before privilege leave can be taken.

4. There is one way of explaining the apparent discrepancy between the two paragraphs of the Leave Rules. It will be observed that, in the first clause of Rule 6, it is not stated that the first month of privilege leave shall be given after eleven months' service. The leave is not to exceed one month in each year. It was probably intended to leave to the Agent the option, in cases when an officer could be more easily spared from his work at one season of the year than another, of granting the month's leave before the expiry of eleven months' service. This is a view which, although it is quite contrary to usually accepted principles, has been advanced and discussed by high authorities. Rule 11 may mean that the first month of privilege leave appertaining to the period subsequent to furlough or absence on sick certificate shall not be taken earlier than three months after return to duty.

*Proceedings of the Madras Government, Public Works Department,
13th September 1875.*

5. In no case does it appear to have been intended by these rules to depart from the requirement of continuous service, and I venture to think that, in the first case put, Mr. B. had only one month's leave due to him on the 10th August 1875, as from the 30th April; and that in the second case, Mr. E. had no leave at his credit on return from furlough or leave on sick certificate.

SUBMITTED for the orders of Government.

2. The undersigned agrees in the opinion expressed by the Examiner of Railway Accounts in respect to the interpretation of the new Furlough Rules of the Madras Railway.

3. It will be seen from the enclosed copy of paragraph 14 of letter, No. 498, dated 11th October 1872, from the Board of Directors of the Madras Railway to their Agent in India, that the Regulations of September 1872 for furlough, sick leave, and privilege leave, received the sanction of the Secretary of State.

(Signed) J. H. M. SHAW-STEWART, Lieut.-Colonel, R.E.,
Consulting Engineer for Railways.

14. It having been considered desirable to revise the existing Rules for furlough and sick and privilege leave of the several Indian Railway Companies in order to establish uniformity of practice, I am directed to forward, herewith, for your information and guidance, printed copies of the new Regulations as recently approved and adopted by the Board. These Rules have received the sanction of the Secretary of State, and have, we are informed, been agreed to by the other Railway Boards. You will be good enough to ascertain whether the Engineers and other officers of the Company concerned agree to the revised Rules. Those who may object to come under their operation must exercise the option within three months from the date of this letter. Of course all new engagements or renewals of existing ones will be subject to the new Furlough Rules.

(True Extract.)

(Signed) W. H. COAKER, Captain, R.E.,
for Consulting Engineer for Railways.

REGULATIONS FOR FURLOUGH, SICK LEAVE, AND PRIVILEGE LEAVE.

I.—Furlough.

1. The Agent may grant furlough for a period not exceeding one year to any European officer of the Company, who can be conveniently spared, after seven years' actual service in India.

2. This period of seven years' service is to be exclusive of time spent on leave of absence of any kind whatever, except privilege leave, and no second furlough shall be granted till after a further actual service of seven years, commencing from the date of the expiration of the first furlough.

3. An officer will be allowed, for the period of his absence on furlough, one-half of the substantive pay of his appointment, excluding all allowances, provided such half-pay does not exceed £1,000 per annum; but no pay for the period of absence on furlough shall be claimable until the return of the officer to duty within the period of his leave.

*Proceedings of the Madras Government, Public Works Department,
13th September 1875.*

II.—Sick Leave.

4. The Agent may at any time during service grant an officer of the Company leave of absence for any period not exceeding twelve months, on the production of a sick certificate from the Company's Medical Officer or other Medical Officer to be approved by the Agent, declaring that he is of opinion that sick leave is necessary for a certain period, and that at the end of such time the officer will probably be fit to resume his duties, provided the Agent is satisfied that the sickness has not been caused by any misconduct of the officer; provided also that nothing in this rule shall be considered as precluding the Board of Directors of the Company from extending the leave of absence of any officer of the Company who may have visited England on a sick certificate for such further period as to such Board may appear proper, subject to the production of a sick certificate from the Company's Medical Officer in England containing a declaration similar to that above prescribed.

5. With the proviso that no sick pay shall exceed £1,000 per annum, an officer absent on sick certificate will be allowed half the substantive pay of his appointment, excluding all allowances, but no sick pay will be allowed for any period beyond twelve months. One half of sick pay may be drawn in England, with the approval of the Board of Directors, monthly, as it falls due, as subsistence allowance; the other half will be claimable only in India, on the officer's return to duty within the period of his leave.

III.—Privilege Leave.

6. The Agent may grant leave of absence to an extent not exceeding one month in each year without deduction of pay. He may permit such one month's leave to be cumulative to the extent of three months, but no longer, so that at the end of twenty-two months' continuous service he may grant to the officer, if he think proper, two months together, or, at the end of thirty-three months, three months together. But an officer who takes accumulated leave during the last three months of the third year shall not be permitted to take the first month of the next year on account of that year, or any further privilege leave, until an interval of at least eleven months shall have elapsed from the time of his resumption of duty.

IV.—Special Leave.

7. The Agent may grant to any officer of the Company who has served for a period of not less than two years, if he can be conveniently spared, special leave of absence for any period not exceeding six months on urgent private affairs, but not so as to be joined on to any privilege leave or furlough, and no pay or allowances shall be drawn for the period of such leave.

V.—General Conditions.

8. All leave granted under the foregoing rules shall commence from the date of the officer making over charge of his duties, and terminate on his again taking charge of his duties.

9. All officers visiting England on leave are, immediately after arrival, to report themselves, either personally or by letter, at the head office of the Company in London, and they are not to return to India without having first obtained the permission of the Board.

10. It must be distinctly understood, that neither furlough nor privilege leave can be claimed by any officer as a right, and that such leave will be granted only when, in the opinion of the Agent, it can be given without detriment to the service of the Company.

11. A service of not less than three months is necessary between the date of return from three months' accumulated privilege leave and the grant of furlough, or between the date of return from furlough, or leave on sick certificate, and the grant of privilege leave.

12. The duties of officers on leave under these regulations will be performed, whenever possible, by the existing staff in India. An officer of any grade, acting in place of an absentee of a higher grade, will be entitled to draw one-half of the combined substantive pay of the two appointments, with the full allowances of whichever of the two appointments has the highest allowances, but this arrangement does not apply to officers acting for others on privilege leave.

Proceedings of the Madras Government, Public Works Department,
13th September 1875.

13. Excepting in the case of officers entitled to free passages under their agreements, all travelling expenses of officers going on leave, or returning to their duty, must be defrayed by the officers themselves.

14. All applications for leave must be made officially to the Agent through the head of the department to which applicant belongs. The applicant must state in his application the dates and other particulars of leave of every description previously obtained by him.

(True Copy.)

(Signed) W. H. COAKER, Captain, R.E.,
for Consulting Engineer for Railways.

No. 307. ORDER THEREON, 13th September 1875, No. 2,637.

RAILWAY, No. 30.

THE Agent and Manager will obtain the views of his Directors as to the interpretation to be placed on the Leave Rules; and as these Rules were promulgated with the sanction of the Home Government, it seems necessary that the opinion of the Secretary of State for India should also be elicited.

(True Extract.)

EXAMINER RAILWAY ACCOUNTS' OFFICE.

No. 787.

Madras, 23rd August 1875.

From

THE EXAMINER RAILWAY ACCOUNTS

MADRAS,

To

The Consulting Engineer for Railways,
Madras.

SIR,

I have the honour to put forward the following cases with the view of obtaining an authoritative decision for future guidance, upon the question whether the absence of officers of the Madras Railway from duty upon leave other than permitted leave, is to be held to break the continuous service necessary according to the Leave Rules before an officer can obtain more than one month's privilege leave.

Case

Case (A.)

Mr. B, an officer of the Traffic Department, had exhausted all his privilege leave upon the 25 September 1893 having upon that date returned from three months' privilege leave. He was absent for 21 days upon sick leave from the 10 to the 31 May 1894. He is entitled to two months' privilege leave from the 10 August 1894 or did the sick leave in May 1894 break his service for privilege leave? This is a case which has actually occurred.

Case (B.)

Mr. C, an officer of the Engineering Department, having been on uninterrupted duty for over 33 months

months, went on furlough or sick leave to England for one year; and, three months after his return, he claims three months' privilege leave. Is the privilege leave due at the time of going on furlough, still at Mr. C's credit, or has it been lost by break of service? Para. 6 of the Service Rules of September 1892, which are recognised as having been sanctioned by Her Majesty's Secretary of State, empowers the Agent to grant two months' privilege leave after 22 months' continuous service or three months after thirty-three months. In Para. 8 of the same rules it is laid down that a service of not less than three months is necessary between the date of return from furlough or sick leave and

the grant of privilege leave.

3. I am inclined to think that the first quoted rule, which is plain and is in accordance with the similar rule in the Government service, should be held to be applicable; and that leave of any kind except instalments of privilege leave, breaks the continuous service required before privilege leave can be enjoyed. Rule 11 appears to be, in so far as it refers to the grant of privilege leave after furlough or absence on sick certificate, inoperative; as there cannot be any leave at the officer's credit until he has served 12 months. The rule says a service of not less than three months is necessary before privilege leave can be taken.

4. There is one way of explaining the apparent discrepancy between the two paragraphs

3
paragraphs of the Leave Rules. It will be observed that in the first clause of Rule 6 it is not stated that the first month of privilege leave shall be given after eleven months' service. The leave is not to exceed one month in each year. It was probably intended to leave to the Agent the option in case when an officer could be more easily spared from his work at one season of the year than another, of granting the month's leave before the expiry of 12 months' service. This is a view which although it is quite contrary to usually accepted principles, has been advanced and discussed by high authorities. Rule 11 may mean that the first month of privilege leave appertaining to the period subsequent to furlough or absence on sick certificate shall not be taken earlier than three months after return to duty.

See

I have the honor to be
Sir
Your Most Obedient
R. G. Macdonald
Gaines Railway Account
Madras.

From
The Examiner
Railway Accounts,

14. It having been considered desirable to revise the existing Rules for Furlough and Sick and Privilege leave of the several Indian Railway Companies, in order to establish uniformity of practice, I am directed to forward herewith for your information and guidance, printed copies of the new regulations as recently approved and adopted by the Board. These rules have received the sanction of the Secretary of State, and have, we are informed, been agreed to by the other Railway Boards. You will be good enough to ascertain whether the Engineers and other officers of the Company concerned agree to the revised rules. Those who ^{may} object to come under their operation must exercise the option within three months from the date of this letter. Of course all new engagements

engagement.

Engagements or renewals of existing ones will be subject to the new furlough rules.

(True Extract)

W. C. C. R. E. Captains

for Cons. Eng. for Railways

Ms. 576/5/25

Ms. 576/5/25
Ms. 576/5/25

SP 4
Regulations for Furlough, Sick leave, and Privilege leave.

1. Furlough.

1. The Agent may grant furlough for a period not exceeding one year to any European Officer of the Company, who can be conveniently spared, after seven years actual service in India.

2. This period of seven years' service is to be exclusive of time spent on leave of absence of any kind whatever; except privilege leave, and no second furlough shall be granted till after a further actual service of seven years, commencing from the date of the expiration of the first furlough.

3. An Officer will be allowed, for the period of his absence on furlough, one half of the substantive pay of his appointment

appointment, excluding all allowances, provided such half pay does not exceed £1,000 — per annum; but no pay for the period of absence on furlough shall be claimable until the return of the Officer to duty within the period of his leave.

II. Sick leave.

4. The Agent may at any time during service grant an Officer of the Company leave of absence for any period not exceeding twelve months, on the production of a sick certificate from the Company's Medical Officer or other Medical Officer to be approved by the Agent, declaring that he is of opinion that sick leave is necessary for a certain period, and that at the end of such time the Officer will probably be fit to resume his duties, provided the Agent is satisfied that the sickness has not been caused by

5
by any misconduct of the Officer; provided also that nothing in this rule shall be considered as precluding the Board of Directors of the Company from extending the leave of absence of any Officer of the Company who may have visited England on a sick certificate for such further period as to such Board may appear proper, subject to the production of a sick certificate from the Company's Medical Officer in England containing a declaration similar to that above prescribed.

5. With the proviso that no sick pay shall exceed £1,000 — per annum, an Officer absent on sick certificate will be allowed half the substantive pay of his appointment, excluding all.

all allowances, but no sick pay will be allowed for any period beyond twelve months. One half of sick pay may be drawn in England, with the approval of the Board of Directors, monthly, as it falls due, as subsistence allowance; the other half will be claimable only in India, on the Officer's return to duty within the period of his leave.

III. Privilege leave.

b. The Agent may grant leave of absence to an extent not exceeding one month in each year without deduction of pay. He may permit such one month's leave to be cumulative to the extent of three months, but no longer, so that at the end of twenty-two months continuous service

he

10 6
he may grant to the Officer, if he think proper, two months together, or, at the end of thirty three months, three months together. But an Officer, who takes accumulated leave during the last three months of the third year shall not be permitted to take the first month of the next year on account of that year, or any further privilege leave, until an interval of at least eleven months shall have elapsed from the time of his resumption of duty.

IV. Special Leave.

γ. The Agent may grant to any Officer of the Company, who has served for a period of not less than two years, if he can be conveniently spared, special leave of absence for any period not exceeding six months on

on urgent private affairs, but not so as to be joined on to any privilege leave or furlough, and no pay or allowances shall be drawn for the period of such leave.

V. General Conditions.

8. All leave granted under the foregoing rules shall commence from the date of the Officer making over charge of his duties, and terminate on his again taking charge of his duties.

9. All Officers visiting England on leave are, immediately after arrival, to report themselves, either personally or by letter, at the head office of the Company in London; and they are not to return to India without having first obtained the permission of the Board.

Board.

10. It must be distinctly understood, that neither furlough nor privilege leave can be claimed by any Officer as a right, and that such leave will be granted only when, in the opinion of the Agent, it can be given without detriment to the service of the Company.

11. A service of not less than three months is necessary between the date of return from three months' accumulated privilege leave and the grant of furlough, or between the date of return from furlough, or leave on sick certificate, and the grant of privilege leave.

12. The duties of Officers on leave under these regulations will be performed,

-formed, whenever possible, by the
existing staff in India. An Officer
of any grade, acting in place of an
absentee of a higher grade, will be
entitled to draw one half of the
combined substantive pay of the two
appointments, with the full allow-
-ances of whichever of the two appoint-
-ments has the highest allowances, but
this arrangement does not apply to
Officers acting for others on privilege
leave.

13. Excepting in the case of Officers
entitled to free passages under their
agreements, all travelling expenses of
Officers going on leave, or returning
to their duty, must be defrayed by
the Officers themselves.

14. All applications for leave
must

12
must be made officially to the Agent
through the head of the department
to which the applicant belongs. The
applicant must state in his appli-
-cation the dates and other particu-
-lars of leave of every description
previously obtained by him.

/ True Copy /

R. B. ; Captain
for Genl. Engineer for Railways.

W. H. M.

Railway Department.

Cons. Engr's Office
Madras 6. Sept. 1875

No 497

Submitted for the orders
of Government.

2 The undersigned agrees in
the opinion expressed by the Exa-
miner of Railway Accounts in
respect to the interpretation of the
new furlough rules of the Madras
Railway.

Copy enclosed
to be printed
with this letter.

3 It will be seen from
the inclosed copy of paragraph 14
of letter No 498, dated 11. October
1872, from the Board of Directors
of the Madras Railway to their
Agent in India, that the Regula-
tions of September 1872 for Furlough,
Sick leave, and Privilege leave, is
received the sanction of the Secre-
tary of State.

Wentworth
Hood R.E.
Cons. Engr for Railways.

Ms 5765/1

98-13 24/10/75
with 30/10/75

The Secretary to Government
P. W. Department
Fort St. George.

From
The Eng. & Agr. for
Railways } Vol. N. 497 4/6th Sept 1/95

The Agent and
Manager will obtain
the views of his Directors
as to the interpretation
to be placed on the
leave rules; and as
these rules were pro-
mulgated with the
sanction of the Home
Gov^t it seems necessary
that

17-18-19-20-21-22-23-24-25-26-27-
 28-29-30-31-32-33-34-35-36-37-
 38-39-40-41-42-43-44-45-46-47-
 48-49-50-51-52-53-54-55-56-57-
 58-59-60-61-62-63-64-65-66-67-
 68-69-70-71-72-73-74-75-76-77-
 78-79-80-81-82-83-84-85-86-87-
 88-89-90-91-92-93-94-95-96-97-
 98-99-100-101-102-103-104-105-106-107-
 108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-103

Dr. Wm. S. Apple.
Albany.
No. 5745
St. Broad Street, Syracuse.
Jas. H. Anthony.

Wednesday 26 Nov

To Mr. Delect
Linn & Co. & Co.

David & John
Harris

Ms. A. 9. 2
Ms. A. 9. 2
Ms. A. 9. 2

From the Government of
Washington & Mount Vernon
I enclose a copy of the
in the State of
the 21st Dec 1800

that the opinion of the
Secretary of State for
India should also be
elicited.

1/11/75

5745

Gobt. of 11875/ Madras.
PUBLIC WORKS.

To

^{1/11/75}
The Engineering.

Dated

Issued

Recd.

Encl.

G. O. 12437 No. 2437

No. 306-307

New furlough rules of
the M. Pys. - Passing
orders on Endorsement
of the Consulting Engr.
for Pys: submitting with
remarks, letter from the
Examiner Pys: Accounts
requesting a decision
on certain points in the

N-306/7

SC DWP

2-10-75

office 1/