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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	3254	Press
B.P. No.		Mis.
Dated	1 - 12 -	1876 195

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department,
1st December 1876. No. 3,254.

No 47 : Read the following letter from Lieutenant-Colonel J H M SHAW-
STEWART, R E, Consulting Engineer for Railways, to Major-General
G W. WALKER, R E, Secretary to Government, Public Works Department,
dated Madras, 14th November 1876, No 560 —

I HAVE the honor to submit, for the orders of Government, a letter* from the Agent
and Manager of the Madras Railway Com-

* No 1,085, dated 27th October 1876 company explaining the interpretation of the
Company's Privilege Leave Rules under which he granted to Mr. Moss, the Deputy
Traffic Manager, three months' leave from the 4th August last

2 Under the Order of Government, No 2,660, dated 3rd October 1876, will
be found the "rules of which the Board of Directors entirely approve," and which in
their opinion sufficiently met the wishes of certain members of the railway staff who
memorialised them on the subject

3. In the Proceedings† of the Madras Government, Public Works Department,
dated 7th April 1876, will be found embo-
died the reply of the Secretary of State to a
reference‡ from the Board of Directors

† No 903

‡ No 571, dated 25th February 1876

made at the instance of this office, in which it is laid down that "the amount of
privilege leave earned by an officer is one-eleventh part of the time during which he
has been on duty without interruption Provided that no privilege leave can be
earned by an officer by duty done while three months of such leave are due to him,
and that whenever duty is interrupted all claim to privilege leave earned therefore is
forfeited"

4 Under this ruling, which is in accordance with the Civil Leave Code, Sec-
tion 21, Chapter VII, and to which the Board of Directors desire that in future effect
may be given, Mr Elwin's interpretation cannot in my opinion be sustained
Mr Moss§ could have been held entitled

§ Statement enclosed
to three months' leave on the 4th August
1876 only by allowing him to accumulate more than three months' leave prior to 24th
June 1872, on which date he had served uninterruptedly from November 1868, or
some forty-three months

5 Although in this case I can find no ambiguity to justify the departure from
the rules approved alike by the Board of Directors and by the Government, the section
referring to "Privilege Leave" in the leave rules sanctioned with the Order of Govern-
ment, No 2,637, dated 13th September 1875, and repeated in the rules recorded with
the Order of Government, No. 2,660, dated 3rd October 1876, is in some respects
vague and inferior in its wording to the sections in the Civil Leave Code which it
may be inferred from the papers recorded with the Proceedings of Madras Government,
7th April 1876, rightly define the privileges which it is the desire of the Board of
Directors to grant to their staff

6. As the leave granted to Mr Moss could not be recalled, and that gentleman
could not equitably be held responsible for the misapplication of the rules in his case,
this office sanctioned the disbursement of the salary due during absence on leave, and
I have now the honor to request the confirmation of Government to that sanction, and
to recommend that Sections 21 and 22 of Chapter VI of the Civil Leave Code be suggested

*Proceedings of the Madras Government, Public Works Department,
1st December 1876 No. 3,254*

to the Board of Directors in substitution for the section of the rules as now sanctioned

7. This seems a fitting opportunity to lay before Government a correspondence* which has taken place between this office and the Agent on the subject of submitting all applications for leave through the Audit Department for an authoritative statement of the services and claims under the rules of the applicant. The case of Mr Moss illustrates clearly the advantage of this system, which has long obtained in all departments under Government. From the Board's reply to the suggestion of this office, it is clear that the object in view was misapprehended. There was no wish whatever to limit the discretionary power of the Agent, but to enable him to exercise that power with a full and authoritative knowledge of all the circumstances of the case.

8. The question asked of an Audit Department is—To what leave is the applicant entitled under the rules? And the reply can in no way fetter any action the Agent may think right to take beyond the rules.

9. It would undoubtedly, in a case like that of Mr. Moss, secure to this office timely knowledge of the exercise of any such discretionary power; but this certainly is not an objection that would be raised by Mr. Elwin, or it is thought by the Board of Directors. Definite rules have lately been issued for the guidance of the railway staff, and it is believed that neither the Secretary of State nor the Board of Directors contemplate any departure from those rules, except under circumstances which would justify it as much in the opinion of the Government Controlling Officers as in that of the Agent. All that the Audit Department can do is to decline to pass a charge, unless the procedure laid down by the Board of Directors for the guidance of the Agent is strictly followed; and for the exercise of discretionary power this procedure provides as fully as for the exercise of the ordinary powers within the rules.

10. The difference of opinion between the audit officers of the railway and the Agent that must have resulted in the case of Mr. Moss, had the system recommended been in vogue, would undoubtedly have led to a reference to this office by the Agent, and have prevented a departure from the rules laid down by the Board that cannot be justified by any exceptional circumstances.

11. I request that the Government will express an opinion upon the suggestion "that all grants of leave shall be regularly pre-audited and certified as admissible by the Company's Chief Auditor and by the Examiner of Railway Accounts before they take effect." In deference to the views expressed by the Agent and by the Board of Directors, I forbear to press for the remainder of my former recommendation, viz, that applications for leave shall be submitted to Government for sanction and confirmation. The object in view will be attained by the former measure, to which I cannot think the Board of Directors will raise any objection.

*Proceedings of the Madras Government, Public Works Department,
1st December 1876. No. 3,254.*

Statement of Mr L S Moss' Services

Department	Name	Designation	Salary per Annum	Date of entertainment in the Company's Service	Date of promotion.
Traffic .	Mr L S Moss	Assistant Traffic Manager	£350	28th November 1868.	Vide G O, No 2,377, dated 24th July 1868
Do ..	Do ..	Do	£450	Do ..	From August 1871
Do ..	Do ..	Deputy Traffic Manager	£650	Do ..	From January 1872
Do ...	Do ..	Do	£750	Do	From January 1874

From Lieutenant-Colonel J. H M SHAW-STEWART, R E, Consulting Engineer for Railways, to R B ELWIN, Esq, Agent and Manager of the Madras Railway Company, dated Madras, 21st May 1875, No 576.

THE Examiner of Railway Accounts has brought to my notice that a charge has been made in the Madras Railway Accounts for the passage money to England of Mr Going, Deputy Chief Engineer. No report has been furnished to this office regarding the grant of leave to that officer, and I beg that the omission may be supplied.

2 In future cases of leave of all kinds granted by you to any of the Company's Officers, I request that when notifying the fact for the information of Government, you will be so good as to specify the particular rule under which the leave is granted. This will enable the Examiner of Railway Accounts to deal with each case when auditing the accounts.

3 In the case of officers in Government service, every application for leave is submitted to Government through the auditing authority of the department concerned, who appends to the application a report as to whether the leave is admissible under the rules, I have no doubt that a similar regulation is in force with regard to the officers of the Madras Railway, and I shall be glad to receive your assurance that such is the case.

From the same Officer, dated Madras, 4th June 1875, No 638

ADVERTING to my letter, No 576, dated the 21st ultimo, and to your letter, No 533, dated 22nd idem, I have the honor to enclose copy of a letter* from the Examiner of Railway Accounts upon the general question of the grant of leave to servants of the Madras Railway Company.

2 I request that you will be so good as to let me know whether you see any objection to the adoption of Mr Macdonald's suggestion, namely, that all grants of leave shall be submitted to Government for sanction or confirmation, and that they are regularly audited and certified as admissible by the Company's Chief Auditor and by the Examiner of Railway Accounts, nothing however being allowed to interfere with the departure at the earliest date otherwise possible of officers proceeding on sick leave.

3. You will observe that, with regard to the sick leave lately granted to Mr Going, Mr Macdonald represents that he has had no opportunity of seeing whether the terms of Article 4 of the Furlough Regulations have been complied with.

Agent and Manager

*Proceedings of the Madras Government, Public Works Department,
1st December 1876 No 3,254*

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, 28th May 1875, No 413

I HAVE the honor to acknowledge the receipt of your memorandum, No 788, dated 25th instant, on the subject of the procedure followed by the Agent and Manager of the Madras Railway with regard to the granting of leave to servants of the Company, and with special reference to the grant of seven months' sick leave to Mr Gong, Deputy Chief Engineer

2 The practice of the Agent and Manager is to grant leave, if it be in his judgment admissible, under the regulations in force, and to report his action simply for the information of Government. Sanction is not applied for

3 As the grant of leave involves in all cases some outlay and in some instances a large amount, it would seem that Government has a right to see that the leave is admissible. This can only be done by requiring that grants of leave shall be submitted for sanction or confirmation, and that they be regularly audited and certified as admissible by the Chief Auditor of the Company and this office. Nothing should however be allowed to interfere with the departure at the earliest date otherwise possible of officers proceeding on sick leave

4 With reference to the particular case, the sick leave of Mr Gong, I have had no opportunity of seeing whether the terms of Article 4 of the furlough regulations have been complied with.

From R B ELWIN, Esq, Agent and Manager of the Madras Railway Company, to Lieutenant-Colonel J H M SHAW-STEWART, R E, Consulting Engineer for Railways, dated Madras, 5th June 1875, No 598

With reference to your letter of the 4th instant, No 638, I have the honor to enclose a copy of the 14th paragraph of a letter from the Board of Directors, No 498, from which you will learn that the regulations for furlough, sick leave, and privilege leave received the sanction of the Secretary of State before they were forwarded to me by the Board for adoption.

2 Those regulations empower the Agent of the Company in India to grant leave to officers of the Company under certain circumstances and conditions, and before I can ascertain any change in what, strictly in accordance with the regulations, has hitherto been the practice it will be necessary that I shall refer the question to the Board

3 My own opinion is that it would be both unnecessary and impolitic to give to the Agent a control over the executive power of the Agent in this respect such as it appears Mr Macdonald desires.

EXTRACT from a letter from the Secretary, Madras Railway Company, No 498, dated London the 11th October 1872

Paragraph 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. The 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 the letter. Of course, all new engagements or renewals of existing ones will be subject to the new furlough rules

(True Extract)

(Signed) R B ELWIN,
Agent and Manager

*Proceedings of the Madras Government, Public Works Department,
1st December 1876. No. 3,254*

From R B ELWIN, Esq, Agent and Manager of the Madras Railway Company, to Lieutenant-Colonel J H M SHAW-STEWART, R E, Consulting Engineer for Railways, dated Madras, 16th September 1875, No 965

With reference to your letter, No 638, of the 4th June last, and to my reply of the 5th idem, No 598, I have the honor to forward you herewith a copy of paragraph 17 of the Secretary's letter, No 558, dated the 13th August 1875, in which are contained the views of my Directors as to the grant of leave by me to officers and servants of this Company.

EXTRACT from a letter from the Secretary, Madras Railway Company, No 558, dated London, the 13th August 1875

Paragraph 17 Adverting to paragraph 19 of 1,161, I am to convey the Board's approval of your reply to the Consulting Engineer's letter of the 4th June last, with which he forwarded a suggestion that all grants

copy of a letter from the Examiner of Railway Accounts, containing a suggestion that all grants of leave shall be submitted to Government for sanction or confirmation, and that they shall be regularly audited and certified as admissible by the Company's Chief Auditor and by the Examiner of Railway Accounts. It does not appear to the Board necessary or expedient to limit the discretionary power vested in the Agent and Manager under the furlough regulations, all that is requisite, in their opinion, is that Government should have prompt intimation of all leave granted, and of the grounds upon which it is allowed.

(True Copy)

(Signed) R B ELWIN,
Agent and Manager

From R B ELWIN, Esq, Agent and Manager of the Madras Railway Company, to Lieutenant-Colonel J H M SHAW-STEWART, R E, Consulting Engineer for Railways, dated Madras, 27th October 1876, No 1,085

ADVERTING to your letter of the 24th instant, No 1,131, and to the discussion which took place at the meeting of the Stores Committee on Wednesday last, I have the honor to explain that for the last fifteen years it has been the practice on this railway to carry forward to the credit of an officer any leave which he had earned, but which, owing to the exigencies of the service, he had been unable to avail himself of, and Mr Moss' is a case in point

2 This officer entered the service of this Company in November 1868, and, in accordance with rules, became entitled to leave as under—

From November 1868 to October 1869,	1 month
" October 1869 to Sept 1870,	2 months
" September 1870 to August 1871,	3 "
" August 1871 to July 1872,	4 "
" July 1872 to June 1873,	5 "
" June 1873 to May 1874,	6 "
" May 1874 to April 1875,	7 "
" April 1875 to March 1876,	8 "

3 Thus to March of this year Mr Moss' service entitled him to eight months' leave, and the leave which he has actually had granted to him is as follows —

From 24th June 1872 to 25th July 1872,	1 month
" 4th Mar 1873 to 30th May 1873,	2 months, 28 days
" July 1875,	1 month
" 4th Aug 1876 to 3rd Nov. 1876,	3 months, in all 7 months, 28 days.

Agent and Manager

4 The question of Mr Moss' leave has been dealt with by me in good faith, and though the practice which I believe I introduced on this railway in 1862 differs from the rules laid down by the Government for the guidance of its officers, some such concession became necessary on the railway, as it very frequently happened that officers who had earned leave of absence on the to the exigencies of the service prevented taking it

5 Our rules provide that privilege leave may be cumulative to the extent of three months but no longer, and, in this respect, the leave granted to Mr Moss has been in order

6 A reference to the leave which has been granted to Mr Moss will show that this officer since he entered the service in 1868 has enjoyed seven months and twenty-eight days' leave while by the rules he has earned eight months' leave

7 Upon this explanation the Deputy Consulting Engineer gave authority for the payment of salary to Mr Moss, pending a reference to the Government

No 48. ORDER THEREON, 1st December 1876, No 3,254

RAILWAY, No 2

THE disbursement of salary to Mr Moss during the period of leave granted to him is sanctioned

2 With regard to the general questions raised in the Consulting Engineer's letter, His Excellency in Council is of opinion that in future all applications for leave should be pre-audited and certified as admissible by the Company's Chief Auditor, and by the Examiner of Railway Accounts, by which means trouble will be avoided, and the necessary check secured

(True Extract)

Major-General, R.E.,
Secretary to Government

To the Consulting Engineer for Railways
,, Examiner of Railway Accounts

Exd. A. Grubert
Spare Copies

No. 965

MADRAS RAILWAY.

AGENT AND MANAGER'S OFFICE.

Madras, 16th September 1875

From

Robert B Elwin Esq.
Agent and Manager. M R Company

To

Lieut Colonel J H M. Haic Stewart Esq
Consulting Engineer for Railways.

Sir,

With reference to your letter N^o 638 of the 4th June last and to my reply of the 5th idem N^o 598, I have the honor to forward you herewith a copy of paragraph 17 of the Secretary's letter N^o 558 dated the 13th August 1875, in which are contained the views of my Directors as to the grant of leave by me to officers and servants of this company.

I have the honor to be

Sir

Your most Obedient Servant

W. B. Elwin
Agent and Manager

P.W.D.
1876
8306

MADRAS RAILWAY

From

The Agent and Manager

To

The Consulting Engineer

for Railway

Dated 16th Feb 1878
Recd 17th M.
No. 965

forwarding the same
of the 14th Feb 1878
by the 1st of March
and the 1st of March
by the 1st of March
and the 1st of March

Extract from a letter from the Secretary,
etc. etc. at 500 dated London the 13th
August 1875

et. grant
of 6.26

Para 17. Adverting to para 19 of
1161, I am to convey the Board's approval
of your reply to the Consulting Engineer's letter
of the 4th June last, with which he forwarded
a copy of a letter from the Examiner of
Railway Accounts, containing a suggestion
that all grants of leave shall be submitted
to Government for sanction or confirmation,
and that they shall be regularly audited
and certified as admissible by the
Company's Chief Auditor and by the
Examiner of Railway Accounts. It
does not appear to the Board necessary
or expedient to limit the discretionary
power vested in the Agent and Manager
under the foregoing regulations, all that
is required, in their opinion, is that
Government should have prompt noti-
fication of all leave granted, and of the
grounds upon which it is allowed.

1 True Copy
[Signature]
Agent & Manager

[Signature]

No. 598

S P 13
MADRAS RAILWAY. 11

AGENT AND MANAGER'S OFFICE

Madras, 5th June 1875.

From

Robt B. Elwin Esq.
Agent and Manager. of the M.R.

To

Lieut Colonel J. H. M. Shaw Stewart
Consulting Engineer for Railways. R.E.

Sir,

With reference to your letter of the 4th instant at 6.38, I have the honour to enclose a copy of the 14th paragraph of a letter from the Board of Directors at 4.98 from which you will learn that the Regulations for Muslaugh, Sick Leave, and Privilege leave received the sanction of the Secretary of State before they were forwarded to me by the Board for adoption.

2 These Regulations empower the Agent of the Company in India to grant leave to Officers of the Company under certain circumstances and conditions, and before I can assent to

to any change in what, steadily
in accordance with the Regulations,
has hitherto been the practice, it
will be necessary that I shall refer
the question to the Board. 13

3 My own opinion is that
it would be both unnecessary and
inexpedient to give to the Audit Dep. and
a Comptrol over the executive power
of the Agent in this respect - such as
it appears Mr Macdonald desires.

I have the honor to be

Sir
Yours most obedt Servt

Wm J. Wm
Agent and Manager

P.W.D.
16 NOV 76
N. 8306

Regarding the granting
of leave to servants
of the Company under
the new Struck
Regulations

Dated 5th June 1875
Recd
N. 598

To
The Agent and Manager
MADRAS RAILWAY
From
The Consulting Engineer
for Railways

557

few Struck
Regulations
forwarded

36 15
Extract from a letter from the Secretary, M. & C.
No 498 dated London the 11th October 1872

15

Para 14 It having been considered
desirable to revise the existing Rules for
Struck 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.
If 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 Struck rules

/ True Extract
Agent & Manager

SP !!
EXAMINER RAILWAY ACCOUNTS' OFFICE,

No. 413

Madras, 28th May 1875

From

THE EXAMINER RAILWAY ACCOUNTS,

MADRAS,

To

The Consulting Engineer for Railways,
Madras

Sir,

I have the honour to acknowledge
the receipt of your Memo No 788 dated 25th
instant on the subject of the procedure
followed by the Agent and Manager of the
the Madras Ry. with regard to the
granting of leave to servants of the
Company and with special reference
to the grant of seven months' sick
leave to Mr. Young, Deputy Chief Engineer.

2. The practice of the Agent
and Manager is to grant leave if it be
in

his judgment admissible, under the regulations in force, and to report his action simply for the information of Government. Sanction is not applied for.

3. As the grant of leave involves in all cases some outlay and in some instances a large amount, it would seem that Government has a right to see that the leave is admissible. This can only be done by requiring that grants of leave shall be submitted for sanction or confirmation, and that they be regularly audited and certified as admissible by the Chief Auditor of the Company

and

12
11
and this Office nothing should however be allowed to interfere with the departure at the earliest date otherwise possible of Officer's proceeding on sick leave

4 With reference to the particular case, the sick leave of Mr. Goring, I have had no opportunity of seeing whether the terms of article 4 of the furlough regulations have been complied with.

I have the honour to be
Sir
Your most Obedient,

R. H. Macdonald
Permanently Acting
Magistrate

Ed. D. B.

P W.D.
16 NOV 76
8306

Railway Deptt

Cons. Engrs. Office
Madras 21st May 1875

To No 576
The Asst and Manager
M. Railway Company

Sir,

The Examiner of Railway Accounts has brought to my notice that a charge has been made in the Madras Railway Accounts for the passage money to England of Mr. Goring, Dy. Chief Engineer. No report has been furnished to this office regarding the grant of leave to that officer and I beg that the omission may be supplied.

2. In future cases of leave of all kinds granted by you to any of the Company's Officers, I request that when notifying

From

The Examiner

Railway Accounts,

Madras,

To

The Consulting Engineer

for Railways

M. S. S. S.

Dated 28th May

Received 28th May

1875

No 413

Offering certain remarks on the procedure followed by the Asst. Manager Roady and signed to the granting of leave to servants of the Company.

notifying the fact for the information of Government, you will be so good as to specify the particular rule under which the leave is granted. This will enable the Examiner of Railway Accounts to deal with each case when auditing the accounts.

3. In the case of officers in Government Service, every application for leave is submitted to Government through the auditing Authority of the Department concerned, who appends to the application a report as to whether the leave is admissible under the rules, I have no doubt that a similar regulation is in force with

with regard to the officers of the Madras Railway, and I shall be glad to receive your assurance that such is the case.

I have, &c.,
Bd J H M Shaw Stewart Esq
R.C.

Secy for Railway

Madras 4th June 1875

N^o 638

To
The Agent and Manager
M. Ry Company

Sir,

Adverting to my letter N^o 576, dated the 21st ultimo, and to your letter N^o 533 dated 22nd idem, I have the honour to enclose a copy of a letter from the Examiner of Railway Accounts upon the general

N^o 413 d/28th
May 1875.

general question of the grant of leave
to servants of the Madras Railway
Company

I request that you will
be so good as to let me know
whether you see any objection to the
adoption of Mr Macdonald's sug-
gestion, namely, that all grants
of leave shall be submitted to
Government for sanction or con-
firmation, and that they are
regularly audited and certified as
admissible by the Company's
Chief Auditor and by the Examiners
of Railway Accounts; nothing
however being allowed to interfere
with the departure at the earliest
date otherwise possible of officers
proceeding on sick leave.

10
25
3. You will observe that, with
regard to the sick leave lately
granted to Mr. Goong, Mr. Macdonald
represents that he has had no
opportunity of seeing whether the
terms of article 4 of the Sur-
rough Regulations have been
complied with.

I have, &c.,
J. H. M. Shaw-Stewart ^{Holl} R.E.

Cons. Eng. for Railway

(True copies)

Mantworth
H. J. R.E.

Cons. Eng. for Railway

27
Statement of Mr. L. S. Wolfe's Services.

Department: Name	Designation:	Salary Rate of Entitlement per annum.	in the Company's service.	Date of Termination
Office	Asst. Eng. Manager	\$350	28	November 1868 U.S. No. 23770 of 24 July 1868
"	"	\$450	"	from August 1871
"	Asst. Engr. Manager	\$650	"	from Aug 1872
"	"	\$750	"	from Aug 1874

P W D

107776

8306

P.W.D.
16 NOV 76
8306

No. 1085

MADRAS RAILWAY
AGENT AND MANAGER'S OFFICE
Madras, 27th October 1876.

From

Robert B Elwin, Esq.
Agent and Manager. R.B.E.

To

Lieut Coll. J. H M Shaw Stewart
Consulting Engineer for Railways.

SIR,

Adverting to your letter of the 24th Instant N^o 1131 and to the discussion which took place at the meeting of the Stores Committee on Wednesday last I have the honour to explain that for the last fifteen years it has been the practice on the Railway to carry forward to the credit of an Officer any leave which he had earned, but which owing to the exigencies of the service he had been unable to avail himself of, and Mr. Moss's is a case in point.

This Officer entered the service of this Company in November 1868 and in accordance with rules became entitled to leave as under:-
From November 1868 to October 1869 - 1 month
— " — October 1869 to September 1870 - 2 months
— " — September 1870 to August 1871 - 3 — "

31 19

From August 1871 to July 1872 - 4 Months
 — " — July 1872 to June 1873 - 5 — " —
 — " — June 1873 to May 1874 - 6 — " —
 — " — May 1874 to April 1875 - 7 — " —
 — " — April 1875 to March 1876 - 8 — " —
 3. Thus to March of this year
 Mr. Mops' service entitled him to 8
 months leave, and the leave which he
 has actually had granted to him, is
 as follows—
 From 24th of June 1872 to 25th July 1872 - 1 Month.
 — " — 4th March 1873 to 30th May 1873 - 2 Months - 28 days
 — " — July 1875 ————— 1 Month.
 — " — 4th August 1876 to 3rd November 1876 - 3 Months
 in all ————— Months 7 - 28

4 The question of Mr. Mops' leave
 has been dealt with by me in good
 faith, and though the practice which
 I believe I introduced on this Railway
 in 1862 differs from the rules laid down
 by the Government for the guidance
 of its Officers, some such concession
 became necessary on the Railway,
 as it very frequently happened that
 Officers who had earned leave of
 absence were owing to the exigencies
 of the service prevented taking it.

5

33
5. Our rules provide that privilege leave may be cumulative to the extent of three months, but no longer, and in this respect the leave granted to Mr. Mop has been in order.

6. A reference to the leave which has been granted to Mr. Mop will show that this Officer since he entered the service in 1868, has enjoyed 7 months and 28 days leave, while by the rules he has earned 8 months leave.

7. Upon this explanation the Deputy Consulting Engineer gave authority for the payment of salary to Mr. Mop pending a reference to the Government.

I have the honour to be
Sir,

Your most obedient servant
The Agent and Manager

MADRAS RAILWAY

From

The Agent and Manager

To

The Consulting Engineer

for Rules

Date

187

Recd

P.W.D.
16 NOV 76
No. 8306

Regarding Mr
Hosur's Proceedings
Hosur

Date 27 October 1876
Recd 28/10/76
Ctd. N. 1083

The Consulting Engineer
for Railways

The Agent and Manager

MADRAS RAILWAY

RAILWAY DEPARTMENT.

CONSULTING ENGINEER'S OFFICE,
Madras, 14th Nov 1876.

No. 560

From

LIEUT.-COLONEL J. H. M. SHAW-STEWART, R.E.,
Consulting Engineer for Railways,

To

MAJOR-GENERAL G. W. WALKER, R.E.,
Secretary to Government,
Public Works Department,
Fort Saint George.

SIR,

I have the honour
to submit for the orders of Govern-
ment a letter from the Agent
and Manager of the Madras
Railway Company, explaining
the interpretation of the Company's
privilege leave rules under
which he granted to Mr. Mace,
the Deputy Traffic Manager,
three months' leave from the 4th
August last.
Under the Order of Govt
No.

N^o 2660 dated 3rd October 1876
will be found the "rules of which
the Board of Directors entirely ap-
prove", and which in their opinion
sufficiently met the wishes of cer-
tain members of the Railway staff
who memorialised them on the sub-
ject.

3. In the Proceedings of ^{N^o 905}
the Madras Government Public
Works Department dated 7th April
1876 will be found embodied
the reply of the Secretary of State
to a reference from the Board of ^{N^o 571 of 25}
Directors, made at the instance ^{Febry. 1876}
of this office, in which it is laid
down that "the amount of privilege
leave earned by an officer is one-
eleventh part of the time during
which

31
which he has been on duty with-
out interruption. Provided that
no privilege leave can be earned
by an officer by duty done while
three months of such leave are due
to him, and that whenever duty is
interrupted all claim to privilege
leave earned therefore is forfeited."

Under this ruling, which
is in accordance with the Civil
Leave Code - Section 21 Chapter VII,
and to which the Board of Direc-
tors desire that in future effect
may be given, Mr. Edwin's in-
terpretation cannot in my opinion
be sustained. Mr. Moss could
have been held entitled to three
months' leave on the 4th August
1876

* statement enclosed

1876. only by allowing him to accumulate more than three months' leave prior to 24th

June 1872, on which date he had served uninterruptedly from November 1868, or some 43 months.

5 Although in this case I can find no ambiguity to justify the departure from the rules approved alike by the Board of Directors and by the Government, the Section referring to "Privilege leave" in the leave rules sanctioned with the Order of Government No 2637 dated 13th September 1875, and repeated in the rules recorded with the Order of Government No 2660 dated 3rd October 1876-1, is in some respects vague, and inferior in its wording to the

the sections in the Civil Leave Code which, it may be inferred from the papers recorded with the Proceedings of Madras Government of 4th April 1876, rightly define the privileges which it is the desire of the Board of Directors to grant to their staff.

6. As the leave granted to Mr. Price could not be recalled, and that gentleman could not equitably be held responsible for the misapplication of the rules in his case, this office sanctioned the disbursement of his salary due during absence on leave; and I have now the honour to request the confirmation of Government to that sanction, and

and to recommend that section 21
and 22 of Chapter VI of the Civil
Leave Code be suggested to the
Board of Directors in substitution
for the sections of the rules as
now sanctioned.

7. This seems a fitting opportunity to lay before Government a correspondence which has taken place between this office and the Agent, on the subject of submitting all applications for leave through ^{the} Audit Department for an authoritative statement of the services and claims under the rules of the applicant. The case of Mr. Moss illustrates clearly the advantage of this system, which

* Printed in P. O. of Govt.	From Cons. Engr. to Agent. M. Railway	No 576	dated. 21 st May 1875
do. 1873 of 4 th June	" " Agent to Cons Engr.	" 533	" 22 nd "
1875.	" " Cons. Engr. to Agent. M. Railway	" 630	" 4 th June 1875
	" " Agent to Cons. Engineer	" 598	" 5 th "
	" " "	" 965	" 16 th Sept ^r "

which has long obtained in all departments under Government. From the Board's reply to the suggestion of this office, it is clear that the object in view was misapprehended. There was no wish whatever to limit the discretionary power of the Agent, but to enable him to exercise that power with a full and authoritative knowledge of all the circumstances of the case.

8. The question asked of an Audit department is, — To what leave is the applicant entitled under the rules? and the reply can in no way fetter any action the

Agent may think right to take beyond the rules.

9. It would undoubtedly, in a case like that of Mr. Moss, secure to this office timely knowledge of the exercise of any such discretionary power, but this certainly is not an objection that would be raised by Mr. Churn, or it is thought by the Board of Directors. Definite rules have lately been issued for the guidance of the Railway staff, it is believed that neither the Secretary of State nor the Board of Directors contemplate any departure from those rules, except under circumstances which would justify it as much in the opinion

G.O. No 2660

d/3^d Oct. 1876

of the Government Controlling officers as in that of the Agent. All that the Audit department can do is to decline to pass a charge, unless the procedure laid down by the Board of Directors for the guidance of the Agent is strictly followed; and for the exercise of discretionary power this procedure provides as fully as for the exercise of the ordinary powers within the rules.

10 The difference of opinion between the Audit officers of the Railway and the Agent that must have resulted in the case of Mr. Moss, had the system recommended ~~in regard~~, would undoubtedly have led to a reference to

to this office by the Agent, and have prevented a departure from the rules laid down by the Board that cannot be justified by any exceptional circumstances.

11. I request that the Government will express an opinion upon the suggestion "that all grants of leave shall be regularly pre-audited and certified as admissible by the Company's Chief Auditor and by the Examiner of Railway Accounts before they take effect." In deference to the views expressed by the Agent and by the Board of Directors,

(1) Number 6
6.5
I forbear to press for the remainder of my former recommendation; viz., that applications for leave shall be submitted to Government for sanction and confirmation. The object in view will be attained by the former measure, to which I cannot think the Board of Directors will raise any objection.

I have the honor to be,
Sir,
Your most Obedt. Servt,
Maurice
General Manager
Great Northern Railway

PUBLIC WORKS DEPARTMENT.

*From the Consulting Engineer for
Railways, No. 560, dated 15th November 1876.*

FOR ORDERS

*Two questions are
brought forward for
decision in this
correspondence:*

- (1) Confirmation of the
extension of the law.
allowing Engineer to dis-
bursement of salary
to Mr. Moss, Deputy
Traffic Manager of the
Madras Railway, during
the period of leave
irregularly granted.

Am

P.W.D.
16 NOV 76
No 8308

204-6-75 1573
13-9-75 2637
7-4-76 905
3-10-76 2660

No. 47

Cir 17-11-76

*Endorsed
Notwithstanding certain
concessions made
with regard to Mr.
Moss's position.
See Memo.*

Dated 14th November 1876.
Received

No 560

From
The Consulting Engineer
for Railways,
RAILWAY DEPARTMENT.
To
The Secretary to Government,
P. W. Department,
Fort Saint George

(2) An expression of opinion
on the suggestion that
all grants of leave shall
be regularly pre-audited
and certified as admis-
sible by the company's
Chief Auditor and by the
Examiners of Railway
Accounts before they
take effect.

111

Conrad H. May, Esq.
Secretary to Government
S.H.B.

X² att²

8306

B

Public Works Department

No. 3254

PROCEEDINGS OF THE MADRAS GOVERNMENT

Under date the

Read the following -

The Government of Madras
for the year 1901

The Government of Madras
for the year 1901
have decided to
grant a salary of Rs. 1000 per
month to the
Chief Engineer of the
Public Works Department

and to
grant a salary of Rs. 500 per
month to the
Chief Engineer of the
Public Works Department
for the year 1901
and to
grant a salary of Rs. 500 per
month to the
Chief Engineer of the
Public Works Department
for the year 1901

the payment of
 the above account,
 by which means trouble
 will be avoided, and
 the necessary check
 secured.

Am.

8356

Govt. of Madras.
 PUBLIC WORKS.

To The Commr. of the

Dated

Issued

Recd

Encl

G O, 1st Nov. 1870, No 3254

Nos. 47-48

Mr. Messrs Deputy Commr.
Manager, Madras City.

The disbursement of the
 salary to — while on
 leave sanctioned with
 remarks.

Cont. in Reg.

No 47/8

Mr.

13-12-70 17