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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Public Works DEPARTMENT

G.O. No.
B.P. No.

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Press.
Mis.

Dated

8-12-1881

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1329
GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

8th December 1881, No. 1329.

Leave Allowance.

Read again the following papers:—

G.O., Pension Department, dated 18th August 1881, No. 758.

From H. E. STOKES, Esq., Collector of Salem, to the Secretary to Government, Pension Department, dated Salem, 9th September 1881, No. 2340.

I beg respectfully to call the attention of Government to a practice which appears to me novel, and also since there is no ruling of the Government of India on the subject peculiar to this Presidency. I refer to the recovery from persons admitted to pension of the full amount of leave allowances which the Accountant-General, on scrutiny of the service lists, may hold to have been improperly drawn by them during their service.

2. I submit that, if such allowances were improperly drawn, it was the business of the Audit Department of the day to have found it out; that it is scarcely possible that the Audit Officers of the present day can be fully acquainted with the leave rules and constructions of them in force, it may be, thirty years ago; that to require the claims to be now justified when, owing to lapse of time, the circumstances under which the allowances were drawn, and which may have made them legitimate, cannot be ascertained or proved is very hard; that, if there was in old days laxity in applying the leave rules, this is not the fault of the pensioners; and that it is unworthy of Government to dock in this way the hard-earned pensions of their servants.

3. As an instance of the way in which the system works, I may mention that in a recent case from this district, in which the Accountant-General reported that Rs. 191 had been wrongly drawn and Government ordered the recovery, subsequent inquiry and research has shown grounds for reducing the claim to Rs. 29. The larger amount would be in this case more than six months' pension.

No. 982.

ORDER.—Referred to the Accountant-General for report—

- (1) when, and for what reasons, the practice arose of recommending the recovery of all overdrawings during service, and
- (2) whether in his opinion some period of limitation might not be fixed beyond which such recoveries will not be made as it would appear that the Account Department must be itself to blame for non-recoveries at the time of the irregular payments being passed.

27th September 1881.

(Signed) J. A. DAVIES,
Acting Under Secy. to Govt.

Read also the following papers:—

From the Accountant-General, dated 19th September 1881, No. A.D.J.-254.

ABSTRACT.—Submitting further report in the matter of leave allowance said to be irregularly drawn by S. Samiah, late Sheristadar, and stating that the amount to be recovered may be reduced to Rs. 55-9-3.

From H. F. CLOGSTOUN, Esq., Officiating Accountant-General, to the Secretary to Government, Pension Department, dated Fort St. George, 24th October 1881, No. J.A.E.-355.

With reference to the Proceedings of Government, No. 982, dated the 27th September 1881, I have the honor to state that the practice of recommending recoveries from pension allowances on account of overdrawals of leave allowances arose from the instructions of the Government of India conveyed in G.O., No. 696, dated the 14th July 1880. On receipt of this Order, it was ruled by my predecessor that all irregularities in the grant of leave or in the payment of leave allowances which came to light in the course of verifying an officer's services for pension should be noted in the verification report submitted to Government.

2. It has, I find, however, been unfortunately the case that the duty of checking the periods of leave taken and the allowances drawn in those periods, with the periods and allowances admissible under the Leave Code, has been performed by the Pension Department of this office in communication with the district officers, but without first consulting the department of the office whose duty it is to deal with these particular questions, and the consequence has been that, owing to misunderstandings of the rules in force at different dates, retrenchments have, in some cases, been improperly recommended of leave allowances which were correctly drawn.

3. The origin of the error lay in the application of the Uncovenanted Service Leave Rules in their entirety to Uncovenanted Officers on salaries of less than Rs. 100 from the date of their promulgation in June 1863. The rules were, as originally published, applicable only to Uncovenanted Servants on salaries of not less than Rs. 100, and, though the spirit of the rules was declared in the Government of India letter to the Civil Paymaster, Madras, No. 3654, dated 10th August 1863 (*vide* the Government of India letter to the Madras Government, dated 30th November 1864, No. 3609), to be applicable to Uncovenanted Servants on salaries of less than Rs. 100, it was laid down in letter from the Government of India, dated 28th March 1865, No. 1666, that the leave rules need not be applied with the same strictness to the latter class of officers, but that Local Governments might, at their discretion, grant other than privilege leave to the former class of servants in excess of the periods prescribed in the Code for servants of Rs. 100 and upwards, seeing that such leave will not count for pension.

4. The Madras Government in their Order, dated 19th June 1865, No. 304, ruled that the above Order permitted the grant of absentee allowances in cases where leave to servants below Rs. 100 was granted in excess of the leave admissible under the Uncovenanted Civil Service Leave Rules and also that it did away with the necessity for the lapse of a space of six years between each period of private affairs' leave. This Order of Government was cancelled by an Order, dated 15th September 1870, No. 386, in which Government ruled that an Uncovenanted Officer (presumably one on less than Rs. 100) was not eligible to leave on private affairs until he had served six years from the date of appointment.

5. The rule which now regulates the grant of leave to Uncovenanted Officers on salaries of less than Rs. 100 is Section 126 of the Civil Leave Code and was first promulgated in the Government of India Resolution, No. 3965, dated 31st October 1872, embodied as a correction in Civil Leave Code, First Edition. Under that rule an Uncovenanted Officer on a salary of less than Rs. 100 is allowed leave under the Rules for Uncovenanted Officers generally, the only proviso being that the absentee allowance must not exceed what remains from the pay of the appointment after provision is made for the efficient discharge of his duties during his absence, and the rules which require a continuous period of service before private affairs' leave or furlough can

be taken have, since that date, been applied with the same strictness to uncovenanted servants with salaries below Rs. 100 as to those with salaries above that sum.

6. The rules, as explained above, seem sufficiently clear, and there can be no difficulty in applying them to the case of any leave taken since 1863 when verifying an officer's services for pension.

7. I must explain, too, that applications for leave to Uncovenanted Ungazetted Officers are not now audited by this department, which restricts itself to ensuring that the leave allowances drawn are those suitable to the particular description of leave granted, it having been found quite beyond the power of the department to enforce any further check than this. The verification of leave which now takes place when services for pension are being verified is thus the only occasion which exists of ascertaining, outside the district office, whether the leave rules have been properly observed. I do not, therefore, think it advisable that the scrutiny should be less thorough than it has hitherto been. It is quite true, as the Collector states, that in a recent case, in which I reported that Rs. 191 had been wrongly drawn and should be recovered, subsequent inquiry and research made by him, which inquiry and research might, however, as well have been made antecedent to his verification report to me as subsequent to it, have shown grounds for reducing it to Rs. 29, but retrenchment of the greater part of the original sum, that is to say, Rs. 135-10-4, was entirely due to errors made by the Collector in verifying the services and the sums drawn by the officer. The Collector stated that a period of leave on private affairs taken by petitioner in 1863—and this is an item which the Collector was solely responsible for verifying—extended from 18th April to 3rd July and was on half pay, the facts being that the leave was leave without any allowances whatever and that it extended to the 4th June and not the 4th July. The discovery of the mistakes rendered the two succeeding periods of leave admissible and of course obviated the necessity of retrenchment.

8. It does not seem unreasonable to hope that, considering that every officer has, for many years, been bound to keep up a register of his services to aid in their subsequent verification, a little more care on the district offices will prevent the commission of mistakes of the nature shown above, and under these circumstances I do not feel justified in recommending that any period of limitation should be fixed for the recovery of sums which have been drawn in excess of what are admissible under rules which are too simple to admit of the excess having been drawn under any misapprehension of their meaning.

9. For the reasons given above the amount of Rs. 191 recommended to be retrenched from the pension of Selaloor Samiah will be reduced to Rs. 29-9-9.

From H. F. CLOGSTOUN, Esq., Officiating Accountant-General, to the Secretary to Government, Pension Department, dated Fort St. George, 25th October 1881, No. J.A.E.-357.

With reference to my letter, No. J.A.E.-355, dated the 24th October 1881, I have the honor to forward herewith, for such orders as Government might deem necessary, a statement showing the names of pensioners from whom recovery has been recommended of excess leave allowances drawn whilst they were in service.

ENCLOSURE No. 1.

List of Pensioners from whom Recovery has been recommended of Excess Leave Allowances.

Number of Government Order.	Date of Government Order.	Name of Pensioner.	Period of Leave.	Nature of Leave.	Amount of Recovery.	When recovered.	Number of Permanent Pay Order.	District.
45	1881.							
383	January 24th ..	V. Swami Aiyar	From 12th June to 4th Sept. 1872 ..	Private Affairs ..	Rs. 4 0 0	10th June 1881 ..	6862	South Arcot.
383	April 5th ..	C. Lakshmyya	9th May to 3rd July 1870 ..	Do. ..	13 6 2	20th ..	6148	Kistna.
383	" 9th ..	B. Akkiah	12th June to 6th July 1879 ..	Privilege ..	11 14 9	18th Aug. 1881 ..	Gratuity.	Nellore.
427	May 4th ..	C. Siva Sabbien	1st April 1864 to 17th June 1884 ..	Private Affairs ..	105 11 0	6th June 1881 ..	6179	Coimbatore.
469	" 10th ..	A. Butana Madalar (Public Works Department).	12th March to 19th April 1865 ..	Privilege ..	[Privilege Leave, Rs. 14-5-5]		6223	North Arcot.
497	" 28th ..	A. Nasimhulu ..	17th March to 30th June 1870 ..	Private Affairs ..	45 0 0	18th July 1881 ..	6265	Visagapatnam.
539	June 13th ..	Cuppanthia Pillay ..	15th to 28th February 1865 ..	Do. ..	28 9 10	15th Aug. 1881 ..	6265	Madura.
537	" 10th ..	T. Narayya ..	19th April to 2nd May 1865 ..	Privilege ..	18 12 9	Not recovered yet.	6265	North Arcot.
541	" 13th ..	Gunda Jeggiah ..	3rd to 30th Jan. 1867 ..	Private Affairs ..	16 1 2	6th Aug. 1881 ..	6336	Nellore.
514	July 4th ..	T. Thilayayagum Pillai	12th to 29th August 1867 ..	Privilege ..	13 8 9	4th ..	6354	Tanjore.
757	August 18th ..	B. Kistna Rao ..	4th to 31st Dec. 1868 ..	Private Affairs ..	63 13 5	31st ..	Gratuity.	Ballary.
760	" 18th ..	C. M. Rungaswami Nayadu	21st Nov. to 12th Dec. 1867 ..	Privilege ..	[Privilege Leave, Rs. 18-11-6]		6500	South Arcot.
785	" 29th ..	Bhoopal Rao Konary Rao	29th Nov. 1869 to 31st Mar. 1870 ..	Private Affairs ..	37 5 11	Not recovered yet.	6498	Ballary.
758	" 18th ..	Setaloor Samiah	4th Feb. to 3rd May 1867 ..	Do. ..	10 7 0	Do. ..		
799	" 31st ..	T. Mahomed Khasim	14th Nov. to 4th Dec. 1867 ..	Do. ..	36 14 11	Recovery not sanctioned by Govern.		
940	September 20th.	Kamal-ud-Deen	26th July to 15th Nov. 1864 ..	Privilege Leave ..	Collector has been written to for amount, &c.	24th October 1881.	6452	Salem.
945	" 20th.	Upper Thomas Souza	From 1st to 15th March 1873 ..	Private Affairs ..	9 10 10	Not recovered yet.		Cuddalore.
977	" 23rd.	G. Venkatrayulu	17th July to 16th Oct. 1875 ..	Do. ..	23 8 0	Do. ..		South Canara.
			24th to 31st Dec. 1866 ..	Do. ..	2 9 8	Do. ..	Gratuity.	Kistna.

For Sr. GEORGE,
24th October 1881.(Signed) H. F. CLOGSTOUN,
Offy. Accountant-General.

ORDER THEREON, 8th December 1881, No. 1329.

These papers relate to the recovery from pensioners of leave allowances reported to have been irregularly drawn by them during service, but not discovered until their services for pension were under verification.

2. The practice of recommending such recoveries is of recent origin and is stated by the Accountant-General to have arisen from the instructions of the Government of India conveyed in G.O., No. 696, dated 14th July 1880, but it is observed that the Order quoted contains no directions on the subject. The Accountant-General was simply asked to explain how he had allowed an infringement of rule in the matter of leave granted, and the Government of India sanctioned the pension without directing any recovery to be effected from the pensioner on account of the irregular leave. From the fact of the case being then directly under the consideration of the Government of India, this omission may be taken to show that they did not, rather than that they did, intend that such recoveries should be the rule.

3. The Government do not however wish it to be understood that they consider such recoveries barred, and in cases of modern instance, where there was a clear breach of the rules, it will be no more than equitable to recover allowances that were inadmissible when drawn. The Accountant-General does not approve of any period of limitation being fixed, and the Government will therefore settle each case that comes up on its own merits, but in future practice the principle above stated will be followed in deciding whether the recovery is or is not to be made. It often happens that the character of the leave granted affects the admissibility or otherwise of the allowances drawn, so that what would be regular under one head is wrong under another. In such cases the Accountant-General is requested to exercise discrimination in recommending recoveries.

4. In paragraph 7 of his letter of the 24th October the Accountant-General explains that it has been found beyond the power of his department to check all the various descriptions and periods of leave granted to Uncovenanted Ungazetted Officers, and it therefore behoves the heads of all offices throughout the Presidency to maintain the closest check possible so as to ensure that all leave and allowances granted by them are strictly within the rules, and this even in the interests of their subordinates who may ultimately be called on to refund payments improperly passed and that at a time when perhaps they can least afford it. The attention of district officers will also be called to the Accountant-General's remarks regarding the greater accuracy required in the preparation of pension applications. The Government have themselves seen reason to believe that the registers of service are not everywhere uniformly and regularly kept up as they should be, and they desire that the Accountant-General will bring to their special notice any neglect he may observe in this respect.

5. As regards the list furnished with his letter of the 25th October, it appears that in nearly all cases the recoveries hitherto made have been on account of leave of ancient date on private affairs. The Accountant-General now reports, in paragraph 5 of his letter of the 24th idem, that the rule under which his past recommendations for recovery was based was not generally promulgated till the 31st October 1872, the Order to the same effect of the Government of India embodied in G.O. of the 15th September 1870, No. 386, referred to in paragraph 4 of the above letter, having evidently not been considered of general application, as the ruling therein was not incorporated in the first edition of the Codes published early in 1872. In these circumstances the Government direct that all recoveries as detailed in the above-mentioned list actually made or sanctioned on account of allowances on private affairs leave prior to the 31st October 1872 be refunded or passed as drawn. In the matter of privilege leave the rules have been since 1865 (G.O., 26th April 1865, No. 859, Revenue Department,) sufficiently clear to prevent mistakes, so that the orders for recovery of allowances irregularly drawn (all being subsequent to that date) on account of such leave will, as they have already been sanctioned, be allowed to stand. According to the above decision the amount to be recovered from Setaloor Samiah, on whose case the general question has been raised, will be reduced, as stated by the Accountant-General, to Rs. 29-9-9. In the case of T. Mahomed Khasim (G.O., No. 799, of 31st August 1881,)

entered in the above list the Government now observe that the total amount of leave taken by him on one-third pay during a service of nearly thirty-six years was only two years, two months, and twenty-six days, and since October 1872 only six months and twenty-two days of such leave was taken; as this does not seem excessive, no recoveries at all need be made from the pension granted.

(True Extract.)

J. A. DAVIES,
Acting Under Secy. to Govt.

To the Accountant-General.
„ the Financial Department.
„ the Revenue Department.
„ the Military Department.
„ the Public Works Department.
„ the Judicial Department.
„ all Heads of Departments.

B. N. 80 Waf 11 Jan 1882

Comm. to the
officers of the M.D.

(S. A. T.)

Govt. of (1881) Madras.
PENSION.

THE ACCOUNTANT-GENERAL,

Ac. Ac. Ac.

Dated December, 8th.

Issued

Recd.

G.O., 8th December 1881, No. 1329.

DECEMBER.

Leave Allowance.—Passing orders on the recovery from retiring officers of leave allowance irregularly drawn by them while in service, and directing that no recovery need be made from Mahomed Kheam and that only a reduced amount of Rs. 25-9-3 need be recovered from S. Samiah.

B. N. 80 Waf 11 Jan 1882

C.E. for S.

C.E. for Sep.

S. S.

C.A. to Govt.

Genl. Supt. M.D. & W.

Secy. M. Accts.

Secy. Sep. Accts.

1329
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PENSION DEPARTMENT.

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2. I submit that, if such allowances were improperly drawn, it was the business of the Audit Department of the day to have found it out; that it is scarcely possible that the Audit Officers of the present day can be fully acquainted with the leave rules and constructions of them in force, it may be, thirty years ago; that to require the claims to be now justified when, owing to lapse of time, the circumstances under which the allowances were drawn, and which may have made them legitimate, cannot be ascertained or proved is very hard; that, if there was in old days laxity in applying the leave rules, this is not the fault of the pensioners; and that it is unworthy of Government to dock in this way the hard-earned pensions of their servants.

3. As an instance of the way in which the system works, I may mention that in a recent case from this district, in which the Accountant-General reported that Rs. 191 had been wrongly drawn and Government ordered the recovery, subsequent inquiry and research has shown grounds for reducing the claim to Rs. 29. The larger amount would be in this case more than six months' pension.

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2. It has, I find, however, been unfortunately the case that the duty of checking the periods of leave taken and the allowances drawn in those periods, with the periods and allowances admissible under the Leave Code, has been performed by the Pension Department of this office in communication with the district officers, but without first consulting the department of the office whose duty it is to deal with these particular questions, and the consequence has been that, owing to misunderstandings of the rules in force at different dates, retrenchments have, in some cases, been improperly recommended of leave allowances which were correctly drawn.

3. The origin of the error lay in the application of the Uncovenanted Service Leave Rules in their entirety to Uncovenanted Officers on salaries of less than Rs. 100 from the date of their promulgation in June 1863. The rules were, as originally published, applicable only to Uncovenanted Servants on salaries of not less than Rs. 100, and, though the spirit of the rules was declared in the Government of India letter to the Civil Paymaster, Madras, No. 3654, dated 10th August 1863 (*vide* the Government of India letter to the Madras Government, dated 30th November 1864, No. 3609), to be applicable to Uncovenanted Servants on salaries of less than Rs. 100, it was laid down in letter from the Government of India, dated 28th March 1865, No. 1666, that the leave rules need not be applied with the same strictness to the latter class of officers, but that Local Governments might, at their discretion, grant other than privilege leave to the former class of servants in excess of the periods prescribed in the Code for servants of Rs. 100 and upwards, seeing that such leave will not count for pension.

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5. The rule which now regulates the grant of leave to Uncovenanted Officers on salaries of less than Rs. 100 is Section 126 of the Civil Leave Code and was first promulgated in the Government of India Resolution, No. 3965, dated 31st October 1872, embodied as a correction in Civil Leave Code, First Edition. Under that rule an Uncovenanted Officer on a salary of less than Rs. 100 is allowed leave under the Rules for Uncovenanted Officers generally, the only proviso being that the absentee allowance must not exceed what remains from the pay of the appointment after provision is made for the efficient discharge of his duties during his absence, and the rules which require a continuous period of service before private affairs' leave or furlough can be taken have, since that date, been applied with the same strictness to uncovenanted servants with salaries below Rs. 100 as to those with salaries above that sum.

6. The rules, as explained above, seem sufficiently clear, and there can be no difficulty in applying them to the case of any leave taken since 1863 when verifying an officer's services for pension.

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Officers are not now audited by this department, which restricts itself to ensuring that the leave allowances drawn are those suitable to the particular description of leave granted, it having been found quite beyond the power of the department to enforce any further check than this. The verification of leave which now takes place when services for pension are being verified is thus the only occasion which exists of ascertaining, outside the district office, whether the leave rules have been properly observed. I do not, therefore, think it advisable that the scrutiny should be less thorough than it has hitherto been. It is quite true, as the Collector states, that in a recent case, in which I reported that Rs. 191 had been wrongly drawn and should be recovered, subsequent inquiry and research made by him, which inquiry and research might, however, as well have been made antecedent to his verification report to me as subsequent to it, have shown grounds for reducing it to Rs. 29, but retrenchment of the greater part of the original sum, that is to say, Rs. 135-10-4, was entirely due to errors made by the Collector in verifying the services and the sums drawn by the officer. The Collector stated that a period of leave on private affairs taken by petitioner in 1863—and this is an item which the Collector was solely responsible for verifying—extended from 18th April to 3rd July and was on half pay, the facts being that the leave was leave without any allowances whatever and that it extended to the 4th June and not the 4th July. The discovery of the mistakes rendered the two succeeding periods of leave admissible and of course obviated the necessity of retrenchment.

8. It does not seem unreasonable to hope that, considering that every officer has, for many years, been bound to keep up a register of his services to aid in their subsequent verification, a little more care in the district offices will prevent the commission of mistakes of the nature shown above, and under these circumstances I do not feel justified in recommending that any period of limitation should be fixed for the recovery of sums which have been drawn in excess of what are admissible under rules which are too simple to admit of the excess having been drawn under any misapprehension of their meaning.

9. For the reasons given above the amount of Rs. 191 recommended to be retrenched from the pension of Selaloor Samiah will be reduced to Rs. 29-9-9.

From H. F. CLOGSTOUN, Esq., Officiating Accountant-General, to the Secretary to Government, Pension Department, dated Fort St. George, 25th October 1881, No. J.A.E.-357.

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List of Pensioners from whom Recovery has been recommended of Excess Leave Allowances.

Number of Government Order.	Date of Government Order.	Name of Pensioner.	Period of Leave.	Nature of Leave.	Amount of Recovery.	When recovered.	Number of Permanent Pay Order.	District.
45	1881.							
303	January 24th ..	V. Swami Aiyar	From 13th June to 6th Sept. 1872	Private Affairs	Rs. 70 0 0	10th June 1881	5862	South Arcot.
392	April 5th ..	C. Lakshmayya	9th May to 3rd July 1870	Do.	18 6 2	20th "	6148	Kistna.
	" 9th ..	E. Alkiah	12th June to 5th July 1879	Privilege	11 14 9	18th Aug. 1881	Gratuity.	Nellore.
427	May 4th ..	C. Siva Subbier	1st April 1894 to 17th June 1894	Private Affairs	105 11 0	6th June 1881	6179	Coimbatore.
469	" 16th ..	A. Rathna Mudaliar (Public Works Department).	14th March to 30th April 1866	Privilege	(Privilege Leave, Rs. 14-8-3)		6223	North Arcot.
	" 16th ..	A. Rathna Mudaliar (Public Works Department).	17th to 20th Jan. 1876	Private Affairs	45 0 0	19th July 1881		
497	" 28th ..	A. Naminbala	15th to 28th February 1865	Do.	23 9 10	15th Aug. 1881	8265	Vizagapatnam.
539	June 13th ..	Cuppanmutha Pillay	19th April to 2nd May 1865	Do.				
	" 13th ..	Cuppanmutha Pillay	17th May to 30th June 1866	Do.				
537	" 16th ..	T. Narasayya	1st to 31st Jan. 1839	Privilege	18 12 9	Not recovered yet.	6353	Madura.
541	" 13th ..	Gunda Jeggiah	5th Jan. to 2nd Feb. 1872	Private Affairs	18 1 2	6th Aug. 1881	6328	North Arcot.
	" 13th ..	Gunda Jeggiah	24th May to 12th June 1868	Privilege	18 3 9	4th "	6354	Nellore.
514	July 4th ..	T. Tiliyvinayagam Pillai	3rd to 30th Jan. 1837	Private Affairs	66 13 5	31st "	Gratuity.	Tanjore.
757	August 18th ..	B. Kistna Rao	12th to 29th August 1867	Privilege	(Privilege Leave, Rs. 16-11-6)		6500	Bellary.
760	" 18th ..	C. M. Rungaswami Noyedu	16th to 18th April 1895	Do.	87 5 11	Not recovered yet.	6501	South Arcot.
785	" 22th ..	Bhoochal Rao Konary Rao	21st Nov. to 12th Dec. 1867	Do.	10 7 0	Recovery not sanctioned by Govern.	6498	Bellary.
768	" 18th ..	Setaloor Samiah	5th to 23rd March 1869	Private Affairs	36 14 11	ment yet.	6462	Salem.
799	" 31st ..	T. Mahomed Khasim	29th Nov. 1869 to 31st Mar. 1870	Private Affairs	9 10 10		Under reference.	Cuddapah.
940	September 20th ..	Kamal-ad-Deen	17th Jan. to 17th Feb. 1868	Privilege Leave	22 3 0	Not recovered yet.		South Canara.
946	" 20th ..	Uppur Thomas Souza	4th Feb. to 3rd May 1867	Private Affairs	22 3 0	Do.		Do.
977	" 23rd ..	G. Venkataswami	14th Nov. to 4th Dec. 1867	Do.	2 9 8	Do.	Gratuity.	Kistna.
			26th July to 16th Nov. 1864	Do.				

FORT ST. GEORGE,
24th October 1881.(Signed) H. F. CLOGSTOUN,
Offy. Accountant-General.

ORDER THEREON, 8th December 1881, No. 1329.

These papers relate to the recovery from pensioners of leave allowances reported to have been irregularly drawn by them during service, but not discovered until their services for pension were under verification.

2. The practice of recommending such recoveries is of recent origin and is stated by the Accountant-General to have arisen from the instructions of the Government of India conveyed in G.O., No. 696, dated 14th July 1880, but it is observed that the Order quoted contains no directions on the subject. The Accountant-General was simply asked to explain how he had allowed an infringement of rule in the matter of leave granted, and the Government of India sanctioned the pension without directing any recovery to be effected from the pensioner on account of the irregular leave. From the fact of the case being then directly under the consideration of the Government of India, this omission may be taken to show that they did not, rather than that they did, intend that such recoveries should be the rule.

3. The Government do not however wish it to be understood that they consider such recoveries barred, and in cases of modern instance, where there was a clear breach of the rules, it will be no more than equitable to recover allowances that were inadmissible when drawn. The Accountant-General does not approve of any period of limitation being fixed, and the Government will therefore settle each case that comes up on its own merits, but in future practice the principle above stated will be followed in deciding whether the recovery is or is not to be made. It often happens that the character of the leave granted affects the admissibility or otherwise of the allowances drawn, so that what would be regular under one head is wrong under another. In such cases the Accountant-General is requested to exercise discrimination in recommending recoveries.

4. In paragraph 7 of his letter of the 24th October the Accountant-General explains that it has been found beyond the power of his department to check all the various descriptions and periods of leave granted to Uncovenanted Ungazetted Officers, and it therefore behoves the heads of all offices throughout the Presidency to maintain the closest check possible so as to ensure that all leave and allowances granted by them are strictly within the rules, and this even in the interests of their subordinates who may ultimately be called on to refund payments improperly passed and that at a time when perhaps they can least afford it. The attention of district officers will also be called to the Accountant-General's remarks regarding the greater accuracy required in the preparation of pension applications. The Government have themselves seen reason to believe that the registers of service are not everywhere uniformly and regularly kept up as they should be, and they desire that the Accountant-General will bring to their special notice any neglect he may observe in this respect.

5. As regards the list furnished with his letter of the 25th October, it appears that in nearly all cases the recoveries hitherto made have been on account of leave of ancient date on private affairs. The Accountant-General now reports, in paragraph 5 of his letter of the 24th idem, that the rule under which his past recommendations for recovery was based was not generally promulgated till the 31st October 1872, the Order to the same effect of the Government of India embodied in G.O. of the 15th September 1870, No. 386, referred to in paragraph 4 of the above letter, having evidently not been considered of general application, as the ruling therein was not incorporated in the first edition of the Codes published early in 1872. In these circumstances the Government direct that all recoveries as detailed in the above-mentioned list actually made or sanctioned on account of allowances on private affairs leave prior to the 31st October 1872 be refunded or passed as drawn. In the matter of privilege leave the rules have been since 1865 (G.O., 26th April 1865, No. 859, Revenue Department,) sufficiently clear to prevent mistakes, so that the orders for recovery of allowances irregularly drawn (all being subsequent to that date) on account of such leave will, as they have already been sanctioned, be allowed to stand. According to the above decision the amount to be recovered from Setaloor Samiah, on whose case the general question has been raised, will be reduced, as stated by the Accountant-General, to Rs. 29-9-9. In the case of T. Mahomed Khasim (G.O., No. 799, of 31st August 1881,) 132/7

entered in the above list the Government now observe that the total amount of leave taken by him on one-third pay during a service of nearly thirty-six years was only two years, two months, and twenty-six days, and since October 1872 only six months and twenty-two days of such leave was taken; as this does not seem excessive, no recoveries at all need be made from the pension granted.

(True Extract.)

J. A. Davis

Acting Under Secy. to Govt.

To the Accountant-General.
„ the Financial Department.
„ the Revenue Department.
„ the Military Department.
„ the Public Works Department. ✓
„ the Judicial Department.
„ all Heads of Departments.

Exd. J. W. Fischer.

100 16

B. 180 Waf 11th January 1882

Communicated
to the officers of
the Public Works
Department.

Att

24/12/81

Govt. of (1881) Madras.

PENSION.

To
THE ACCOUNTANT-GENERAL,

&c., &c., &c.

Dated December, 8th.

Issued

Recd. 22nd Dec 81

G.O., 8th December 1881, No. 1329.

DECEMBER.

B. 180 Waf 11th January 1882

Leave Allowance.—Passing orders on the recovery
from retiring officers of leave allowance irregularly
drawn by them while in service, and directing
that no recovery need be made from Mahomed
Khasim and that only a reduced amount of
Rs. 29-9-9 need be recovered from S. Samiah.

Entd. in Receipt Regr.

with order.

C. E. for S.
C. E. for Rys.
S. E.
C. A. to for
Genl Sup^t to S. W.
Ex S. W. to
Ex Rys. Accts
10/12/81
11/1/82