

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper:—

From A. MACKENZIE, Esq., C.S., Secretary to the Government of India, Home Department (Public), to the Secretary to the Government of Madras, dated Simla, 20th October 1882, No. 45-1687.

With reference to Home Department Notification, No. 3421, dated 28th August 1872, I am directed to forward a copy of the correspondence marginally noted relative to the questions (1) whether an officer who is on furlough is at liberty to undertake the management of a Company, and (2) whether there is any distinction as regards taking part in the management of Companies between officers belonging to the Covenanted and the Uncovenanted Services.

2. I am to request that the rules laid down by Her Majesty's Secretary of State on these questions may be carefully observed by all public officers under your Government.

ENCLOSURES.

Despatch from the Government of India, to Her Majesty's Secretary of State for India, dated Simla, 8th July 1882, No. 41.

In his despatch, No. 46 (Public), dated 31st May 1862, Sir Charles Wood, in replying to a reference made to him by the Government of India on the subject of Government servants holding lands and engaging in speculations in India, observed that he saw no objection to servants of Government holding shares in mining or other companies having for their object the development of the resources of the country, and the only restriction which he thought it necessary to impose was that public servants should take no part in the management of such institutions and should not be employed in the districts where the operations of the Company might be carried on. The orders contained in that despatch were promulgated for general information in January 1863, and were subsequently (August 1872) republished with the remark that the Governor-General in Council would be prepared to enforce the principle therein laid down in regard to all public servants, of whatever class or position.

2. A question has now been raised whether an officer who is on furlough is at liberty to undertake the management of a Company, and whether there is any distinction in this respect between officers belonging to the Covenanted and the Uncovenanted Services. We think that no such distinction can be drawn so far as the rules in question are concerned. The notification issued by the Government of India on the 28th August 1872 distinctly states that the principle of the despatch cited above of 31st May 1862 applies to "all public servants, of whatever class or position," and the principle is that public servants are to take no part in the management of Companies. We are, therefore, of opinion that this should be made clear by declaring that the rules apply to the Uncovenanted as well as to the Covenanted Service.

3. Regarding the question whether an officer may be allowed while on furlough to assume the management of a Company, we would observe that no specific or authoritative ruling on this point appears to have been given. In despatch to the Secretary of State, No. 3, dated 8th August 1864, the Government of Bombay referred for orders the case of the * * * * * who, while on furlough in India, became one of the Editors of the * * * * * newspaper; and in paragraph 8 of that despatch they expressed the opinion that there was no sufficient reason for excluding

any occupations in which Government servants might engage while on furlough within the limits of lawful and respectable employments, excepting those likely to cause engagements extending beyond the duration of the furlough, and those which lead to new relations with Government independent of, and liable to be inconsistent with, the relations between Government and its paid officers. Applying these principles, which appear to us to be sound, to the case under consideration, the management of a Company may be held to be a "lawful and respectable employment." On the other hand, it is an employment which might not improbably "cause engagements extending beyond the duration of the furlough," and might lead to "new relations with Government independent of, and liable to be inconsistent with, the relations between Government and its paid officers." Moreover, we consider that an officer taking furlough is not entitled to divest himself entirely of the restrictions and responsibilities under which he rests while on duty. For these reasons, therefore, we are inclined to the opinion that it is undesirable that an officer who is on furlough should undertake the management of a Company. We desire, however, to receive your Lordship's instructions on the subject, as similar cases have doubtless already been brought to your Lordship's notice, owing to the fact that most officers while on furlough reside in England, and it is desirable that in this matter there should be no divergence between the practice of the Secretary of State and that of the Government of India.

Despatch from Her Majesty's Secretary of State for India, to the Government of India, dated London, 7th September 1882, No. 99.

I have considered in Council the despatch of your Excellency in Council, No. 41, dated the 8th of July last, relating to the questions whether an officer who is on furlough is at liberty to undertake the management of a Company, and whether there is any distinction as regards taking part in the management of Companies between officers belonging to the Covenanted and to the Uncovenanted Services.

2. I agree with your Excellency in the opinion that the principle of Sir Charles Wood's despatch (No. 46, Public), dated 31st May 1862, applies to all public servants of whatever class and position, and that all public servants, whether they be Covenanted or Uncovenanted, are alike prohibited from taking part in the management of Companies.

3. I am also of opinion that this prohibition is none the less applicable to a public servant because he happens to be on furlough, for the fact of an officer's being on furlough does not appear to me substantially to diminish the serious objections which exist to his engaging in the management of a Company.

ORDER—dated 20th November 1882, No. 1416, Public.

The correspondence will be published in the *Fort St. George Gazette* for the information and guidance of all public servants.

(True Extract.)

C. G. MASTER,
Chief Secretary.

To the Departments of the Secretariat.

Exd. J. W. Fischer.

N^o 3158 W a / 1 December 82

Communicated to
the officers of Public
Works Department

Signed
R J

28.11.82

R 143

28.11.82

Govt. of {1882} Madras.

PUBLIC.

Issued

Recd.

Encl.

G.O., 20th November 1882, No. 1416.

N^o 3158 W a / 1 December 1882

NOVEMBER.

Chief Engineer for Irrigation
Consulting Engineer for Rags
Supg Engineers
Consulting Architect to Govt
General Supdt P. W. Stores

Public Servants.

Directing publication in the Gazette of certain
correspondence received from the Government of
India relative to the question whether an officer
who is on furlough is at liberty to undertake the
management of a Company, &c.

With order

8TH JANUARY 1883, No. 55 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

No. 59.

READ—the following paper:—

Proceedings of the Government of India, Public Works Department, (General,) dated Fort William, 14th December 1882, Nos. 1650—1672 G.

Prohibition of Officers of Government taking part in the management of Companies.

Read—again—

Home Department Notification No. 3421, dated 28th August 1872.

Resolution—

The Government of India, in the Notification now read again, published correspondence with the Secretary of State which involved the prohibition of Officers of Government of whatever class, and whether on furlough or not, taking part in the management of Companies. The Governor-General in Council is pleased to notify that this prohibition does not apply to Officers, who, with the consent of the Government of India, take service under Railway Companies, working under concessions from Government.

Order—

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab, in the Public Works Department.
The Chief Commissioners, Central Provinces, British Burmah, Assam and Coorg.
The Resident, Hyderabad.
The Agents to the Governor-General for Central India, Rajputana and Beluchistan.
The Accountant-General, Public Works Department.
The Inspector-General of Military Works.
The Director-General of Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore and Lucknow.
The Director-General of Telegraphs in India.
The Director-in-Chief, Indo-European Telegraph.
The Director, Persian Telegraph.
The Deputy-Director, Persian Gulf Telegraph.

Ordered that this Resolution be communicated to the Local Governments and Administrations, and Officers noted in the margin, for information and guidance; also that it be published in Part I of the Gazette of India.

(Signed) G. H. W. WALKER,
Offg. Under Secy. to the Govt. of India.

No. 60.

ORDER—dated 8th January 1883, No. 55 W., Public Works.

Communicated to the officers of the Public Works Department in continuation of G.O., No. 3158 W., dated 1st December 1882.

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Chief Engineer for Irrigation.
" Consulting Engineer for Railways.
" Superintending Engineers.
" Consulting Architect to Government.
" General Superintendent, Public Works Stores.
" Public Department.

Exd. S. T. Austin.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of (1883) Madras.

PUBLIC WORKS.

Dated January, 8th.

Recd.

Encl.

G.O., 8th January 1883, No. 55 W.

JANUARY.

Nos. 59-60.

Public Servants.

Ruling that — are not prevented from taking service, with the consent of the Government of India, under Railway Companies working under concessions from Government.

No 1653

Executive Engineer's Office
Bellary 20th August 1883

From

The Executive Engineer
Bellary Division

To

The Superintending Engineer
3rd Circle Bellary

Sir

With reference to my letter No. 1652 of this date, in which I have applied for two years furlough, I have the honor to request you will be so good as to ask the Government to sanction my employment in the State Railway Department, during my Furlough, and to grant me an appointment, in the Department, not inferior in rank and pay to that which hold at present.

I have &c

(Signed) A. F. Nordmann
Executive Engineer

(Copy)

[Signature] Major &c

29/8/83

[Signature]

Offg. Suprog Engineer
3rd Circle

SUPERINTENDING ENGINEER'S OFFICE,

MADRAS,

No. 1514

Bellary Chepauk, 29th August 1883.

From Major S. C. Clarke R.E.
Off. THE SUPERINTENDING ENGINEER,
3rd 1st CIRCLE,

To

THE Chief Engineer
P. W. Department
Madras

SIR,

Enclosures.

1 Copy of letter

I have the honor to submit
a copy of Mr. K. Nordmann's letter, for
your favorable consideration.

I have the honor to be
Sir

Your most obedient servant

S. C. Clarke
Major R.E.
Off. Superintending Engineer.
3rd Circle

Copy of letter from Mr.
Nordmann Executive Eng.

Enclosure to letter No. 1514 of
29th August 1883 to Chief Eng.
S. C. Clarke

From

NO. 7474
The Superintending Engineer,

III Circle,

To

The

Chief Engineer
P.W.
Madras

Dated

29th

August 1883.

Recd.

31

ENCLOSURES.

No. 1574.

Mr. Nordmann
Executive Engineer.

Forwarding copy of letter
from requesting to be per-
mitted to serve in the State
Railway when on furlough.

Application for any leave
except furlough to Officers of
the Army.

PUBLIC WORKS DEPARTMENT, MADRAS.

APPLICATION FOR LEAVE.

Applicant's name in full

Hart F. Nordmann

Rank

Executive Engineer 2nd grade

Division or Office

Bellary Division

Nature of Leave applied for

Furlough

Period of Leave

Two Years

From what date

Date of departure

H. F. Nordmann
Exec. Engineer

[In the case of applications
for leave other than privilege,
the signature of the applicant
should be above the certificate
at.*]

I do hereby declare that I have no intention of retiring or of taking
furlough, special leave, subsidiary leave, leave on private affairs, or leave on
Medical Certificate for three months after my return to duty.

No.

188

Recommended.

Executive Engineer Division.

No.

1481 dated 28th August

1883.

Recommended and forwarded to Chief Eng. for favorable consideration.

H. F. Nordmann
Superintending Engineer III Circle.

Report of the Examiner, P. W. Accounts.

No. 365

Dated Madras, 31st August 1883

Furlough Leave for two years is admissible to

Mr. H. F. Nordmann, Ex. Eng. 2nd Grade under Section 49

of the Civil Leave Code.

D. P. Gordon

Examiner of P. W. Accounts, Madras.

[Turn over.]

To the

ORDERS BY SANCTIONING AUTHORITY.

[Reference to Madras P.W.D. Code.
Chapter IV.—Para. 436.]

P. W. D. Madras.
Form No. M 96.

APPLICATION FOR LEAVE.

From
THE Supt Engineer
3rd Div
To
THE Chief Engineer
MMD
Thro Examiner MMDs
Madras
Station Bellary
Dated 28th Aug. 1883. No. 1481
Recd. _____ 188

Military Officers in Civil Employ.

Privilege Leave, Sec. 73, Civil Leave Code.
Subsidiary Leave, „ 63, „
Examination Leave, Chap. II, Para. 163 of the Madras P.W.D. Code.

Uncovenanted Officers appointed by or with the special sanction
of the Secretary of State, or specially admitted to the benefit of the rules
in the Civil Leave Code.

Furlough, Secs. 49 and 51, Civil Leave Code.
Special Leave, „ 60 „
Privilege Leave, „ 73 „
Subsidiary Leave, „ 63 „
Examination Leave, Chap. II, Para. 163 of the Madras P.W.D. Code.

Uncovenanted Officers generally.

Leave on Medical Certificate, Sec. 127 of the Civil
Leave Code.
„ Private Affairs, „ 129 „
„ Furlough, „ 131 „
„ Leave without allowances, „ 133 „
„ Subsidiary Leave, „ 134 „
„ Privilege Leave, „ 136 „
Examination Leave, Chap. II, Para. 163 of the Madras P.W.D. Code.

Submits an application from Mr. Nordmann
Executive Eng. Bellary Division
endorsed for favorable consideration by the Chief
Engineer MMD for Two
years leave of absence on
Furlough and states
that the leave applied for is _____ admissible under
Section _____ of the _____ Code.

29/8/03

Endorsement No. 465-
559
dated 31 August 1883.

W. M. 7531

Forwarded to the
Secretary to Government
P. W. Department with the
leave application of
Mr. Nordmann duly
reported upon.

Recd 1/9/83

D. P. Lumsden

By amicus on behalf
of Nordmann
31/8

31/8

P. W. Dept.
Telepauk 8th Sept 1883
No 1681 C

Memorandum

With reference to
letter from the Superintendent
Engineer, Third Circle, No
1514, dated 29th August 1883,
the Chief Engineer has the
honor to request that
some explanation may
be afforded as to the Nordmann's
wishes -

2. That officer applies for
two years furlough, and at the
same time, for employment in
the State Railway Branch
during that furlough - Does
Mr Nordmann mean that
on return from furlough, he
is desirous of joining the
Railway Department or
what? He cannot be on

leave and employed under
Government at the same
service. Probably he means
that he desires the transfer
from the General to the Railway
Branch to be effected whilst
he is absent

(B.O.)
sdg CB
D.E.W

G.O. 55 days 8-1-83
" 315-81 days 1-12-82

No 1681 C d 8-9-83

B. M. 8/9

To
The Supergr, Third Circle
Jovv/p
Sent in Regt Register

SUPERINTENDING ENGINEER'S OFFICE,

No. 1649

Bellary ^{MADRAS,} ~~Chopauk,~~ 11th Sept 1883.

From

Major S. C. Clarke R.E.
OFF. THE SUPERINTENDING ENGINEER,
3rd 1st CIRCLE,

To

THE Chief Engineer
P. & D. Department
Madras

SIR,

Enclosures.

With reference to your memo
No 1681 C of the 8th of September, on
the subject matter of Mr. Nordmann's
application for Four long Leave and
for duty on the State Railway, I have
the honor to inform you, that Mr. Nord-
mann is under the impression, that,
as in the case of certain officers, who
are now being employed on the South
Maharatta Railway and other Lines
under construction in India, whilst

on Furlough Leave, the Government
might be willing to concede to his
request to be employed on the State
Railways, during such time as he
may be absent from the General
Branch D. S. & on Furlough Leave
viz 2 years.

I have the honor to be

Sir

Your most obedient servant

Wm. L. L. Major R. E.

Chf. Superintending Engineer.

3^d floor
Cm

W. L.

B. 3158 W 1.12.82
A. 55 W 8.1.83
1681 C 8.9.83

From

The Superintending Engineer,

III Circle,

To

The

Chief Engineer
M.D.
Madras

Dated

11th

Recd.

13

September 1883.

ENCLOSURES.

No 2661 Wapn-9-83

No. 1649

Mr. Nordmann
Ex. Engineer Bellary Dist.

Reporting that — wishes
to be employed on the State
Railways while on furlough

Oct 15/9

Oct 13/9 Retd 21/9.

No. 7862



No 2661 W P.W. Department.

Proceedings of the Madras Government.

21st under date the
Sept 1883
Read the following—

Letter from the Suptg. Engr.

Third Circle—N.E. No 1649 of 11th September/83

M.D.
N.E. the Governor in
Council regrets that the
exigencies of the public
service do not admit of
the grant of the furlough
applied for by Mr. Nord-
mann. His health is
not alleged as a ground of
the application. It is sta-
ted that Mr. Nordmann
seeks other employment
under Government during
the period of his leave.
As it is ^{has been arranged} in contemplation
to employ Mr. Nordmann,
as soon as he can be re-
= lieved, on road ^{work}

to be undertaken in
Wynaad, he should be
directed to hold himself
in readiness for the duty.
Specific orders on the
subject will shortly issue.

Council 19-9-83

W

17-9-83

Furlough to Mr.
Nordmann -

No 2661 Wd/21-9-83

W
21/9

Suptg. Engr. Third Circle.
Engr. Recpt. Register

7474
7531

Dr

Mr. Nordmann.

En. Engr. Bellary,
submits an application
for two years furlough
on private affairs,
& applies at the same
time for sanction
of his employment
during furlough
in the State Railway
Branch, in an
appt. not inferior
to that he is now
holding -

The question is
whether it is necessary
to grant him furlough
at all for such a
purpose, for if he
were given an appt.
on State Railway, it
would be merely a
transfer from one

R.S.
E.E.S.

10/8/9

Branch to another of the
same Dept of the Govt
Service.

The orders on the
subject say that there
is no objection to an
officer on furlough
taking service under
Railway Companies,
but this evidently
refers to private Companies.

If Mr. Nordmann's
services are required by
the State Railway Branch,
or the P. W. D. General Branch
can spare them, they could
be placed temporarily
at disposal of the former
Branch, without any
formal grant of furlough.

If, on the other hand,
Mr. N. is not required
by the State Ry. Branch, or
if the General Branch cannot
conveniently spare him,
it is a question whether the
furlough should not be
refused, as it is asked for
on private affairs, & only
with the object of obtaining
other employment in India.

Cy 4/9/83

Council 19-7-83

Furlough to Mr.
Nordmann -

No 2661 Wd/21-9-83

M.
21/9

Suptg. Engr. Third Circle.
Encl. Recpt. Register

Please ask S. E. to explain.
Mr. Nordmann asks for 2 year
furlough & at same time for
employment in State Railway
Branch during that furlough.
Does Mr. Engr. mean that on
return from furlough he is desirous
of joining the Railway depend
or what? He cannot be leave
& employed at same time. Probably
he means that he desires the
transfer from one branch to another
to be effected whilst he is away.

Cy.
5/9.