(1) Number of pages 10.

(2) Date of repair 9-6-87

(3) Initials of the Referencer Lavy

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Public Works DEPARTMENT

G.O. No.	673 W.	Press.
B.P. No.		Mis.
Dated	1-3-1883	193 .

S.C.M.

Not to be folded or roughly handled.

Archives —1 10,006–9 88

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

No. 9.

Read—the following letter from T. W. HOLDERNESS, Esq., C.S., Officiating Under Secretary to the Government of India, Revenue and Agricultural Department (Famine), to the Secretary to the Government of Madras, dated Calcutta, 20th February 1883, No. $\frac{12}{4}$, F.:—

In reply to your letter, No. 2654 W., dated 19th [illegible] say that the Government of India [illegible] the view taken by the Examiner of Public Works [illegible] with regard to the deduction of the six months "special leave" from the furlough which would ordinarily be due to Mr. Vincent, Executive Engineer, after eight years' service, is the correct one.

No. 10.

Order—dated 1st March 1883, No. 673 W., Public Works.

Ordered to be recorded.

(True Extract.)

Major, R.E.,
Under Secy. to Govt., P.W.D.

To the Chief Engineer for Irrigation.
„ Examiner, Public Works Accounts, with copy of G.O., No. 2653 W., dated 12th October 1882.

[illegible]
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1883} Madras.

PUBLIC WORKS.

Dated March, 1st.

Read. *Encl.*

G.O., 1st March 1883, No. 673 W.

MARCH.

Nos. 9-10.

Special Famine Leave

The view taken by the Examiner with regard to the deduction of the six months' — from the furlough due to Mr. Vincent, Executive Engineer, concurred in by the Government of India.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

No. 61.

READ—the following letter from C. VINCENT, Esq., Executive Engineer, to the Secretary to Government, Public Works Department, dated Madras, 15th September 1882, No. 105.—(Through the Chief Engineer for Irrigation):—

I have the honor respectfully to bring to your notice the following points regarding the six months' special famine leave of which I availed myself in October 1880, and to request that you will do me the favor of obtaining the orders of this Government or, if necessary, that of India, thereon.

2. The necessity for my addressing you has arisen in this way: I have always been under the impression that the famine leave, to which many disabilities were attached, was over and above all other leave to which I am entitled by the ordinary rules of the service, but I have now found that the view the Examiner of Public Works Accounts takes of the leave is, that it should be counted as furlough, and consequently deducted from the two years' furlough which will, in the ordinary course, be due to me on the completion of eight years active service. The Examiner bases his view on the interpretation he places on the papers noted in the margin, but I understand that his interpretation rests only on his individual reading of the orders quoted and not on any definite decision of the Government of Madras or that of India.

1. Government of India Resolution No. 2087, dated August 16th, 1878, (MS. copy attached.)
2. Paragraphs 2 and 3 of Government of India Resolution No. 1436 of March 26th, 1878, printed in Proceedings of Madras Government, No. 2038, Revenue (Famine) Department, of October 10th, 1878.

3. I would respectfully submit therefore that the view taken by the Examiner is not the correct one, and as the question is one that vitally affects me, I trust I may be permitted to state the reasons that lead me to entertain such an opinion.

4. I will begin by recapitulating very briefly the circumstances under which the famine leave was granted.

It would appear that in May 1878 the Government of Madras made certain proposals to that of India regarding concessions to officers employed on famine duty, and that other Governments having standards expressed that of India, a Resolution* on the subject was issued on August 16th, 1878. In that it is stated that papers had been received proposing "*certain exceptional concessions*" to officers employed on famine operations. But owing to the diversity of the proposals, it was added, it appeared impossible to lay down any fixed rules for general application, and the Government of India could therefore do no more than state—

(1) That it was prepared to consider favorably the cases of officers which might be considered deserving of recognition, by the grant of special leave on account of failure of health, such special leave to carry full pay for the first six months.

(2) That an addition to service for pension might be made in the case of some other officers.

*No. 2087.

Finally, the Government of India stated that the Secretary of State would be requested to sanction the above proposals.

5. Two lists of officers recommended for these respective privileges were forwarded * to the Government of India by that of Madras, and in letter No. 148 C, dated September 10th, 1879, the Government of India accepted these. The necessary information was conveyed to the officers concerned in G.O., Revenue (Famine) Department, No. 2038 of October 10th, 1879, in which were also printed the conditions on which the leave might be availed of.

* With letter No. 1599-A of July 31st, 1879.

The second of these is—

"That the special leave will not be counted as service."

This is of the greatest importance in regard to the Examiner's contention that the special leave should be counted as furlough. For if it had been furlough it must, I submit, have counted as service. That is to say, of my total service towards pension a certain amount of furlough is allowed to count, and so that first availed of would naturally count.

Again, had it been furlough, or even ordinary special leave, subsidiary leave could under Section 35 of the Leave Code have been obtained in extension of it. But one of the third conditions of the leave was that Section 35 should not apply.

6. I am well aware in the conditions under which the leave was granted it is said that, "the concession intended by the special leave is the grant of extra leave allowance during the first six months of an officer's absence." This at first sight appears absolutely fatal to any contention that the leave was over and above *any* to which an officer would be entitled by the ordinary rules of the service, but such frequent references are made in the correspondence to certain exceptional concessions proposed to be granted for services rendered, and suffered for in health, during a very trying period, that I make bold to request an authoritative decision on the Examiner's interpretation, which would change the concession into something very much the reverse.

7. My own case, and I have no reason to suppose it exceptional, would then stand thus:—

Gain.	*Loss.*
Difference between six months' full and half pay = 6 x 275 ... Rs. 1,650	1. About ten weeks' privilege leave. 2. Six months of the furlough that counts as service. 3. Six months more to serve for pension.

8. It was of course my duty to have acquainted myself fully with the conditions of the leave before I availed myself of it, and I have absolutely no ground for complaint in the effect that any interpretation of them may have on me. I make my appeal solely in the belief, which I can assert with confidence generally obtained at the time of issue of the orders, that a *real* concession was intended to be given as much to the first as to the second category of officers mentioned in paragraph 4, and that therefore the Examiner's interpretation, which converts the concession into a very doubtful boon, must perforce be wrong.

9. A complete file of papers on the subject accompanies this letter.

Trusting that I may receive the favor of your support.

No. 61-A.

Ordered—dated 12th October 1882, No. 2653 W., Public Works.

Ordered to be forwarded for the decision of the Government of India.

(Here enter No. 2654 W., dated 12th October 1882.)

(True Extract.)

(Signed) J. SHAW-STEWART, Colonel, R.E.,
Offg. Secretary to Govt., P.W.D.

To the Chief Engineer for Irrigation.

No. 62.

Endorsement—dated 12th October 1882, No. 2654 W., Public Works.

Copy of the above forwarded to the Government of India.

(Signed) J. SHAW-STEWART, Colonel, R.E.,
Offg. Secretary to Govt., P.W.D.

Exd. S. T. Austin,
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of (1882) Madras

PUBLIC WORKS.

6334

Dated October, 12th.

Read. *Encl.*

G.O., 12th Oct. 1882, No. 2654 W

OCTOBER.

Nos. 61-62.

Special Famine Leave.

FORWARDING for decision letter from Mr. Vincent, Executive Engineer requesting, that the — taken by him may not be counted as furlough.

No. 16
4-7-83

From,

J. W. Alderman, Esquire, C.S.
Offg. Under Secretary to the Govt. of India.

To

The Secretary to the Govt. of Madras.

Calcutta the 20th February 1883.

Revenue and Agricultural Dept. (Famine)

Sir,

In reply to your letter No. 2662 W dated 12th October last, I am directed to say that the Government of India consider that the view taken by the Examiner of Public Works accounts, with regard to the deduction of the six months "special leave" from the furlough which would ordinarily be due to Mr. Vincent, Executive Engineer, after eight years service, is the correct one.

I have the honor to be,

Sir,

Your most Obdt. Servant,

J. Alderman

Offg. Under Secretary to the Govt. of India.

Genl Instant

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Calif. of (1883) Sheets
PUBLIC WORKS.

63

Read. Read.

Mar. 1 Mar. 3 673. 5.

Nos. 9-10.

Special Famine Cess

The rein taken by the
Examiner with regard
to the deduction of the
Civil months — from
the Furlough due to
Mr. Vincent Examiner
Commuted on by the
Court of India
Letter dated 5th December