Statement showing the Rules elected by the under-mentioned officers of Royal Engineers, with reference to the Public Works Notification of the Government of India, No. 341, dated 7th October 1870.

Name in full with Military rank.	Present rank in Public Works Department.	Rules elected.
Henry Meredyth Vibart 2nd Captain Royal Engineers	Executive Engineer 4th Grade	Old Rules -

8th April 1871

Henry M Vibart Capt RE
Executive Engr 4th Grade

Duplicate

I do hereby certify that Lieutt. H. M. Vibart Royal Engineers, is in a bad state of health, and I think it necessary he should remain on the Neilgherries, and that he should be permitted to be absent from his duty until the 10th July 1868

Ootacamund
25th March 1868 }

M. C. Furnell.
Surgeon
Medical Officer Neilgherries

Confirmed by a Board of Medical Officers assembled at Ootacamund this 9th day of April 1868

Surgeon Major
Royal Horse Artillery } President

Public Works 1871 Deptt

No. 1778
Pro for April

From
Captain Vibart R. E
Exc: Engineer 4th Grade

Dated 8th
Recd. 19th } April 1871

Rules elected by Capt. Vibart R.E. with reference to ~~Government~~ of India Notification No. 341 of 1870 – No. 102

20 April 1871

Notified to Controller 19/4/71

Pro 31st October /70 No. 438.
" 31 March /71 — 188 Mis

21/5/56

In a letter No. 16 of 20th April 1868 from the Supdg. Engr. of 7th D.n to the Secy. to Govt. D.P.W. Madras -

CONTR. & AUDTR. OF P.W. ACCTS.
AP 24

P.W. 1539/68

Certifies that Lieut. Vibart R.E. should be allowed 3 months Sick Leave ~~to commence~~ ~~from~~ upto 10th July/68.

No. 16

Supdg. Engineer's Office 7th D.n
Coonoor 20th April 1868.

From
Colonel G. W. Walker R.E.
Superintending Engineer 7th "D.n"

To,
Colonel C. A. Orr R.E.
Secretary to Government D.P.W.
Madras -

Enclosure
One Medical Certificate

Sir,

In reporting the return from Privilege Leave, of Lieutt. Vibart R.E. Executive Engineer, and assumption of his duties in the Neilgherry Range I have the honor to submit a Medical Certificate granted him for 3 months Sick Leave of absence to commence from 10th April 1868. It appears Lieutt. Vibart R.E. expected that the Medical Board who assembled on the 9th would so modify the Certificate as to permit him to carry on his duties on the Hills as directed in G.O. No. 1032 of 1st April 1868, but such has not been done. -

I have the honor to be
Sir
Your most Obedt. Servant

G. W. Walker Col. R.E.
Supg. Engineer 7th D.n

Thro' the Controller of P.W. Accounts

Office of the Controller of P.W.
Accounts
Madras 28th April 1868

No. 273

From,
The Controller of Public Works Accounts.
To,
The Secretary to Government.
P.W. Department.

Sir,

Encls.
1 Orig. letter
with Certificate
attached

In forwarding the accompanying letter from the Superintending Engineer 7th Division No. 16 dated 20th Instant to your address, I have the honor to report, that Lieutenant Vibart R.E. has already been declared eligible for sick leave up to 10th July 1868 in continuation of Privilege leave, the latter being merged in the former but from Colonel Walker's present letter it appears, that Lieutenant Vibart assumed charge of his duties in the Neilgherry Range. I cannot however report Lieutenant Vibart to be eligible for sick leave from the 10th April 1868 without forfeiting the advantages of the

---

OF P.W. ACCTS. CONTR. & AUDITOR
AP

7th Dn. D.P.W.

From
The Supg. Engineer 7th Dn.,
To,
The Secy. to Government
D.P.W. Madras.
No. 16
Dated 20th
Recd. } April 1868.

P.W. 1599/68

Submits a medical Certificate for 3 months Sick Leave to Lieut. Vibart R.E.

the Privilege leave, unless that Officer had actually assumed charge prior to that date.

I have the honor to be,
Sir,
Your Most Obedt. Servt.
P. Mannell Lt. Col. R.E.
Controller of P.W. Accts.

To,
The Secretary to Government
P.W. Department

Cmpd

P. W. D. 1868 Pro. for 9th June

1590

From,
The Controller of M. [illegible]
& Accounts.

To
The Secretary to
Government, P. W. D.

Dated 28th
Recd: 29th April 1868
No: 2

Forwarding letter from Supdg: Engineer 7th Division and submitting Lieut. Vibart's claim to count from 10th April 1868.

No. 43

Miscellaneous 30/4/68

Lodged

Proceedings of the Madras Government, Public Works Department,
9th June 1868.

No. 189. Read the following Endorsement of the Superintending Engineer, 7th Division, dated Coonoor, 30th May 1868, No. 57:—

Read the following letter from Lieutenant H. M. VIBART, R. E., Executive Engineer, to the Executive Engineer, dated Ootacamund, 26th May 1868.

1. You are aware that I obtained on 11th March one month's privilege leave, (*i. e.*, to the 11th April,) and that on the 1st April I was appointed by Government to take charge of the Reclamation of Lake scheme, &c. Before this appointment was made I applied for a Medical Board, as I wished to avoid the hot weather on the plains.

2. As soon as I learnt of my appointment, I considered that sick leave was not requisite, as I felt quite capable of doing work on the Hills. Accordingly, on the 9th April, having gone over the plans with you, I reported my readiness to commence work. On the 9th the Medical Board assembled and, in spite of my efforts, recommended that I should have three months' sick leave on the Hills, and I was finally gazetted for sick leave; and my month's privilege leave cancelled, and turned into sick leave.

3. As I reported my arrival for work on the 9th, I consider that my privilege leave should not be cancelled, as I had joined my appointment. By the cancelling of my privilege leave I not only lose one month's service and half my Civil salary for that month, but, according to the Controller's, I am not entitled to half the Civil pay of a 3rd Class Executive Engineer while on sick leave, as my promotion was made while on privilege leave. I enclose a Memorandum from the Controller on the subject.

4. In the second paragraph he states "increased rate of pay on promotion during privilege leave only is allowed to be passed from the date of such promotion, if it does not involve any change of duties." As my promotion from 4th Class to 3rd Class Executive Engineer does not, as far as I am aware, "involve any change of duties," I consider I am entitled to the increased pay. Moreover, as I joined my appointment on the 9th April, I am entitled to the full pay of 3rd Class Executive Engineer from 1st to the 9th April, (the 1st April being the date on which I was promoted,) and half pay from 10th April till I rejoin from sick leave.

5. I request that this matter may be brought to the notice of Government, so that my privilege leave may be confirmed, and my sick leave count only from the 10th April.

No. 35.

Forwarded to the Superintending Engineer, 7th Division.

26th March 1868. (Signed) W. T. F. FAREWELL, Major,
Executive Engineer.

Lieutenant Vibart's letter of 26th May, with Major Farewell's Endorsement of the same date.

Submitted for the orders of Government as requested by Lieutenant Vibart, R. E., Executive Engineer.

(Signed) G. W. WALKER, Colonel, R. E.,
Superintending Engineer, 7th Division.

73/5/15

21/5/84

Proceedings of the Madras Government, Public Works Department,
9th June 1868.

No. 190. ORDER THEREON, 9th June 1868, No. 1,814.

ESTABLISHMENT, No. 22.

In the absence of any report from the Superintending Engineer of the 7th Division of Lieutenant Vibart having assumed charge of his duties at Ootacamund on the 9th April 1868, the Government are unable to consider the latter Officer's application.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 7th Division.
,, Controller of Public Works Accounts.

Exd. F. R. Bantleman.

Proceedings of the Madras Government, Public Works Department,
25th June 1868.

No. 626. Read the following letter from the Superintending Engineer, 7th Division, to the Secretary to Government, Department Public Works, dated Coimbatore, 19th June 1868, No. 72 :—

With reference to Government Order, No. 1,814, of 9th June, I have the honor to state that the transfer of Lieutenant Vibart, R. E., from the Kistna to the Coimbatore District, on the 1st April, was duly entered in my Return sent to the Controller for the week ending 11th April. His giving up of privilege leave, and report of himself for duty at Ootacamund on the 9th April, were likewise duly reported in my Return for the week ending 18th April. My letter to your address, No. 16, of 20th April, giving cover to the Medical Certificate sent in by Lieutenant Vibart, also stated that he had returned from privilege leave, and assumed his duties in the Neilgherry Range (in conformity with my Endorsement on a copy of Government Order, No. 1,032, of 1st April 1868, which I sent him). But the exact date appears to have been omitted, I have now, therefore, the honor to report that it was the 9th April.

No. 627. ORDER THEREON, 25th June 1868, No. 2,031.

ESTABLISHMENT, No. 74.

1. As it appears from this letter that Lieutenant Vibart actually assumed charge of his duties at Ootacamund on the 9th April 1868, the Government resolve to direct that his absence from the 11th March to the 8th April 1868 be considered to have been on privilege leave, and that from the 10th April 1868 as on sick leave.

2. The Controller of Public Works Accounts will adjust Lieutenant Vibart's pay accordingly.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Controller of Public Works Accounts.
,, Superintending Engineer, 7th Division.

Exd. F. R. Bantleman.

21/5/84

No. 43

Proceedings of the Madras Government, Public Works Department, 31st July 1868.

No. 736. Read the following Endorsement of the Chief Engineer for Irrigation, dated Fort St. George, 24th July 1868 :—

Read the following letter from Lieutenant H. M. VIBART, R. E., Executive Engineer, 3rd Grade, Department Public Works, to the Secretary to Government, Irrigation Department, dated Madras, 23rd July 1868.

As I am about to proceed to Europe on two years' furlough, and at the same time anxious to visit important irrigation works in the north of Italy and elsewhere on the Continent, I have the honor to request you will do me the favor of furnishing me with a recommendation to the Secretary of State for India that I should be permitted to visit the abovementioned works at the public expense.

Submitted to Government with a recommendation that Lieutenant Vibart's application may be favorably considered.

(Signed) J. C. ANDERSON, Colonel, R. E.,
Chief Engineer for Irrigation.

No. 737. ORDER THEREON, 31st July 1868, No. 2,453.

ESTABLISHMENT, No. 81.

Ordered that the Secretary of State be addressed upon the subject of this letter.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

Exd. S. T. Augustin.

PUBLIC WORKS DEPARTMENT.

No. 25 of 1868.

TO THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA.

Right Honorable Sir,

Lieutenant Vibart of the Royal Engineers, an Executive Engineer on the Establishment of the Public Works Department of this Presidency, being desirous of taking advantage of the opportunity which his stay in Europe on furlough will afford him to visit important works of irrigation in the north of Italy and elsewhere on the Continent, we have the honor to recommend, that as the experience which he will gain during his inspections will be of much value on his return to India, he be allowed such travelling expenses as he may necessarily incur.

We have the honor to be,
Right Honorable Sir,
Your most obedient, humble servants,

Fort St. George,
3rd *August* 1868.

Exd. S. T. Augustin.

FORT SAINT GEORGE.
PUBLIC WORKS DEPARTMENT.

Letter to the Right Honourable the Secretary of State for India.

Dated 3d. *August*
No. 25 *of* 1868.

Recommending that Lieutenant Vibart, R. E., during his stay in Europe on furlough be permitted to visit, at the public expense, important irrigation works in the north of Italy and elsewhere on the Continent.

Proceedings of the Madras Government, Public Works Department, 30th November 1868.

No. 629. Read the following Proceedings of the Madras Government in the Military Department, dated 18th November 1868, No. 4,488.

Read the following papers :—

From the Secretary to Government, Military Department, to the Secretary to the Government of India, Military Department, dated Bombay, 28th July 1868, No. 3,909.

I am directed to forward, for decision by the Government of India, the accompanying copy of a letter from the Controller of Military Accounts, No. 1,152, dated 20th July 1868, with enclosures, and of a Resolution by this Government thereon, No. 3,909, of this date, relative to the pay of Officers of the Public Works Department proceeding to England under the revised Furlough Rules.

From the Controller of Military Accounts, to the Secretary to Government, Military Department, dated Poona, 20th July 1868, No. 1,152.

I have the honor to forward a copy of correspondence* as per margin, regarding the payment of fifty per cent. on their net pay from the Military Department to Engineer Officers proceeding to England under the revised Furlough Rules, and in requesting the approval of Government to my decision in the matter, I beg to suggest that it be communicated to the Secretary to Government in the Public Works Department, for the information of the Controller of Public Works Accounts.

* From Pay Examiner, No. $\frac{2}{1913}$, dated 14th July 1868, with accompaniment.
To do. No. 3,231, dated 20th do.

From the Acting Examiner Pay Department, to the Controller of Military Accounts, dated 14th July 1868, No. $\frac{2}{1913}$,

1. I have the honor to submit, for decision, an inquiry from the Presidency Paymaster, Bombay, in his annexed letter, No. 1,803, of the 11th July instant, whether Engineer Officers entitled to fifty per cent. in their pay and allowances from the Public Works Department, for two years during their furlough under the new rules, are to be allowed fifty per cent. in their net pay from the Military Department, and to state that under Rule V of the above Furlough Regulations, Officers in the Civil Department, while on furlough, are to be allowed fifty per cent. on the average salary they were in receipt of, for the three years prior to date of embarkation, a principle which, it is presumed, will apply also to the Department Public Works.

2. The favor of an early reply is requested.

From the Acting Presidency Paymaster, to the Examiner Pay Department, dated 11th July 1868, No. 1,803.

I have the honor to request that you will inform me, with reference to Rule V of the new Furlough Regulations, whether fifty per cent. only of their net pay, should be paid to Officers of the Engineer Corps, who have accepted the new rules, and who apply for the three months fifty per cent. of their pay and allowances, granted by Rule V on the occasion of their proceeding on furlough.

From the Controller of Military Accounts, to the Pay Examiner, dated 20th July 1868, No. 3,231.

The Controller is of opinion that, as the net pay of Officers employed in the Public Works Department is drawn separately, and is dependent upon their rank, fifty per cent. of the present rate should be paid to those proceeding to England, under the revised Furlough Rules. This proceeding will be reported for the approval of Government.

No. 3,909.

MILITARY DEPARTMENT,
Bombay Castle, 28th July 1868.

Letter from the Controller of Military Accounts, dated 20th July 1868, No. 1,152.

Relative to a question as to whether fifty per cent. on their net pay from the Military Department should be paid to Engineer Officers proceeding to England under the revised Furlough Rules.

RESOLUTION.—Pending decision of the Government of India, which has been asked, Public Works Officers must be allowed only the half of the average salary of the three previous years.

(Signed) W. F. MARRIOTT, Colonel,
Secretary to Government.

No. 266 T.

MEMORANDUM.

1. Papers received with Case 2, Schedule No. 74, dated the 19th August 1868, are herewith returned.

2. The Bombay Government solicit the sanction of the Government of India to a Resolution limiting the furlough allowances of Officers of the Public Works Department to half of the average salary of the three previous years.

3. This decision of the Government of Bombay is opposed to the opinion of the Controller Military Accounts of that Presidency, who remarks "that as the net pay of Officers employed in "the Public Works Department is drawn separately, and is dependent upon their rank, fifty per "cent. of the present rate should be paid to those proceeding to England under the revised "Furlough Rules."

4. Upon this question, the undersigned has the honor to observe that, with the exception of the salaries of the Chief Engineers of the 1st Class, which are consolidated, the salaries of Officers of the Public Works Department are based on the principle of drawing Staff salary in addition to pay, subject to a maximum in the Public Works Department. The fact of there being a maximum appointed, in no way interferes with this principle.

Public Works Code, Chapter 1, Section 1, Paragraph 7.

5. Now the 5th paragraph of the revised Furlough Rules clearly lays down that, an Officer drawing Staff pay in addition to pay of rank, will be allowed pay at the rate of fifty per cent. of his substantive office. The sentence that follows, which confines Officers in Civil employ or those drawing consolidated salaries to fifty per cent. of the average salaries drawn by them for the three years prior to their proceeding on furlough, obviously applies only to Officers engaged on purely Civil duties, or to those who, like Chief Engineers of the 1st Class, draw consolidated salaries. The duties devolving upon Officers of the Public Works Department may be and are technically Civil duties, but they are not so in the sense in which that term is used in the revised Furlough Rules. It appears to the undersigned that the term, as there used, comprehends only those Officers who perform Civil duties of an administrative or judicial character, similar to those devolving upon members of the Covenanted Civil Service, and the object of that portion of the rule was to place, upon the same footing as regards furlough pay, Officers of the Civil and Military services, who may be engaged in performing duties of a precisely similar character.

6. The undersigned is of opinion, therefore, that the conclusion arrived at by Colonel Barr is correct, and he would recommend that the Bombay Government be directed to cancel their own order in favor of the opinion expressed by the Controller.

MILY. DEPT., ACCT. BRANCH,
SIMLA, *26th August* 1868.

(Signed) A. BROOME, Colonel,
Contr. Genl. of Mily. Expenditure.

Read Military Department Extract, No. 103, dated 4th September 1868, forwarding the above correspondence to the Public Works Department, for consideration and orders.

From the Assistant Secretary to the Government of India, Public Works Department, to the Officiating Secretary to the Government of India, Military Department, dated Simla, 1st October 1868, No. 1,346 E.

In reply to the Military Department's extract Proceedings No. 103,* dated the 4th ultimo, the undersigned is directed to state that, in the opinion of the Governor General in Council in this Department, Military Officers in the Public Works Department drawing Staff salary in addition to Military pay, should be treated the same as Military Officers in Military Staff employ.

* Enclosures herewith returned, as requested.

No. 699.

Copy of the foregoing forwarded to the Secretary to the Government of Bombay, Military Department, for the information of the Right Honorable the Governor in Council, with reference to Colonel Marriotts letter, No. 3,909, dated 28th July 1868, and with an intimation that the Government of India, in the Military Department, concurs in the opinion of the Public Works Department, that Military Officers in that Department, drawing Staff salary in addition to Military pay, should be treated the same as Military Officers in Military Staff employ.

MILITARY DEPARTMENT, THE 28TH OCTOBER 1868.

No. 700.

Copy of the foregoing forwarded to the Secretary to Government, Fort St. George, Military Department, for the information of the Right Honorable the Governor in Council.

(By order.)

(Signed) B. E. BACON, Lieut.-Colonel,
Offg. Secy. to the Govt. of India.

Communicated to the Department Public Works, and Controller of Military Accounts.

(True Extract.)

(Signed) C. S. ELLIOT, Lieut.-Colonel,
Offg. Deputy Secretary to Government.

No. 630. ORDER THEREON, 30th November 1868, No. 3,735.

ESTABLISHMENT, No. 62.

Communicated to the undermentioned Officers for information and guidance:—

Superintending Engineers.
Controller of Public Works Accounts.
Consulting Engineer for Railways.
Do. for the Madras Irrigation and Canal Company.
Officer in charge of Public Works operations in the Wynaad.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineers.
,, Controller of Public Works Accounts.
,, Consulting Engineer for Railways.
,, Do. for Irrigation and Canal Company.
To Captain R. B. Kennedy.

Exd. S. T. Augustin.

21/5/64

№ 4577

Govt. of {1868} Madras.

PUBLIC WORKS.

To

THE SUPERINTENDING ENGINEERS

&c., &c., &c.

Dated November, 30th.

Recd. *Encl.*

G. O., 30th November 1868, No. 3,735.

NOVEMBER,

Nos. 629-630

Pay.—Proceedings Military Department communicating papers from the Government of India regarding the pay of Officers of the Public Works Department proceeding to England under the revised Furlough Rules, communicated to the Officers concerned.

Proceedings of the Madras Government, Public Works Department, 26th February 1869.

No. 676. Read the following Despatch from the Right Honorable the Secretary of State for India, (Public Works,) to His Excellency the Right Honorable the Governor in Council, Fort St. George, dated India Office, London, 13th January 1869, No. 1:—

In compliance with the recommendation contained in your Despatch, No. 25, of 3rd August last, I have permitted Captain Vibart, R. E., to draw travelling allowance, at the rate of a guinea a day, for any period not exceeding three months which may be spent by him in visiting irrigation works in Italy and other parts of the Continent. It appears to me, however, that a similar privilege should not be granted in future except in somewhat special circumstances. The principal irrigation works in the South of Europe have lately been examined very carefully by Lieutenant Moncrieff, R. E., whose report upon them, of which seventy-five copies were forwarded to you with my predecessor's Despatch, No. 23, of 24th November last, will probably furnish the Officers of your Irrigation Department with sufficient information regarding them.

No. 677. ORDER THEREON, 26th February 1869, No. 636.

ESTABLISHMENT, No. 95.

Ordered to be recorded.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Chief Engineer for Irrigation.

Exd. S. T. Augustin.

21 21/5/80

Govt. of {1869} Madras.

PUBLIC WORKS.

To

THE CHIEF ENGINEER FOR IRRIGATION.

Dated February, 26th.

Recd. Encl.

G. O., 26th February 1869, No. 686.

FEBRUARY.

Nos. 676-677

Vibart, Captain, R. E., Executive Engineer.—Despatch from the Home Government, intimating the grant of a travelling allowance of one guinea per day to Captain Vibart, R. E., Executive Engineer on the Establishment of the Public Works Department of the Madras Presidency, for a period not exceeding three months which may be spent by him in visiting irrigation works in Italy and other parts of Europe; and stating that a similar privilege should not be granted in future except under special circumstances, recorded.

Proceedings of the Madras Government, Public Works Department,
31st October 1870.

No. 438.

Dated 31*st October* 1870, *No.* 2,583.

ESTABLISHMENT, No. 33.

Chief Engineer for Irrigation.
Consulting Engineer for Railways.
Do. do. for the Madras Irrigation and Canal Company.
Superintending Engineers.
Special Executive Engineer, Wynaad.

With reference to the Public Works Notification of the Government of India re-published at page 1,383 of the *Fort Saint George Gazette* of the 25th instant, His Excellency the Governor in Council resolves to request the officers as per margin to report at once with reference to Sections XIII. and XIV. whether they elect to remain on their present conditions as to staff and maximum salaries, or to accept the new scale of salaries prescribed for the Public Works Department including the Irrigation, Railway, and Account Branches. Similar reports should at the same time be furnished of the election made by each of the officers serving under those to whom these Proceedings are communicated direct. This order applies to the case of the officers marginally noted who, holding no substantive rank in the department, are officiating in the appointments entered against their names. The reports to Government should be made in the accompanying forms.

Colonel J. Carpendale, R. E., Acting Consulting Engineer for the Madras Irrigation and Canal Company.
Major F. G. Hankin, Staff Corps, Acting as Examiner of Railway Accounts.

2. Such of the officers of the department as are now on leave will be called upon to make their election of the old or new rules on their return to duty.

3. The Controller's attention will be specially drawn to Sections XIX. and XX. of the Notification.

(True Extract.)
(Signed) CHARLES A. ORR, Colonel, R.E.,
Secretary to Government.

To the Chief Engineer for Irrigation.
,, Acting Consulting Engineer for Railways.
,, do. do. for the Madras Irrigation and Canal Company.
To Superintending Engineers.
,, Major R. B. Kennedy.
To the Controller of Public Works Accounts.

Exd. E. C. Shunker.

Govt. of {1870} Madras.

PUBLIC WORKS.

To

THE CHIEF ENGINEER FOR IRRIGATION.

&c., &c. &c.

Dated October 31st.

Recd. Encl.

G. O., 31st October 1870. No. 2,583.

OCTOBER.

No. 438

Salaries.—Calling for reports from certain officers as to whether they elect to remain on their present conditions as to staff and maximum salaries or to accept the new scale of salaries prescribed for the Public Works Department.

No 188

Mr Brock has asked me to write this

Under date the 31st March/71

Col. A. J. M. Boileau R.E.
Capt. H. R. Mead. R.E.
" H. M. Vibart R.E.

As the Officers marginally noted have not, since their return from leave, reported whether they elect the new or old rules regarding salaries His Excellency the Governor in Council resolves to request that those officers as well as Lieut. A. W. Smart R.E. who was recently appointed to the Department, will now do so with reference to G. O. No 2583 dated 31st October 1870.

It is necessary [illegible]

Yes - please see Rule XIV of Notification of 8 Oct

To,
The Supg. Engrs. 2nd. 5th. & 6th. Divns.
Capt. H. R. Mead R.E. with Govns.
Controller. 2583 of 31st. Octr./70 –

Despd. 31/3/71

21/5/84

Pro 31st October/70 No 438

P.W. 1871 Depts
Pro- for March
Proceedings of the
Madras Government

Further Letr 1767/71
— Mis Pro No 20 D/4-4-71

Dated 31st March 1871
188

Calling on
certain officers of
the Royal Engineers
to report whether
they elect the old
or new Rules re-
-garding salaries.

Public Works Department.

MINUTE.

Fort Saint George, 18

The President proposes the
following appointments.

Captain H. M. Vibart, R.E. to be Executive Engineer of the fourth grade, vice Lieutenant A. C. Smith, ~~whose services have been placed at the disposal of His Excellency the Commander-in Chief~~, and to be posted to the Kistna District.

W.A.L.C

A.J.A

J.D.S

Lieut. J. H. S. Christie, R.E., Assistant Engineer of the second grade, to be transferred to the Railway Branch of the

the Public Works Department with a view to his employment as Assistant Consulting Engineer for Railways during the absence of Lieut: Coaker, proceeded on Furlough to Europe, or until further orders.

Mr. J. Irvine, Assistant Engineer of the third grade, on probation, to be Assistant Engineer of the second grade vice Lieutenant Christie.

Mr. C. H. T. Norfor, Assistant Engineer of the third grade, on probation, to be Assistant Engineer of the second grade, vice Lieut: Purchas, ~~whose services have been placed at the disposal of His Excellency the Commander in Chief~~.

Mr. A. W. Hunter, Assistant Engineer of the third grade, on probation, to be Assistant Engineer of the second grade, vice Mr. Turner proceeded on Medical Certificate to Europe.

Napier

21/5/84

P.W. 1871 Dept
Pro for February
No 5/8

30

From.

Minute by the Right
Honorable the
President.

30

Dated 7 }
Recd 8 } February 1871.

Promoting
certain officers in
the Engineer and
Railway Branches
of the Public Works
Departments—

No 30

8-2-71

Proceedings of the Madras Government, Public Works Department,
12th November 1872.

Read the following papers :—

No. 181. Endorsement of the Superintending Engineer, 5th Division, dated Camp at Salem, 27th September 1872, No. 130.

From Captain H. M. VIBART, R. E., Executive Engineer, Bangalore, to the Superintending Engineer, 5th Division, dated Bangalore, 14th September 1872, No. 735.

I HAVE the honour to bring to notice how very unfavourable the Furlough Rules of 1868 (as at present administered) are to Military Officers in Civil employ as compared with officers in Military employ.

2. Should a Military Officer in Civil employ become sick before he is entitled to furlough and wish to obtain a short leave in India, he can only do so by taking furlough in India, and receive during his leave merely British Furlough pay which for a Captain of Engineers is 11*s* 1*d* per diem, or about 165 Rupees a month.

3. Officers in Military employ have much more favourable terms. They, during such leave, are entitled to draw full Military Allowances and half staff pay.

4. In the Rules of 1868 as originally published a foot-note was added regarding Military Officers in Civil employ to the effect that if the Local Government considered it advisable they could grant sick leave in India under the old rules, that is on half pay.

5. This note was apparently added to give the Local Government power to grant sick leave in India on half pay to such officers as they might think deserving of consideration, on the grounds of the sickness having been brought on by exposure whilst engaged in Government service.

6. This foot-note has, I am told, been cancelled; but I am not aware on whose authority the clause has been abrogated. It would seem to me reasonable that officers both in Civil and Military employ should be placed on the same footing as regards sick leave in India.

7. In the beginning of this year I became sick; and considering my sickness was entirely due to exposure while employed in Government work, I applied for sick leave under the foot-note above-mentioned, but was told I could get none, except on British Furlough Pay. My individual case shows, I think, in a strong light the great disadvantage to which officers in Civil employ are subject to by this ruling. In 1868 I was obliged to go home on sick leave, suffering from Iritis due to exposure. I returned at the beginning of 1871, and although I was unwilling to return to my former district fearing a recurrence of the same complaint (which I was informed by the Doctor who had previously attended me was likely to happen), I was gazetted to the same district. After having served there a year, I had another attack of Iritis and having a month's privilege leave due I took it and went to Madras for medical advice. I was then recommended to apply for short leave and did so, but got the reply mentioned above.

8. I could not return to work and was compelled to take three months' leave to the Hills on British Furlough Pay, thereby incurring a loss of about 2,000 Rupees.

Exd. E. C. Shunker.

GOVERNMENT TELEGRAPH DEPARTMENT.

MONTHLY No. 1700

TO (STATION) Madras FROM (STATION) Bombay

Class.	Number.	Number of words and Cyphers.	Date and Hour tendered for transmission by sender			Official Instructions.
P.S	5506	15	21	11	17	AM

(Addressee's name.) Colonel Charles [illegible]
(Do. Address.)

I arrived here last night
leave Monday –

Sender's Name Captain H. Vibart

Received from Station
at 12 H 42 P M., on the 21 January 1871
by Signaller.

Transmitted to Station
at H. M, on the 186 ,
by Signaller,

Note of delay

Robt. [illegible]
Telegraph Master.

Madras {Transit. Receiving. Telegraph Office. Peon Book No. 3

N. B.—The message should be continued on the back, should this side not suffice. In this case the Sender's name which is always at the end of the message will of course appear on the back ONLY, and the blank spaces at foot for Signallers particulars of time of sending, &c. must also be filled in on the back ONLY.

(P. 1)

SUPERINTENDING ENGINEER'S OFFICE,

Proceedings of the Madras Government, Public Works Department, 12th November 1872.

9. The complaint I was suffering from was entirely due to exposure to the sun while engaged in preparing the project for the completion of the irrigation works in the Western Delta of the Kistna. Had I been in Military employ, I should have received my pay as Captain and half of my staff pay, or over 600 Rupees a month.

10. I have the honour to request you will be so good as to represent the hardship of my case and of those similarly circumstanced to the proper authorities, so that the Government of India may be induced to place officers in Civil employ, as regards sick leave in India, in the same position as those in Military employ, or at least that the clause giving power to the Local Government to grant leave under the old rules should again be added to the rules of 1868.

SUBMITTED for the orders of Government.

(Signed) E. A. FOORD, Colonel, R.E.,
Superintending Engineer, 5th Division.

No. 182. From the Executive Engineer, Bangalore.
(Here enter No. 803, dated 7th October 1872.)

No. 183. From the Controller of Public Works Accounts.
(Here enter No. 1,649, dated 19th October 1872.)

No. 184. ORDER THEREON, 12th November 1872, No. 2,660.

ESTABLISHMENT, No. 9.

HIS Excellency the Governor in Council is not prepared to submit Captain Vibart's case for the consideration of the Government of India, nor is he disposed to raise the general question suggested by that Officer, as it is unlikely that any application for extending the benefit of the Furlough Rules, which are sufficiently liberal and must be taken as a whole, will be favourably viewed.

(True Extract.)

(Signed) G. W. WALKER, Colonel, R.E.,
Secretary to Government.

To the Superintending Engineer, 5th Division.

Exd. E. C. Shunker.

SUPERINTENDING ENGINEER'S OFFICE,

Proceedings of the Madras Government, Public Works D

Pblic Works 1871 Department
Pro. for January
No. 292

From

Captain H. Vibart R.E.

Dated 21st }
Reced 23rd } January 1871.

Reporting his arrival at Bombay on the 20 Instant and intimating his intention to leave that place on the 23rd Idem.

No. 131

With an order

21/5/86

24th January 1871

No. 131

Ordered to the records

Sender's Name

Received from ______ Station
at ______ H. ______ M., on the ______ 186 ,
by ______ Signaller.

Transmitted to ______ Station
at ______ H. ______ M., on the ______ 186 ,
by ______ Signaller,
Note of delay

{ Transit.
{ Receiving. Telegraph Office. Peon Book No.

Telegraph Master.

Exd. E. C. Shunker.

21/5/84

Govt. of {1872} Madras.

PUBLIC WORKS.

To

THE SUPERINTENDING ENGINEER,

5TH DIVISION.

Dated November, 12th.

Recd.

Encl.

G. O., 12th November 1872, No. 2,660.

NOVEMBER.

Nos. 181-184

Vibart, Captain, R.E.—Declining to submit the case of — to the Government of India, or to raise the question proposed regarding the Furlough Rules of 1868.

SUPERINTENDING ENGINEER'S OFFICE,

~~MADRAS~~,

No. 167
30/4/84 Camp Ramandroog ~~Chepauk~~, 28th April 1884.

From Lt Col H M Vibart RE

~~THE~~ SUPERINTENDING ENGINEER,

III ~~1st~~ CIRCLE,

To

THE Chief Engineer

PWD
Through the Examiner PW Accounts.
Madras

SIR,

Enclosures.
1 Bill

With reference to your Endorsement No 12 E. dated 16th April 1884, communicating Examiner's Office Note No 16 dated 8th April I have the honor to submit for your consideration that if, as stated by the Examiner, I had a lien on my appointment on the 17th January 1884 (after an absence of 2 years and 9 months), I must have had a lien on my appointment on 20th January 1871 (after return from Furlough for 2½ years). When I went home on the 27th July 1868, I was an Executive Engineer 3d Grade (appointed to this grade on the 1st April/68) but on my return from Furlough, I was appointed Executive Engineer 4th Grade (26th February 1871); and was not again posted as Executive Engineer 3rd Grade till 1st September 1871 (6 months and 3 days after).

2. As under the Furlough Rules of 1868 quoted by the Examiner I had a lien on my appointment on my return to India in 1871, it appears I was entitled to my pay as Executive Engineer 3rd Grade, I therefore beg to submit a Bill for the difference of pay at Rs 100 per mensem which I consider due to me for the said period Viz 6 months and 3 days, and I solicit that the Examiner be authorised to pass the claim.

I have the honor to be
Sir
Your most obedt Servant.
Vibart
Lt Col R.E.
Superintending Engineer
3rd Circle

Mis No 43. of 1868.
G.O. No 1814 of 9th June 1868
" " 2031. " 25th June 1868
" " 2453 " 31st July 1868
Lr to Secy of State No 25 " 3rd Augt 1868
G.O. No 3735 – 30. Novr 1868
" " 636 26. Feby 1869
" " 2583 31 – Octr 1870
Mis No 188 31st March 1871
" " 102 20. April 1871
" 30 – 8. Feby 1871
" 131 – 24 – Jany. 1871
G.O. No 2660 12. Novr 1872.
~~No 12 E~~.
No 12 E. 16.4.84.

---

69 SE3

From

The Superintending Engineer,

III ~~1st~~ Circle,

To

The Chief Engineer
P. W. D.
Madras.

Through the Examiner
P. W. Accounts

Dated 28th } April 1884.
Despd 30th }
Recd. }

14 Encl / 4276/84

ENCLOSURES.

No. 167

Lt. Col. H. M. Vibart. R.E.

Submitting a Bill for the difference of pay due to him from 26th Feby/71 to 1st Sept. 1871, on learning from the Examiner's Office Note No 16, D/8th April/84, that an Officer has lien to his former pay, after returning from the furlough granted him.

D.W. No 4276

Endorsement No 69 S E3 dated 19th May 1884.

Forwarded to the Chief Engineer Public Works Department for favor of disposal with the remark, that this Office is unable to trace anything on record showing the reasons for which Lieutenant Colonel (then Captain) Vibart R.E. was appointed on return from furlough as Executive Engineer 4th Grade, while previous to his proceeding thereon, he was borne on the P.W.D. Establishment as Executive Engineer 3rd Grade.

2. Apart however from that point, and without advertence to the lapse of time since the period for which the claim is preferred, I would point out that the Secretary of State's Despatch is dated 14th October 1875, and it is there stated that the Rule × × × shall be made applicable to all Military and Medical Officers taking leave under the Rules of 1868. It is evident from the wording that the decision communicated in the Despatch was not intended to be retrospective (except as applied to the case immediately then in point) but to cases in the future. In the later ruling of the Government of India in the Military Department (at foot of page 242 of the Civil Leave Code) the above wording is maintained, and the idea remains that the Despatch of the Secretary of State had effect only in cases subsequent to the date of the Despatch. If this be the case Colonel Vibart's present claim is inadmissible.

D. C. [illegible]

Examiner P.W. Accts
Madras.

C.H.
19/5.

OLS. 14/5.

No (9) 1892 Wa/4th June/84

Ins 20/5/84

E.P.
19/5.

Encs 2

C. 27-5-84 Ch-2-6-84

4276

DW

The memorandum No. 12 E of 16th April 84, quoted by Lt Col Vibart in the accy. letter, was issued from the Paly Office, & the file has been retained there, but the facts are somewhat as follows –

Lt Col. Vibart having been granted, in England, an ~~[illegible]~~ extension of ~~his recent~~ furlough on British furlo' pay ~~[illegible]~~, was restricted by the Ear PMA for the period+ from date of arrival at Bombay to date of joining E. W's Office at Madras, ~~[illegible]~~ ~~[illegible]~~, to the British furlough pay‡ of his rank – Against this Lt Col. Vibart protested, & after a reference to the Accountant General, it was found that he was entitled, as a

+ From 17th to 20th Jany 84

‡ 16 sh. per diem

Military Officer in ~~Civ~~ Civil employ, to subsistence allowance at the rate of Rs 400 per mensem for the period in question.

Lt Col. Vibart however argued that as he had been absent from India for more than two years, he had, on his return from furlough in January 1881, forfeited his appointment in the P.W.D., under the furlough Rules of 1868, & that therefore from the date he landed in India to the date he rejoined the P.W.D., he was entitled to the Indian *Military pay of his rank in the Royal Engineers –

On this he was referred to Rule II clause 2 of the Furlough Regns of 1868, under which officers can retain their appointments during all leave of absence granted by competent authority –

Lt. Col. Vibart now states that he went Home on furlough in July 1868, as an Ex. Engr III Grade; that having remained in England for two & a half years, he forfeited his appointment in the P.W.D., & on his return to India in January 1871, he was reappointed to the Dept. as Ex. Engr IV Grade – He argues that if he had a lien on his appointment in January 1881, after an absence of 2 yrs & 9 months, he must have had a lien on his appt. in January 1871, after an absence of 2½ years; that therefore in Jany 1871 he should have rejoined the Dept. as Ex. Engr 3d Grade –

&

---

* He first claimed at the rate of Rs 640/14 per m. as substantive Major, but having been promoted to Lt. Col. with retrospective effect, he subsequently claimed pay for the period in question at Rs 1002/4 per mensem –

he now claims difference of pay between III & IV grade (Rs 100 per m.) from 26 Feby 1871 to 1st Sept 1871, on which latter date he was again promoted to Dn. Supt. III grade.

The records of this office do not show why Lt. Col. Vibart was reappointed to the dept. in the IV grade in January 1871 - The minute of appointment, which has been turned up, gives no information on the subject - It is probable that his place in the 3rd grade was filled up in July 1870, when he forfeited it, on exceeding two years furlough, & when he returned to India in Jany 1871, there was probably no vacancy for him except in the IV grade - This point however does not affect the question at issue -

Up to 1872, the Furlo
Regulations of 1868 ruled
that an officer exceedin
two years furlough, forfeited his appointment

In August 1872, the Secy of State for India wrote "Moreover, in orde
"to remove one of the
"causes through which
"officers come on the
"unemployed list, Her
"Majesty's Govt have
"directed the following
"change to be made in
"the present furlough
"regulations, so far
"they apply to Staff
"Corps officers: all
"leave of absence granted
"by competent au-
"thority will henceforward
"involve retention of
"appointment"

In

In a despatch dated 12th Octr 1875, the Secy of State extended this rule to (with reference to the case of a Royal Engr Officer serving in the P.W.D.) to all Military & Medical Officers taking leave under the rules of 1868.

The case is therefore thus –

In 1868-71, when Col. Vibart was absent, the rule was that leave extended beyond two years involved forfeiture of appointment –

In 1881-84, when he was again absent, the rule was that all leave of absence granted by competent authority, involved retention of appointment –

It is clear from the wording of the despatch of August 1872 that it was not intended to make the rule retrospective –

Lt. Col. Vibart has therefore no claim to the difference of pay for which he submits a salary bill, & his letter might perhaps be sent on to Coly for disposal accordingly.

Cu
26/5/84

The furlough rules of 1868, with the despatches quoted, are put up –

Cu

PUBLIC WORKS DEPARTMENT.

No. 13925

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 4th June/84

READ the following

Letter from Lt. Col: H. M. Vibart R.E. Supdg Engineer, III Circle } H.E. No. 167 d/ Apl, 28, 1884

Endt. by the Examiner P.W. Accounts " " 69 S.E.B. d/ May, 19.

Lt. Col: Vibart's present claim is inadmissible; the rule under which a Royal Engineer officer in the P.W. Dept retains a lien on his appointment during all leave of absence under the rules of 1868, having come into force only from October 1875; – *vide* para 3 of the ruling in the

Military Dept at foot of page 242 of the Civil Leave Code.

W.S.
29.5-84

7.C
B 1529 h 19.6.84

No. 1392 Da 4th June/84

E

W.
4/6

S.E. III Circle with 1 original Enclosure ✓

Examiner P.W. Accts. ✓ D
4/6

L.S.

Dte 21/6

Jo 5/6

Subdn Acct Regtr

SUPERINTENDING ENGINEER'S OFFICE,

No. 407

Camp Ramandroog ~~MADRAS,~~
~~Chepauk~~, 29th May 1884.

From Lt. Col. H. M. Vibart R.E.
~~THE~~ SUPERINTENDING ENGINEER,
III ~~1ST~~ CIRCLE,

EXAMINER
No. 152 R3
2 JUN 1884
ENCLOSURES
P.W. ACCOUNTS.

To

THE Examiner of
P.W. Accounts
Madras

SIR,

Enclosures.

I have the honor to request that you will be good enough to let me know when my Bill for Rs. 610 sent in, on 30th April will be returned audited.

I have the honor to be
Sir
Your Most obedient Servant
H. M. Vibart Lt. Col. R.E.
Superintending Engineer
III Circle

From

The Superintending Engineer,

1st Circle,

To

The

PW/$\frac{E1}{4691}$/84

Dated }
Recd. } 188 .

ENCLOSURES.

No.

To W.

Claim of Lt Col: Vibart for arrears of pay. ——

The file connected with the last ruling regarding Lt Col: Vibart's pay between date of his arrival at Bombay and date of his joining at Madras is at Ooty.

Another claim is herein put forward, and in the accompanying note S. A. W. shows very clearly that Col: Vibart has no case. He may I think be informed accordingly. —

CS.
26-5-84

Yes. W.
29-5-84

0

Mis No 102 dy 20-4-71
" " 43 " 30-4-68
G.O. No 1874 " 9-6-68
" " 2031 " 25-6-68
" " 2453 " 31-7-68
Des S. of State No 25 dy 3-8-68
G.O. No 3735 dy 30-11-68
" " 636 " 26-2-69
" " 2583 " 31-10-70
Mis No 188 " 31-3-71
" " 30 " 8-2-71
" " 131 " 24-1-71
G.O. No 2660 " 12-11-71
B. No 1392 W " 4-6-84

Mis No 4891

Endorsement No 152 S.E. 3rd dated 4th June 1884. (7)

Forwarded to the Chief Engineer Public Works Department, in continuation of this Office endorsement No 69 S.E. 3rd dated 19th May 1884.

D. C. Gordon
Examiner P. W. Accts.
Madras.

4/6

Encs: One
Recd 5/6/84

11/6

No: 1457 W dy 11th June/1884

B

Recorded, with reference to G. O. No: 1392 W dy 4th June 1884

Recorded, with reference to G. O. No 1392 W dy 4 June 1884

5-6-84

9-6-84

O.Y.S. 21/6.

11/6

Sub Dn Receipt Register

O. 6/6/84 O. ..-6-84

R. Jmn Ock 2-6-84

APPENDIX.

NOTE (1).—Privilege leave for ninety days, after thirty-three months' duty, which may be spent anywhere, in or out of India, is admissible to Commissioned and Warrant Officers under these Rules; but to claim the privilege, it shall be necessary for an officer to show that he has had no privilege leave for thirty-three months previous to the date of his application, and that he has made satisfactory arrangements for the performance of his duties during his absence at no additional cost to the State. If leave for a shorter period than 90 days is taken the balance is forfeited.

NOTE [2].—Officers are not required to report themselves to the India Office should they go to England, but it will be incumbent on them to keep their departmental superiors in India acquainted with their address.

XXX.—In the case of the stations noted in the margin, privilege leave may, as at present, be granted for ninety days to officers of local corps, or of corps which are usually employed in one or other of the districts named.

Assam. Shillong. Erinpoora. Deolee.	Khairwara. Khotra. Bunnoo. Dera Ismail Khan.	Dera Ghazi Khan. Rajanpore. Jacobabad.

NOTE.—The above rule is not applicable to officers of regiments moved in course of relief to any of the stations, or who are only temporarily employed there.

XXXI.—An officer is at liberty to proceed wherever he may desire on privilege leave, provided he can ensure his return before the expiration of his leave.

XXXII.—Privilege leave cannot be taken in continuation of furlough, nor can furlough be obtained in continuation of privilege leave. If furlough be obtained by an officer while absent on privilege leave, the privilege leave will be converted into general leave, the officer for that period sacrificing a moiety of his staff salary.

Military Officers in Civil Employ.

XXXIII.—Those Military Officers (including Warrant Officers who hold Honorary, Veteran, or Unattached Commissions) in Civil or Political employ, who may elect these rules when they take leave in India, come, as respects periods of leave obtainable and amount of pay to be granted, under the Civil Leave Rules. When they take leave out of India, they come under the Military Leave Rules.

NOTE.—Furlough *in India* is allowed under Chapter I of these rules to a Military Officer in civil employ, under the same chapter, by the Government to which he is subordinate; as also subsidiary, privilege and examination leave under the rules in the Civil Leave Code; but under no circumstances will he be allowed any leave *out of India* under the Civil Leave Code, but under Military rules and by the Military Department.

When furlough *in India* is required by a Military Officer in civil employ, he must obtain from the Military Department, and submit to the Accountant General, a "Furlough certificate;" and when furlough is granted by the Government to which the officer is subordinate, a copy of the order granting the furlough should be sent to the Military Department.

2.—For subsidiary leave, see Note (5) of Rule XVIII.

Subsidiary Rule.

XXXIV.—Officers of the Indian Military and Medical Services will be required generally to notify their intention to accept these rules, or to adhere to those now existing, on the first occasion of their taking furlough or general leave after the publication of this order. Such election must be considered final, and under no plea whatever will an officer be subsequently relieved from the choice thus made.

2.—Officers going home under these rules will pay English rates of subscription only to the Military Fund.

3.—Officers who may determine to abide by existing rules, will be allowed to proceed on furlough on the conditions laid down in Rules VII, VIII and XIII, to the extent to which they may be entitled under the Furlough Regulations of 1854, or of 1796, whichever of the two they may have elected, and on the rates of pay contemplated in those regulations, but retaining their appointments. The principle laid down in Rule XV must, however, be applied in those cases.

4.—If an officer, under the Furlough Rules of 1796, elects the present rules, his service for pension will be reckoned under the former rules up to 1st July 1868, and thenceforward under the rules of 1868; and the fact of the officer having been on furlough on 1st July 1868, and not then having elected the rules of 1868, will not affect the case. All periods of leave out of Indian limits taken previous to 1st July 1868, will be wholly excluded from his service for pension; but he may reckon towards pension periods of leave taken subsequent to that date, according to the length of his service counting for pension, as shown in Rule XXIII.

5.—His election of these Furlough Rules in no way affects his right to *retire* under the Pension Rules of 1796.

No. 204 of 1873. The following decision by the Government of India, is published:—

The first clause of paragraph 6 of Government General Order No. 613* of 1871, which rules that a Military Officer of the Staff Corps, Local Service or General List, in civil employ will forfeit his appointment on obtaining an extension of three months' furlough in India, may be considered cancelled by the paragraph 6 of Government General Order No. 797† of 1872, which declares that "all leave of absence

‡ Recently extended by the order of the Right Honourable the Secretary of State to officers of the Local Service and General List.

Secretary of State's Despatch No. 38 of 1873, p. 19.

No. 797 *of* 1872.—1*st August.*

* * * *

6. Moreover, in order to remove one of the causes through which officers come on the unemployed list, Her Majesty's Government have directed the following change to be made in the present Furlough Regulations as far as they apply to Staff Corps officers:

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* Madras G. O. G., 25th July, 1871, No. 186

† Madras G. O. G., 9th August, 1872, No. 199.

G. O. G,
9th Aug., 1872,
No. 199.

granted by competent authority‡ [to officers of the Staff Corps] will henceforward involve retention of appointment."

But in the event of the Government or other authority deciding that an officer, who may have overstayed his leave cannot be granted the extension needed to cover the period by which he has overstayed, paragraph 6 of Government General Order No. 797 of 1872, does not exempt him from forfeiture of appointment.

G O. G.,
3rd Dec. 1875,
No. 778.

No. 1174 of 24th November, 1875.—The following Military letter from the Right Honorable the Secretary of State for India is published for general information:

MILITARY. No. 249.

INDIA OFFICE, LONDON; 14th October, 1875.

To His Excellency the Right Honorable the Governor-General of India in Council.

MY LORD, Major-General * * of the Royal (Bengal) Engineers, now on furlough for two years, has raised the question whether, in the event of his obtaining an extension of such furlough, he will be entitled to retain his appointment in the Public Works Department, and I have to inform you that, with reference to this application, I have decided that the rule under which Officers of the Staff Corps and Local Service retain their appointments during all authorized leave shall be made applicable to all Military and Medical Officers taking leave under the Rules of 1868.

"All leave of absence granted by competent authority will henceforward involve retention of appointment. No officer will be allowed, on the plea of private affairs, to extend his leave, upon whatever grounds such leave may have been originally granted, beyond two years, except upon satisfactory evidence of very urgent necessity.

* "In the event of an officer not being able to return to his duty after an absence of three years, it will rest with the Right Hon'ble the Secretary of State for India in Council to order him to appear before a Medical Board with a view to placing him on the retired list if entitled to pension, or on the half-pay list.

"Should the circumstances of the case warrant a further extension of leave, it can only be granted without pay."

"The rule contained in the 2nd clause* of paragraph 13 of the Furlough Rules of 1868 will be in all cases strictly observed."

Furlough Regulations of 1875 (with subsequent alterations.)

General Order No. 1316, *dated the 30th December* 1875.

Under instructions from Her Majesty's Government, the Right Hon'ble the Governor General in Council is pleased to publish the following revised Furlough and Leave Rules applicable to the Staff Corps and Indian Local and Medical Services :—

NOTE.—These rules are not applicable to officers of the Royal Artillery or Engineers, whether of the late Indian Army or not.

Furlough and Leave Rules.

1. Officers included in Schedule A may receive, after five years' service in India or under the Government of India, one year's furlough, and an additional year for each subsequent five years' service. Furlough not taken at the time it becomes due is not lost, and can, subject to these rules, be taken later.

NOTE.—Service for furlough under these rules, in the case of an officer *electing* them, is reckoned from the date of his *election*.—See also Notes 2 and 3 to Schedule A.

2. An Officer may receive at any time any portion of the furlough to which he is entitled, but, except under Rule VIII, he may not be absent from duty on any ground for more than three years consecutively; nor, on return from furlough, may he receive, except under Rule VI, any further portion of the furlough to which he is entitled until after the interval of two years.

3. It must be distinctly understood that furlough is subject to the exigencies of the public service. Officers commanding regiments, and Heads of Departments, will forward no application for furlough unless able to satisfy the superior authorities that the Officer's services can be spared without any inconvenience to the public service.

4. Furlough does not involve forfeiture of appointment, may be spent anywhere, and counts as service for pension. (See Rule VIII).

NOTE—Furlough taken before it is *earned* by length of service, except under Rule VIII, reckons against service until it has been paid off.

5. A Commissioned Officer on furlough receives (up to, but not beyond, the sum of 1,000*l*. a year) half the emoluments of his office, computed according to a rate of exchange to be fixed in each year by the Secretary of State: but in any case he does not receive less than 250*l*. a year. The emoluments of his office include all pay, staff corps pay, staff salary, and Indian allowances he would receive in respect to it if he were on duty, and for the purpose of each payment, his office is the office he fills on the day when that payment becomes due.

---

* ears' absence in 20 years' service.
„ „ 24 „
„ „ 28 „
„ „ 32 „
6 „ „ 38 „

they will be required to serve for such further period as will, with that service, complete the full period prescribed for the pension of any particular rank, with the liberty of availing themselves, after their entry into the Staff Corps, of the privileged periods* of absence allowed by paragraph 30 of the new furlough Regulations.

With reference to paras. 30, 33, 34 and 35, *M. C. No.* 2961, *2d Nov.* 1855, *and No.* 919, 18*th April* 1856.

G. O. C. C.
18th Nov 1856,
No. 92.

19. An Officer who has served twenty or twenty-four years and *not more* is only entitled to reckon two years' absence as service. Rule 33 gives the minimum period of service which entitles an Officer so situated to retire on the pension of a Captain or Major; but an Officer who has served beyond those periods is entitled to the benefit of Rule 30 by which extended periods of absence are allowed to reckon, regulated by the length of the Officer's service. For instance, an Officer who has served twenty years, and no more, and had only three years' leave must still perform one year's duty before he can retire as a Captain; whereas an Officer whose aggregate service is thirty years, out of which he has enjoyed leave for fourteen years and no more, can retire as a Captain at once.

G. O. G.,
th April 1872,
No. 90.

No. 337 of 28th March 1872.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 50, dated 29th February 1872, is published for general information:—

MILITARY, No. 50. INDIA OFFICE, *London, 29th Feb.* 1872.

To His Excellency the Right Hon'ble the Governor-General of India in Council.

MY LORD.—1. With a view to meeting the cases and facilitating the retirement of the senior officers of the Army subject to the Indian Retiring Regulations, Her Majesty's Government have resolved so to modify the present Regulations, as expressed in Clause 30 of the Furlough Rules of 1854, as to admit of a larger amount of furlough being reckoned as service by claimants to the higher rates of pension granted in 1866.

2. With this view, I request that it may be notified to the service that, from and after the date of this despatch, the following regulation will be substituted for Clause 30 of the rules above referred to, and will govern the rates of pension to be granted to officers retiring under the Indian Regulations:

"No furlough or leave of absence, as announced in General Orders, exceeding two years in twenty years' aggregate service, three years in twenty-five years' service, four years in thirty years' service, five years in thirty-five years' service, and six years in thirty-eight years' service shall be allowed to count as service for the retiring pension; and no difference will be made in this respect between leave of absence taken in Europe or elsewhere, in or out of India, or whether the leave be on sick certificate or on private affairs."

With reference to para. 31.

G. O. G.,
5th Sept. 1857,
No. 290.

G. O. G. G. No. 1113 of 1857.—The following Extract, paras 18 and 19, of a Military letter from the Honorable the Court of Directors to the Government of India, No. 126, dated 22d July 1857, are published for general information:—

Letter dated 6th March 1857, *No.* 82.

Request Court's decision on the question whether leave of absence in or beyond India taken in consequence of wounds received in action shall be allowed to reckon as service for pension both under the old and new Regulations.

18. By the Regulations established for the promotion of Lieutenant Colonels to the rank of Colonel after three years' service, it is provided that no longer period than one month in each year, or a total of three months in three years, or six months in six years shall be allowed to reckon, whether the leave shall have been spent in India or out of the country, except in cases of wounds or illness contracted by service in the Field, duly certified by a Medical Board, when each case will be separately considered with reference to the time to be allowed.

19. In reply to the question now put to us, we have much satisfaction in stating that we are prepared to extend the benefits of the exception above specified to the time required for retirement on full pay. Every claim to the benefit of this exception must be duly certified by a Medical Board, and be forwarded to us for our decision, accompanied by the opinion thereon of the Government and Commander-in-Chief of the Presidency to which the Officer belongs.

G. O. C. C.,
21st Mar. 1859.

No. 32.—With reference to G. O. G. 15th September 1857, No. 290, the Commander-in-Chief desires it to be notified that the privilege of reckoning the time of absence in the period of service required for retirement on full pay is authorized "in cases of wounds or illness contracted by service in the "Field, duly certified by a Medical Board, when each case will "be separately considered with reference to the time to be "allowed."

In all such cases a specific description is to be given in a report by a Medical Board of the nature of the illness and of the grounds upon which it is considered that the illness has been contracted by service in the Field.

All such grants of leave should be made for periods not exceeding eighteen months to be extended if necessary.

30.* No Furlough or leave of absence, as announced in General Orders, exceeding two years in twenty years' aggregate service, three years in 24 years, 4 years in 28, 5 years in 32 and 6 in 38 years' service, shall be allowed to count as service for the retiring pension; and no difference will be made in this respect between leave of absence taken in Europe or elsewhere, in or out of India, or whether the leave be on sick certificate or on private affairs.

31.† In the term "Leave of Absence as announced in General Orders" is to be included all leave of absence except the period allowed in Rule 29, and the ordinary indulgence of one month's leave in six months, as authorized by the existing Regulations, and which are in all cases, whether of Regimental or Staff Officers, to be allowed to count as service for the pension. All leave to a greater extent granted by Political and other authorities, which may not hitherto have been published in General Orders must be so announced hereafter.

Vide Margin of Para. 9, Old Retiring Regulations.

32. Officers to be entitled to retire on the full pay of their Regimental rank (under the Regulation of 1796,) must have served twenty-two years in India, out of which leaves of absence for two years in the aggregate and not more, will be allowed to count as service for the retiring pension,

33. Officers to be entitled to retire on the full pay of Captains and Majors (under the Regulations of 1835—7,) must have served twenty and twenty-four years re-

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* Vide paragraph 28 of G. G. O. No. 10 dated 6th January 1882.

† Vide margins of Rules 26 and 29.

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spectively, out of which time leaves of absence for two years in the former and three in the latter and not more, will be allowed to count as service.

G. O. C. C., 20th Jan. 1861. — No. 10.—Applications for permission to count as service for retiring pension under the provisions of G. O. G. No. 290 of 15th September 1857, the period of absence on leave occasioned by wounds or illness contracted by service in the Field are required to specify the particulars of the Field service on which the Officer was engaged.

G. O. G., 9th Feb. 1866, No. 54. — No. 95.—With the sanction of the Right Hon'ble the Secretary of State for India, His Excellency the Governor General in Council is pleased to notify that, where [illegible] aggravation or reproduction of an illness originally produced by service in the field, to such an extent as to necessitate leave of absence, is clearly attributed to exposure [illegible] other causes attendant on subsequent active service in the field, such leave may be held to come within the provisions of Government General Order, No. 1113, dated 1st September 1857.

G. O. G., 8th Nov. 1856, No. 428. — Para 2. It was not the intention of the late Court of Directors to give retrospective effect to the privilege granted in July 1857, to Officers wounded or losing their health on active service, to count as service for retiring pension their leave of absence on medical certificate.

34. Officers to be entitled to retire as Lieutenant-Colonels must have served twenty-eight years, out of which leaves of absence for four years in the aggregate, and not more, will be allowed to count as service.

35. Officers to be entitled to retire as Colonels, must have served thirty-two years, out of which leaves of absence for five years in the aggregate, and not more, will be allowed to count as service.

G. O. C. C., 1st October 1862. — No. 70.—The following Extract from a Despatch from the Right Hon'ble the Secretary of State for India is published for general information and guidance, with reference to G.O.G., No. 290, dated 15th September 1857, permitting Officers to count as service for retiring pension periods of leave occasioned by wounds or illness contracted by service in the Field.

"Applications for this boon should not be submitted in cases where the sickness has not "been such as to render the absence of the Officer on sick certificate immediately necessary."

G. O. G., 17th July 1868, No. 275. — The following Military letter from the Right Hon'ble the Secretary of State for India is published for general information:—

MILITARY, No. 193.

INDIA OFFICE, *London, 4th June* 1868.

To His Excellency the Right Hon'ble the Governor General of India in Council.

Sir,—In accordance with the recommendation contained in your letter, dated the 6th April 1868, No. 139, I authorize you to announce that, in future, all Officers who may do duty with troops on the voyage to or from India, will be allowed to count the whole of the period during which they may be employed on such duty as service for pension.

36. The scale for Medical Officers and Veterinary Surgeons, of privileged furlough, and leave of absence counting for the retiring pension, will be as follows:—

2 years in 17 years' service.
3 " 20 " "
4 years in 25 years' service.
5 " 30 " "

37. It is to be distinctly understood, that under no circumstances whatever will an Officer be permitted to retire on full pay, until he has completed the *full time of service* above specified, whether he be in England at the close of his service or elsewhere.

38. The privileged time of absence may, with the permission of the local Government, be taken at any time subject to these Regulations. If therefore, at the end of twenty-years' service, of which eighteen had been passed on actual duty in India, an Officer should be on furlough, or sick certificate in Europe, or elsewhere, he will be entitled to retire on the full pay of a Captain without returning to India, and so in the other terms of service for the higher pensions. In like manner a Medical Officer on furlough, or sick certificate in Europe, or elsewhere, at the end of seventeen years' service, fifteen years of which had been passed on actual duty in India, will be entitled to retire on the lowest rate pension, without returning to India, and so in the other terms of service for the higher pension.

G. O. G., 3d Nov. 1863, No. 387. — Under instructions from the Government of India, the Governor in Council is pleased to declare that the grant of leave to Officers on medical certificate *in India*, shall, for the future, be limited, under ordinary circumstances, to *one year*, subject to extension on fresh Medical Report.

39. These rules do not in any way affect the existing Regulations regarding the grant of leave in India, or for short periods to Sea, whether on private affairs or on sick certificate, except as to the periods of such absence being taken into calculation in the time allowed to count as service for retirement on full pay.

Furlough Rules of 1868 (with subsequent alterations.)

General Order No. 171, of 25th February 1874.

The Rules previously in force will be designated, as heretofore, the Furlough Rules of 1796 and 1854.

NOTE.—The advantages granted by the Furlough Rules of 1854 to Officers who obtain furlough on medical certificate are not applicable to any Officers of the British Service whose regiments, battalions, brigades or batteries arrived in India after the date of the Passage Warrant of 1865, and neither those Rules nor the Furlough Rules of 1868 are, *as respects furlough on private affairs*, applicable to British Officers serving with their regiments.

But Officers of the late Indian Army who hold permanent appointments under the Government of India, and who may have elected to abide by the Furlough Rules of 1854, in preference to those of 1868, retain their election.

The following Government General Orders are cancelled prospectively from the 1st January 1875:—

Government General Order No. 630 of 1869 (1st clause).
Government General Order No. 627 of 1870.
Government General Order No. 613 of 1871.

2. These rules are applicable to all Officers who, on the 1st July 1868, belonged to the several Indian Staff Corps, or to the Indian Army, and who have elected, or may elect, to adopt them: Officers of the British Army who entered the Staff Corps after that date are, of course, subject to them.

(2). In regard to the periods of leave of absence during which appointments may be held, and in regard to the increased allowances, they are also applicable to Officers of the Royal Artillery and Royal Engineers, late of the Indian Army, holding permanent staff appointments not of a regimental nature, and to such Officers of the Engineers of the Imperial Establishment as may be permanently employed on the staff in India.

[illegible] But should an Officer of the British Service, holding such permanent staff appointment, be allowed to proceed on leave under circumstances which, by these rules, would involve loss of appointment, he cannot take leave under them, but simply as a British Officer holding no appointment.

3. These rules are not applicable to Officers on the Invalid or Invalid Pension Establishment, even if previous to their transfer they should have elected them, being intended solely for Officers on the effective list.

4. They are not applicable to Regimental Officers generally of the British Service, whether formerly belonging to the Indian Army and now in the Royal Artillery, Royal Engineers, and new Line Regiments, or on the old Line Establishment:

NOTE (1.)—British Medical Staff Officers holding administrative appointments in India tenable for 5 years, who are compelled by ill health to return to England, will be allowed by the Government of India in the Military Department to proceed there to appear before a Medical Board, and if reported unfit for further service in India, will be removed from the Indian Establishment; if otherwise, they may be allowed by the Secretary of State for India 6 months' leave on medical certificate on their Indian allowances and half staff.

Such Officers are also eligible for 4 months' leave on private affairs without pay, but only one grant of leave will be allowed out of India during their tenure of office.

NOTE (2).—All British officers holding Staff appointments in India, except the command of Divisions and Brigades, will be allowed, during their five years' tenure of office, only one grant of leave out of India either on medical certificate for six months with absentee allowances regulated under the furlough rules of 1868, or on private affairs for four months, with British pay, from Indian revenues. Any leave obtained in excess of either of these periods will involve loss of appointment.

5. They are applicable to Officers of the Royal Engineers on the Imperial Establishment, who are employed in the Public Works Department, or who are receiving a staff salary as on the fixed establishment of the Sappers and Miners; these will count service towards furlough from the date of their arrival in India.

(2). These Officers, therefore, and other Royal Engineer Officers of the Imperial List on permanent staff employ under the Government, will be entitled to a furlough of two years after eight years' service in India, or at the expiration of one year from the date of their return (for a second tour of service in India) on the completion of the prescribed home service after the first period of seven years' service in India.

(3). Such Officers will be allowed an advance of passage money, or free passage in a troop-ship if proceeding in the trooping season; the advance to be refunded on receipt of the balance of furlough pay. The English rate of pay of their rank only will be passed to them during their leave; but at its conclusion, on their presenting an order for them to return to India, the difference between that rate and furlough pay, less the passage money they have received, will be paid to them in England conditionally on its refund, if the order to return to India is not carried out.

(4). Those Royal Engineer Officers who arrived in India before the 1st July 1872 are, however, not subject to the provisions of the preceding clause as long as they do not exchange Indian for home service, but draw furlough pay during furlough, as others.

NOTE.—Royal Engineers of the Imperial List may receive their pay while on furlough, either under the regulations in force before February 1873, or under the terms of General Order No. 123 of 1873, that is to say, an Officer of Engineers of the Imperial List may, at his option, on taking furlough to England, either receive furlough pay on the understanding that, should he not return to India, he will have to refund the difference between it and English pay, less the regulated amount of passage money, or a free passage and English pay only during the period of his furlough, the difference between English pay and furlough pay, less the cost of his passage, being issued to him upon his return to duty in India.

2.—The Officer's choice should be made at the time of applying for furlough, and should be noted on his last pay certificate.

(5). An Officer of the British service, holding permanent staff employ under the Government, who may proceed on furlough under circumstances which involve the forfeiture of his appointment, must obtain the furlough as a British regimental officer, and it will reckon as a portion of the aggregate eight years of furlough on pay to which an officer is restricted during his service by Rule XVI. But, on again becoming permanently employed, he resumes the right of obtaining furlough under these rules.

6. Officers of British Regiments who may join the Staff Corps, can count as service towards furlough all their military service in India, provided that half of it (in no case less than four years) shall have been passed in the Staff Corps. But any leave to England they may have taken during service so counted will be reckoned as furlough already taken. Officers of the British Service who formerly belonged to the Indian Armies are exempted from the above proviso.

7. These rules apply also to all Warrant Officers holding Veteran or Honorary Commissions, who may elect them: the period of service qualifying for furlough being calculated from the date of the attainment of a Commission. They will receive during furlough half their total receipts, calculated as laid down in Rule V, but without any reference to a minimum or maximum rate. Warrant Officers not holding Commissions can obtain furlough under these rules only on medical certificate.

(2) Such furlough may be for two years with retention of appointment and half of the aggregate allowances; but any extension of such leave (which will not be granted for more than one year in excess of the two years), or any leave taken within less than three years from the date of last return to duty, will be on "English furlough pay." [See Note to para. 9.]

8 Every Warrant Officer who attained warrant rank before the 19th February 1869, and who has not made his election, will be required, on the first occasion of his applying for leave out of India, to state whether he desires to take the leave under these rules, or under those previously in force applicable to Warrant Officers, viz., G. G. O., Nos. 518 and 531 of 1854, G. G. O., No. 1559 of 1857, and subsequent orders. That election will be considered final.

(2) Those who became Warrant Officers after the 19th February 1869, are subject to these rules, and cannot elect any of the previous rules.

(3) Leave on Medical Certificate on Indian pay and allowances to places eastward of the Cape, as allowed to Commissioned Officers under the Furlough Rules of 1796, is not in any case admissible to a Warrant Officer.

(4) These rules respecting Warrant Officers apply to Honorary Assistant Surgeons and Warrant Officers in the Medical Department.

9. The term "Furlough Pay" having now a changed and two-fold signification, in all future orders and references "Furlough Pay" will be understood as the half Indian salary within the prescribed limits specified in paragraph V of these Rules, converted at the rate of exchange fixed by the Secretary of State for the official year, whilst "English Furlough Pay" will represent the rates heretofore allo[illegible] several grades as English pay under the Rules of 1796 and 1854.

NOTE (1).—Where in these Rules English furlough pay is mentioned as that to which an officer is to be restricted, the rates laid down in paragraph 11 of Government General Order No. 69, dated 22nd January 1868, and (for Medical Warrant Officers) paragraph 22 of Government General Order No. 550 of 1868, are to be understood as intended in the cases of Warrant Officers.

NOTE (2).—Officers who *elected* these rules prior to 1st July 1871, or before G. G. O. No. 588 of 1871 reached their stations, will receive furlough pay at the exchange of 2 shillings the rupee.

RULES.

I.—The distinction, with respect to allowances, which has been hitherto drawn between furlough on private affairs and sick leave, is abolished, both kinds of leave being included under the general term *furlough;* provision, however, being made for the obtainment of furlough under medical certificate without all the restrictions applicable to furlough when taken without medical certificate.

II.—Leave taken under the rules now prescribed will not involve forfeiture of appointment, except in the cases herein specially provided for.

2. Officers of the Staff Corps and local Indian Service, and Officers on the General List, can retain their appointments during *all* leave of absence granted by competent authority. But their pay during such absence will be the same as they would obtain under these rules had this exemption from forfeiture of appointment not been granted.

NOTE.—The above rule is applicable to *all Military and Medical Officers* taking furlough leave under these Regulations.

III.—The Rules now prescribed do not affect the provisions of Act XXXIII of George III., Chapter 52, Sec. 70*; but an absentee cannot retain his appointment and draw absentee allowances, except under the Rules now prescribed. Nor do they affect the regulations by which General Officers Commanding Divisions and Brigades can only obtain limited periods of leave without forfeiting their commands.

IV.—Leave of absence will in future be of three kinds, *viz.:*—

I.—Furlough in or out of India.
II.—General leave on private affairs, or sick certificate in India, or short leave to sea.
III.—Privilege leave.

CHAPTER I.

Furlough.

V.—An Officer drawing staff pay, in addition to pay of rank, proceeding on furlough, will be allowed pay at the rate of 50 per cent. of the salary of his substantive office.

2. But an Officer in civil employ and drawing consolidated salary, will be allowed 50 per cent. of the average salary drawn by him during the three years prior to his proceeding on furlough, or during his actual service in India, should that be less than three years: and the time spent and the allowances drawn during any leave other than "Privilege leave," will be omitted in the calculation of average salary.

3. No absentee shall in either case draw more than £1,000, or less than £250 per annum.

4. The term salary will signify the total amount drawn by an Officer, whether as consolidated pay, or staff allowances in addition to pay, but will not include any extra or special allowances. But, in the case of a Military Officer in civil employ, his acting allowances shall be taken into account as a part of his salary in calculating his furlough pay.

5. An Officer absent on furlough, who may be transferred to another office during his absence, shall be entitled, for the entire period of his furlough, to furlough pay at the rate sanctioned to him when leaving India, whatever the salary of the office to which he may be transferred may be. This furlough pay will be continued to an Officer in military employ after his return to India and until he joins his appointment, provided it is not less than the military pay, or pay and allowances, of his rank.

6. But an Officer whose term of office shall lapse, who shall vacate his appointment, or whose appointment shall be abolished during his furlough, will revert at once to the furlough pay which he would draw in virtue of his rank, as laid down below in Section 4. Any case of sudden abolition of appointment may, however, be specially considered in the department of the Government under which the officer may have been employed. An Officer will also be entitled to the benefit of his promotion to a higher Staff Corps or regimental rank whilst on furlough, subject to the maximum limit.

7. Officers holding regimental medical charges will be allowed to retain such charges during the authorized periods of furlough, as if they were medical staff appointments. And the difference between the unemployed* grade pay of the Officer holding the substantive charge, and the consolidated salary of the charge, will be considered the staff salary divisible between the absentee and the Officer officiating for him.

* Government General Order No. 1060 of 23rd December 1864, para 29.
Government General Order No. 370 of 4th April 1867, para. 9.

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* The section referred to is quoted below:—

Section 70.—"And be it further enacted that no person who shall have held any civil or military station whatever in *India,* in the service of the said United Company, being under the rank or degree of a Member of Council or Commander-in-Chief of the Forces, and who, having departed from *India* by leave of the Governor-General in Council shall not return to *India* within the space of five years next after such departure, shall be entitled to any rank or restoration of office, or be capable of again serving in *India,* either in the *European* or Native Corps of Troops, or in the Civil line of the Company's Service, unless, in the case of any Civil Servant of the Company, it shall be proved to the satisfaction of the Court of Directors that such absence was occasioned by sickness or infirmity, or unless such person be permitted to return with his rank to *India* by a vote or resolution passed by way of ballot by three parts in four of the proprietors assembled in General Court, specially convened for that purpose, whereof eight days' previous notice of the time and purpose of such meeting shall be given in *The London Gazette,* or unless, in the case of any Military Officer, it shall be proved to the satisfaction of the said Court of Directors and the Board of Commissioners for the affairs of *India* that such absence was occasioned by sickness or infirmity, or some inevitable accident."

8. Officers not in staff employ will receive half the Indian pay of their rank, provided that an Officer entitled to furlough shall in no case receive less than the above minimum of £250 per annum.

NOTE.—Officers who may be entitled to income allowance from the Military Fund during absence in Europe, will draw their half salary or minimum absentee allowance under the foregoing clause, subject to a deduction equivalent to the amount of such income allowance.

VI.—All grants of furlough on private affairs are subject to the exigencies of the public service,—of which exigency the Government is to be exclusively the judge,—and to any regulations that may be found necessary for limiting the number of absentees.

NOTE.—It is therefore within the competency of local Governments and of the Commander-in-Chief to decline to forward the application of any officer whose absence would, in their opinion, be detrimental to the interest of the public service, until such time as arrangements can be made for removing the difficulty; and it is the duty of the head of every department to decline to forward any application for furlough whenever the services of the officer cannot be spared without risking the efficiency of the department, any doubtful case being referred for the orders of Government.

VII. The maximum amount of furlough on private affairs to be taken at any one time, carrying pay and retention of appointment, will be two years; any extension of such furlough will be without pay, unless it is on medical certificate, see Rule XIII. (But see Notes (3) and (4) Rule (IX.) And no extension on private affairs beyond two years will be granted, though without pay, except upon satisfactory evidence of very urgent necessity.

VIII.—A period of at least three years' service after return from last furlough, except furlough for a period not exceeding six months under Rule XI, (and excepting also, in the case of an officer in civil employ, *ordinary furlough not exceeding three months*) must be completed before furlough can again be taken, unless obtained under medical certificate.—(See Rules XIII and XIV, and Note (3) of Rule IX.)

NOTE (1).—An officer in civil employ cannot reckon in this interval of three years, any period of absence from actual duty excepting those spent on privilege leave.

NOTE (2).—Although furlough not exceeding 3 months taken by officers in Civil employ is not considered as furlough requiring an interval of 3 years' duty, such furlough will be excluded from the period of 3 years' service required between two furloughs.

2. But an Officer who may be *ordered* to return to duty before the completion of his furlough for the purpose of proceeding on Field Service, may be allowed to take the balance of such furlough at any time.

NOTE (1).—Officers ordered out for special duty, or on account of the exigencies of the service are allowed a free passage out, but not a return passage home, and furlough pay for the period of the voyage to India and the voyage home, in the event of their returning to England to avail themselves of the residue of their furlough, as also the privilege of counting both periods as service for pension, and as exclusive of the residue of furlough due. No limit to time is imposed within which an officer might take the balance of his furlough after the termination of the duty for which he was recalled.

IX.—An Officer will be eligible for two years' furlough on the completion of eight years' actual service in India (see paragraph 6 of this order); for a third year after a further period of six years' actual service and for a fourth and fifth year after similar intervals of six years, and so on up to the maximum prescribed in Rule XVI. The grant of furlough to an Officer eligible for it will be subject only to the conditions specified in Rules VI and VII. But see notes to this Rule.

1.—Leave granted under these rules, without furlough pay, will not reckon as furlough already taken in calculating the balance at an Officer's credit, or as part of the total of eight years allowed, as shown in Rule XVI; but all furlough, with furlough pay, whether on private affairs or on medical certificate, taken under these Rules, will so reckon.

2.—Furlough and leave previously taken under the Rules of 1796 or 1854, counts in all respects who have elected these Rules, as follows:—

'Furlough on private affairs, with pay, taken under the Rules of 1796 or 1854 will count, as respects officers as furlough.

'Leave on sick certificate, under the Rules of 1796, does not count in any respect as furlough.

'Leave on sick certificate, with pay, under the Rules of 1854, counts as part of the maximum of eight years allowed under these Rules; but until the maximum thus made up be reached, this leave will not count as furlough already taken in determining the amount of furlough to which an officer is entitled.

'Leave without pay under the Rules either of 1796 or 1854 does not count in any respect as furlough.'

N. B.—Furlough on medical certificate with "Furlough pay" obtained by officers, under Rule IX, Note (1) of these Regulations, between the publication of G. G. Orders No 171 of the 25th February 1874 and No. 197 of the 1st March 1877, will not be reckoned as "Furlough already taken" in computing the amount of furlough at the credit of such officers; but it will form part of the aggregate of eight years allowed to officers.

NOTE (1).—An officer of less than eight years' service in India may obtain furlough, not exceeding two years, on medical certificate, with furlough pay and retention of appointment, provided he has been three years in the Staff Corps, or,—in the case of a Royal Engineer Officer holding a permanent staff appointment, or an officer not in the Staff Corps,—has served for three years in India.

NOTE (2).—If the Officer has not been three years in the Staff Corps, or served three years in India, as the case may be, he will receive "English furlough pay" only, and must vacate his appointment, unless entitled to retain it under Rule II.

NOTE (3).—This rule (in Note 2) and the proviso in Note 1, however, are not applicable to Officers of the Indian Army who entered the new Line Regiments or Royal Artillery, and subsequently the Staff Corps.

NOTE (4).—Unemployed General Officers of the Staff Corps or local service can be granted furlough without serving the intervals of three and six years, respectively, prescribed in Rules VIII and IX; and they can remain in Europe after they have exhausted the full period of furlough allowed during an officer's service by Rule XVI [eight years on the whole] on the English furlough pay of their rank.

NOTE (5).—And a Major-General of the Staff Corps—if he has so much furlough at his credit, and proceeds to England within a year of his being promoted to that rank, or of his ceasing to be employed—can continue after the expiration of the two years' furlough, to receive half his Indian pay until he completes the period of three years during which he would be entitled to draw his Staff Corps pay if he were in India.

3.—If an officer appointed to any *duty* in England draws his Indian allowances, with or without any portion of his staff salary, he can count the period of such employment as service towards furlough; but if he is appointed to an office in England to which a fixed consolidated salary is attached, he cannot reckon the time of such employment as service towards furlough.

X.—An Officer eligible for furlough need not take the whole amount to which his service entitles him, but may apply for any portion thereof as an instalment; and in that case the balance will remain at his credit in any future computation of the amount of furlough for which he may be eligible.

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dated 4th June

Illustrations.

1. An Officer who has served nine years in India is entitled to two years' furlough. He takes only one year, and after his return remains in India for five years. He is then eligible for two years' furlough as follows:—

Total Service in India...	14 years.
Furlough due on that service	3 "
Furlough already taken...	1 year.
Balance for which he is eligible	2 years.

2. An Officer who has served 20 years in India without taking furlough is entitled to four years' furlough. He can only take, however, two years at one time carrying pay, the balance remaining at his credit in any future computation of furlough to which he may be entitled. He can take that balance after completing three years' service from the date of his return from the first instalment.

NOTE.—An officer is said to have furlough at his credit,—even though he may not be able to obtain it owing to the number of absentees or other causes,—when the calculation of his service, as in Illustration 1 above, shows a "Balance for which he is eligible"

XI.—Furlough on urgent private affairs for six months, on pay equivalent to the British Regimental pay of his rank, may be granted when the Officer has no furlough at his credit, or when from other causes, *e. g.*, the number of absentees, or his not having served three years since his last return to duty, he is not able to take it. The said period may form part of the periods of either eight or six years referred to in Rule IX., and also,—except in the case of an Officer in civil employ, see Rule VIII. (Note 1)—of the three years which are required to intervene between two periods of furlough by Rule VIII.

2.—This leave cannot be given in extension of any furlough, neither can it be extended beyond the six months, except on medical certificate, in which case the whole of the leave will be considerod as if taken under Rule XIV.

NOTE.—Ill-health is not considered as warranting furlough under this rule to any officer who, under the provisions of these rules, can obtain furlough on medical certificate without forfeiting his appointment.

XII.—Subject to State considerations, there will be no restriction as to the places to which an Officer may resort during furlough. But, if he desires to spend in England the rest of a "Furlough in India," or *vice versâ*, he must obtain permission to do so from the Government of his Presidency, or from the Secretary of State for India, as the case may be; and on landing in either country, he must report his arrival accordingly to the Military Department of his own Presidency, or to the India Office, forwarding a copy of the permission granted him to change his destination. He must also communicate his address. An Officer who, on his return to India, reports his debarkation, without forwarding *at once* a copy of the permission granted him to change his destination, or submitting an application for such permission, will be considered to have returned to his duty.

XIII.—Furlough on medical certificate is obtainable as indicated in Notes (1) and (2) of Rule IX and in Rule XIV. Absence on such furlough for a longer period than two years at one time will involve forfeiture of appointment. [But see exceptions in Rule II.] Furlough may, however, be extended on medical certificate up to a third year on "English furlough pay;" and an Officer on furlough on private affairs, who may be obliged to obtain an extension on medical certificate, will be thenceforward entitled to the same advantages, and subjected to the same disadvantages as to retention of appointment, pay, &c., as if he had originally obtained furlough on medical certificate.

2.—In the event of an Officer not being able to return to his duty after an absence of three years, it will rest with the Secretary of State for India in Council to order him to appear before a Medical Board, with a view to placing him on the retired list, if entitled to pension, or on the half-pay list.

3.—Should the circumstance of the case warrant a further extension of furlough, it can only be granted without pay.

NOTE.—All officers, however employed and whatever the amount of leave granted them may be, who leave India on sick certificate, are required to produce a certificate of fitness for duty before they can be allowed to return.

XIV.—An Officer whose health may necessitate his taking furlough within three years from the date of last return from any furlough except that taken for a period not exceeding six months under Rule XI, (and excepting also in the case of an Officer on civil employ, *ordinary furlough not exceeding three months*) may obtain, under the usual medical certificate such amount as may be duly certified to be necessary for the restoration of his health; but he will receive only "English furlough pay," and must vacate any appointment he may be holding, unless entitled to retain it under Rule II.

2.—If, however, he shall have served three years since the date of his last return to duty, although there may be no balance of furlough at his credit, he will be entitled, on obtaining furlough on medical certificate, to retain his appointment and to "receive furlough pay" as laid down in Rule V for the entire period not exceeding two years. Should the latter period be exceeded, he will come under the provisions of Rule XIII.

XV.—An Officer entitled to furlough, or having a balance of furlough at his credit, whose health may necessitate his absence from India, must take the leave as furlough under Rule IX, without forfeiting any passage money to which he may be entitled under Military Fund Rules,—or, if a Subaltern, by Regulation,—when proceeding on medical certificate.

2.—Should the Officer be declared fit for duty before the expiration of two years, he may be granted extension on private affairs up to that limit, provided that he has so much at his credit, and that if he remains he will not be in excess of the established proportion of absentees. Any extension *on private affairs* of such furlough beyond the said period of two years must be without pay.

3.—Any extension on medical certificate of furlough taken under this rule beyond two years must be on "English furlough pay" under Rule XIII.

XVI.—The aggregate amount of furlough with pay and retention of appointment on private affairs and on medical certificate, that may be granted to an Officer during his service, will be limited to eight years.

NOTE 1.—This aggregate is calculated agreeably to Clauses 1 and 2 of Rule IX.

NOTE 2.—Furlough allowed by proper authority to reckon as service for pension under the provisions of G. G. Orders Nos. 1113 of 1857, and 95 of 1866, or in consequence of an Officer's employment on any duty during his furlough, will not reckon as part of the aggregate period of eight years.

XVII.—If taken in India, furlough will be reckoned from the date of the absentee's quitting his station to the date of his return thereto: if taken out of India, from the date of the sailing of the vessel in which he may have embarked to the date of his *bona fide* disembarkation in India for the purpose of rejoining his appointment or Regiment; the date of embarkation (or of the vessel's leaving the Sandheads if from Calcutta) and that of disembarkation also, are included in the furlough.

NOTE (1).—Prior to the 4th April 1870, and on or after the 14th September 1874, the day on which an Officer reports himself as having disembarked on return from furlough out of India, will be reckoned as service, and not as part of his furlough.

N. B.—As an illustration of this rule, it may be observed that a Madras Officer's landing and reporting himself at Madras *en route* to Calcutta to join his appointment in Bengal or the North-Western Provinces, &c., is not disembarkation in the sense intended by this rule.

NOTE (2).—To enable an officer who overstays his leave to obtain an extension, he should shew that he took all needful precautions to ensure his arrival in proper time, and if delayed by the departure of the vessel being deferred, he should obtain the certificate of the owner or agent that she had been *bona fide* advertised to sail from———on the——— but that her departure had been delayed till the———. See General Order No. 52, dated 21st February 1873.

XVIII.—Subsidiary leave to embark for Europe or elsewhere on furlough will be granted for any period deemed necessary, not ordinarily exceeding thirty days. Leave up to the same limit, to enable him to rejoin on his return from furlough, will be granted from the date of his disembarkation in India. This applies equally to furloughs taken under Rule XI. The authority which has power to grant subsidiary leave can, on due cause being shown, grant any necessary extension of it; but this can be done only on very sufficient reasons.

NOTE (1).—The words "with the necessary subsidiary leave" will be added to the Government General Order granting an officer furlough, and will be understood to mean both the leave granted before embarkation for Europe, and on return.

NOTE (2).—An officer obtaining a furlough on private affairs or medical certificate must embark within three months of the date of the General Order which notifies it, or take up the first portion of his furlough in India until he embarks; if not, the General Order will cease to have effect. The only exception to this rule that can be allowed is when the officer is prevented from embarking within the three months owing to his detention in India by proper authority on *bona fide* public grounds. If, however, the officer does not within a reasonable time avail himself of the furlough given him, his subsequently being placed on duty rendering his detention necessary will not exempt him from the rule; and in every case of such detention the officer must at once report it, and he is not to embark after the expiration of 3 months until he has applied for, and obtained from the Government of his Presidency an extension of the period.

NOTE (3).—Officers who may be serving in other Presidencies than their own, if they desire to embark *bona fide* for Europe from the latter, may obtain subsidiary leave accordingly, and their furlough will reckon from the date of their embarkation at their own Presidencies.

N. B.—For full information as to the submission of applications for furlough, see Government General Order No. 34, of 11th January 1869; Government General Order No. 103, dated 26th January 1869; General Order by the Commander-in-Chief, No. 135, dated 11th June 1870.

NOTE (4).—The allowances of Military Officers in Civil employ during subsidiary leave, and after return to India until they rejoin their appointments, will be adjusted according to Civil Rules.

NOTE (5).—Leave preparatory to retirement from the service does not reckon as service towards pension.

XIX.—Furlough allowances are payable monthly if payment is taken in India, and quarterly if payment is taken in England.

XX.—Advances of furlough pay will continue to be made in India to those officers who desire it, for three months from date of embarkation. Payments in continuation will be made in England on the expiration of six months from that date.

NOTE (1).—Officers returning from furlough will similarly be granted advances of pay at the following rates, on obtaining permission to return:—

For a Subaltern	£ 65
For a Captain	£100
For a Field Officer	£150

Recovery of the advances made in England will be effected in India by five equal monthly instalments at the rate of exchange fixed for the year in which the advance was made. The first recovery will be effected from the issue of the second full month's pay after arrival in India.

NOTE (2).—Warrant Officers returning to duty from furlough will be granted advances of pay at the following rates on obtaining permission to return:—

To First class Combatant Warrant Officers	£50
,, Senior Apothecaries	
,, other Warrant Officers with Honorary Commissions	£25
,, Second class Combatant Warrant Officers	
,, Apothecaries	£15
,, Assistant Apothecaries	

to be recovered in the same manner as the advances made to Commissioned Officers.

XXI.—The last pay certificate issued to each officer who may be granted furlough, whether on private affairs or on medical certificate, will specify the rate of the pay and staff salary of his last substantive appointment, and the rate to which he will be entitled in Europe in virtue of Rule V.

N. B.—For rules regarding the obtainment of last pay certificates by officers quitting India, see Clause 46, India Army Circulars for May 1880. Published on page 50 of this supplement.

XXII.—An officer acting in India for an absentee on furlough will be restricted, for the entire period that he may so act, to the half staff salary of the appointment in which he may be acting, in addition to the full pay of his rank, and the half staff salary of his own appointment, if he possess one. The aggregate staff salary granted to the acting officer in such cases will not be less than Rs. 100 per mensem, unless the full staff salary of the post in which he is officiating is less than that sum.

2.—A Warrant Officer acting for one of a higher grade on furlough, receives half of the aggregate allowances of the absentee, added to half of the aggregate of his own allowances.

NOTE.—The indulgence granted by the above rule is only allowed to one *directly* officiating in the place of the officer absent on furlough, not to one acting in the room of an officer who is himself acting for an absentee on furlough.

XXIII.—The privilege heretofore granted to Military and Medical officers who had elected the Rules of 1854 of counting the proportion of leave noted in the margin as service for pension is retained, and is applicable to those who elect these Rules, subject (in the case of officers under the Rules of 1796) to the condition laid down in Clause 4 of Rule XXXIV. The periods of service qualifying for pension remain unaltered.

* Military Officers.	Medical & Veterinary Officers.
2 years in 20 years' service.	2 years in 17 years' service.
3 ,, 24 ,, ,,	3 ,, 20 ,, ,,
4 ,, 28 ,, ,,	4 ,, 25 ,, ,,
5 ,, 32 ,, ,,	5 ,, 30 ,, ,,
6 ,, 38 ,, ,,	

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* Vide paragraph 28 of G. G. O. No. 10, dated 6th January 1882.

NOTE.—Officers of the old Indian cadres of Royal Artillery and Engineers and of the 12 new line regiments of Cavalry and Infantry who are serving under the Indian Pension Rules, are allowed to count all full pay service, past or future, towards pension on retirement.

2.—Warrant Officers obtaining that rank after the 24th August 1872 can only reckon as service towards pension the following periods of leave, whether taken in or out of India:—

15 months in 12 years' departmental service.
20 „ 14 „ „
24 „ 16 „ „

3.—Those who were promoted to warrant rank before that date are allowed to continue, if they prefer it, on the old rule, and reckon all leave in India as service, all out of India being deducted from their service for pension.

Illustration of the mode of computing service for pension in any case.

	Yrs.	M.	Yrs.	Yrs.
Total service from date of arrival in India, say				30
Leave—				
In Europe, say ..	6	7		
In India	3	5	= 10	
Of which he can reckon			4	
Remaining to be deducted			6	6
Service counting for pension				24

XXIV.—In computing the furlough on private affairs to which an officer who has already enjoyed some portion of such furlough will be entitled under these rules, it will be necessary to deduct the total amount of the furlough on private affairs of which he may have availed himself during his service from the total periods to which under Rule IX he can lay claim. The balance (within the limit of 8 years' total furlough on private affairs and medical certificate laid down in Rule XVI) will represent the leave to which he will be entitled on the expiration of not less than three years from his last return to duty.—(See Sections 1 and 2 of Rule IX.)

Illustrations.

(1).—An officer, who had obtained under the existing rules two years' furlough after ten years' service returns to India on the date on which this order is promulgated. He accepts its conditions, and serves four years longer in India. On the expiration of that term he can take one year's furlough, thus:—

Total service in India	14 years.
Leave to which that service entitles him	3 „
Already enjoyed	2 „
Balance	1 year.

(2).—An officer of four years' service has proceeded on sick certificate to England for 20 months, extended afterwards to two years. He returns, serves six years in India, takes two years' furlough, and returns to India about the time of the promulgation of these rules, which he accepts. He must serve four years before he can take an additional year's furlough, thus:—

Total service up to return from furlough	14 years.
Total service in India	10 „
Furlough enjoyed on that service	2 „
Further period of service to entitle him to one year's furlough ..	4 „

CHAPTER II.

General leave on private affairs and sick certificate in India.

XXV.—An officer will be eligible, as at present, to take leave on private affairs or sick certificate anywhere in India for any period not exceeding six months, at the discretion of His Excellency the Commander-in-Chief, or of the Government under which he may be serving. During the entire period of his absence on this account, the officer will be entitled, as at present, to his full pay and a moiety of his staff salary. Leave taken under this rule will form one part of the eight years' aggregate furlough. If this indulgence should be taken advantage of for a third year consecutively, the officer will lose his staff appointment, unless entitled to retain it under Rule II.

XXVI.—Leave on sick certificate for a period exceeding six months, capable of extension under renewed medical certificate to a limit of one year, may be granted to any officer who, in the opinion of a Medical Board, may require it. Leave of this nature, taken after the promulgation of these rules, will be held to constitute a part of the maximum period of eight years' leave of absence to which an officer is entitled in his entire period of service, but will not be regarded as furlough, nor will it affect the intervals entitling to furlough laid down in Rule IX. During this leave the absentee will draw a moiety of his staff salary in addition to the pay of his rank. But if the 12 months be exceeded, the whole leave must be reckoned as furlough, and allowances be adjusted accordingly.

XXVII.—Short leave not exceeding three months on private affairs or sick certificate, may also be taken to sea on the above condition; but absence from India for any longer period will be treated as furlough.

XXVIII.—All general leave taken in India counts as part of the leave reckoning against service for pension.

CHAPTER III.

Privilege Leave.

XXIX.—Privilege leave may be granted, as at present, for sixty days in each year to all officers in Military employ, without deduction from the salaries and emoluments drawn by them. General leave, in extension of privilege leave, can only be granted on the ground of sickness, or some other serious emergency which could not have been foreseen when the officer proceeded on privilege leave. Privilege leave may, however, be converted into general leave with the sanction of the Commander-in-Chief or the Government.

S.C. 3rd
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S.C. 3rd

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5-6-84

9-6-84

..-6.84

From Lt. Col. H. M. Vibart. R.E.
~~THE~~ SUPERINTENDING ENGINEER,
~~1st~~ III CIRCLE,

To

THE Chief Engineer
P. W. Department
Madras

SIR,

Enclosures.

With reference to G. O. No 139
4th June 1884, I beg leave to p
that on the 5th June 1861 I, in
with all Officers of the Corps
-neers serving in India, was
upon to report to the Comma
of Engineers, whether I was w
serve out of India. I accor
at once stated that I had no
of asking for permission to s
of India. Under these Ci
-stances I did and still

to the Local Indian Service, so that Rule II regarding lien on appointment referred to me when it was published in July 1868; and I am therefore, I submit, under that ruling entitled to the pay I claim - Rs. 610-11-5.

2. I beg that the matter may be reconsidered.

I have the honor to be
Sir
Your Most obedient Servant
Lt. Col. R.E.
Superintending Engineer
III Circle

Mins. No 102, D/ 20-4-71
" " 43 " 30-4-68
G. O. No 1814 " 9-6-68
" " 2031 " 25-6-68
" " 2453 " 31-7-68
Sec. of State No 25 " 3-8-68
G. O. No 3735 " 30-11-68
" " 636 " 26-2-69
" " 2583
Mins No 188 " 31-10-70
" " 30 " 31-3-71
" " 131 " 8-2-71
G. O. No 2660 " 24-1-71
B. No 1392 W " 12-11-72
" 1457 W " 4-6-84
11-6-84

PWC No 482

From

The Superintending Engineer,

(1)

3rd ~~1st~~ Circle,

To

The Chief Engineer

P. W. D

Madras

Dated 7th
Recd. 10th } June 1884.

Enclosures.

No. 1529 W d/ 19th June /84

No. 482

Lt Col. H. M. Vibart R.E.

Submitting for reconsideration the reasons for [blank] being entitled to pay of Rs 610-11-5 which he claimed in his letter No 167 D/ 28th April /84.

O. 13-6-84 R 15/6/84

N/ R. from Ch 2-6-84

Public Works Department.

No. 1529 W

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 19th June 1884

Read the following

From the Supg. Engr. III Circle H. E. No: 482 d/ 7th June 1884.

Lieut Col. Vibart will be informed that clause 2 Rule II of the Furlough Regulations of 1868 came into force only on the 1st August 1872, the rule prior to that date having been that leave in excess of two years involved forfeiture of appointment. On every ground therefore his claim is inadmissible.

CJ.
12.6.84

W
16.6.84

Supg. Engr. III Circle Despd 19/6/84
Exr. P. W. Accounts do - 19/6/84

(1)

No. 1529 Wa/19th June

M. 19/6

Delfd - 19-6-84

Epm 20/6

OHS. 46/6.

E.R. 9/6

C. 13.6.81,

R. from Obs 7.6.81

Entd in Reqt Regr