

- (1) பக்கங்களின் எண்ணிக்கை 28  
 (2) புதுக்கித் திருப்பிய நாள் 6/88  
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் bus

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

பெரிய பனி துறை

அரசாணை எண். 896 — அச்சகம்  
 மு. கோப்புத் தாள் எண். 896 — பலவகை

நாள் : 19-3-1988 1988

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

ஆவண : கர-1-18,000-15-0-67.

Shan

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19TH MARCH 1888, No. 896 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.  
Establishment.

READ—the following despatch from the Right Honorable Viscount CROSS, Her Majesty's Secretary of State for India, to His Excellency the Right Honorable the Governor in Council, Fort St. George, dated India Office, London, 9th February 1888, No. 1, Public Works :—

I have received your Excellency's Public Works letter, No. 17, dated 6th December 1887, in which it is proposed that Colonel J. Pennyquick, R.E., whose deputation to this country in connection with the selection of machinery for the Periyár Project was approved by my Public Works despatch, No. 9, dated 20th October 1887, should be allowed to draw his full pay for the first three months of his deputation, in consideration of his forfeiting the three months' privilege leave to which he is at present entitled.

2. In submitting this proposal your Excellency has apparently overlooked the rule in the Civil Leave Code, Section 17, III (b), which limits the pay of an officer detained in this country on special duty after taking privilege leave to half his pay and allowances in India, and though it may be contended that the circumstances of Colonel Pennyquick's case do not entirely correspond with what was contemplated in framing this order, I do not see sufficient reason for breaking a well established rule in his favor.

3. Colonel Pennyquick may therefore be allowed to take privilege leave for three months on full pay and draw half pay for the subsequent period while on duty, or draw two-thirds pay for the whole period of duty as already sanctioned.

4. In conclusion, I would remind your Excellency that a recommendation to relax an established rule of this nature as a special case should, in accordance with usual practice, have been referred for my consideration through the Government of India.

ORDER—dated 19th March 1888, No. 896 W., Public Works.

Ordered that the Secretary of State for India be addressed.

(Here enter No. <sup>5</sup>/<sub>896 W.</sub> dated 19th March 1888.)

(True Extract.)

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

Exd. J. Moses.  
Spare Copies

GENERAL  
ESTABLISHMENT.

Govt. of (1888) Madras.  
PUBLIC WORKS.

Dated March, 19th.

Recd.

Encl.

G.O., 19th March 1888, No. 896 W.

MARCH.

Colonel J. Pennycuik, R.E.

Ordered that the Secretary of State for India be addressed with regard to certain points noticed on the subject of the pay of — while on deputation in England in connection with the selection of machinery for the Periyár Project.

19TH MARCH 1888, No. <sup>5</sup>/<sub>896 W.</sub> PUBLIC WORKS.

PUBLIC WORKS DEPARTMENT.

LETTER—to

THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA.

MY LORD,

We have the honor to acknowledge the receipt of your Lordship's despatch, No. 1, Public Works, dated 9th February 1888, on the subject of Colonel Pennycuik's pay while on duty in England in connection with the selection of machinery for the Periyár Project, and in reply we desire to bring to your Lordship's notice that in our despatch of the 6th December 1887, No. 17, we had no intention of making a specific recommendation for the relaxation of an established rule. Colonel Pennycuik had represented the circumstances of his case as meriting special consideration; but as the matter was one for your Lordship's decision, we did no more than recapitulate the facts, leaving Colonel Pennycuik to bring his own case forward, and contenting ourselves with stating that we had no objection to the grant of the concession solicited should your Lordship be disposed to sanction it.

2. In these circumstances it did not occur to us as being necessary that any application should be made to your Lordship through the medium of the Government of India.

3. As regards paragraph 2 of your Lordship's despatch we may observe that Section 17, III (b), of the Civil Leave Code, was not overlooked, but, applying as it does to an officer already in Europe on privilege leave and detained while there by the Secretary of State, it did not seem to us to have any direct bearing on the case of Colonel Pennycuik. That officer has privilege leave due to him, but does not propose to take it in England. In the ordinary course of things he will return to India with three months' privilege leave due to him, and, subject to the condition that he can be spared, he will then be entitled to three months' full pay without doing any work in return. His offer was to forego this privilege if he were allowed to draw full pay during the first three months of his special duty in England, when he will be doing work, and as the offer seemed to be in some degree advantageous to the State, we deemed it our duty to bring it to your Lordship's attention. The practical result would be that he would draw (full pay instead of two-thirds or) one-third pay for three working months in England instead of full pay for three idle months in India. The principle

that an officer to whom privilege leave is due may draw full allowances during subsidiary leave is recognised by the note to Section 70 of the Civil Leave Code, but there is no rule covering Colonel Pennycuik's case and it seemed to be one which must be left entirely to your Lordship's discretion.

We have the honor to be,

My Lord,

Your Lordship's most obedient, humble servants,

(Signed) CONNEMARA,

( „ ) C. G. ARBUTHNOT,

( „ ) C. G. MASTER.

( „ ) P. P. HUTCHINS.

FORT ST. GEORGE,  
19th March 1888.

Ed. J. Moses.

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GOVT. OF MADRAS.

PUBLIC WORKS DEPARTMENT.

LETTER to the Right Honorable  
the Secretary of State for  
India.

No. <sup>5</sup><sub>896 W.</sub> dated 19th Mar. 1888.

Submitting explanation with regard to certain points noticed on the subject of Colonel Pennycuik's pay while on deputation in England in connection with the selection of machinery for the Periyár Project.

197 MARCH 1888, No. 896 W., PUBLIC WORKS.

PUBLIC WORKS DEPARTMENT.

LETTER—to

THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA.

MY LORD,

We have the honor to acknowledge the receipt of your Lordship's despatch, No. 1, Public Works, dated 9th February 1888; on the subject of Colonel Pennycuik's pay while on duty in England in connection with the selection of machinery for the Periyár Project, and in reply we desire to bring to your Lordship's notice that in our despatch of the 6th December 1887, No. 17, we had no intention of making a specific recommendation for the relaxation of an established rule. Colonel Pennycuik had represented the circumstances of his case as meriting special consideration; but as the matter was one for your Lordship's decision, we did no more than recapitulate the facts, leaving Colonel Pennycuik to bring his own case forward, and contenting ourselves with stating that we had no objection to the grant of the concession solicited should your Lordship be disposed to sanction it.

2. In these circumstances it did not occur to us as being necessary that any application should be made to your Lordship through the medium of the Government of India.

3. As regards paragraph 2 of your Lordship's despatch we may observe that Section 17, III (b), of the Civil Leave Code, was not overlooked, but, applying as it does to an officer already in Europe on privilege leave and detained while there by the Secretary of State, it did not seem to us to have any direct bearing on the case of Colonel Pennycuik. That officer has privilege leave due to him, but does not propose to take it in England. In the ordinary course of things he will return to India with three months' privilege leave due to him, and, subject to the condition that he can be spared, he will then be entitled to three months' full pay without doing any work in return. His offer was to forego this privilege if he were allowed to draw full pay during the first three months of his special duty in England, when he will be doing work, and as the offer seemed to be in some degree advantageous to the State, we deemed it our duty to bring it to your Lordship's attention. The practical result would be that he would draw (full pay instead of two-thirds or) one-third pay for three working months in England instead of full pay for three idle months in India. The principle that an officer to whom privilege leave is due may draw full allowances during subsidiary leave is recognised by the note to Section 70 of the Civil Leave Code, but there is no rule covering Colonel Pennycuik's case and it seemed to be one which must be left entirely to your Lordship's discretion.

We have the honor to be,

My Lord,

Your Lordship's most obedient, humble servants,

(Signed) CONNEMARA,

( " ) C. G. ARBUTHNOT,

( " ) C. G. MASTER.

( " ) P. P. HUTCHINS.

(True Copy.)

FORT ST. GEORGE,  
March 1888.

Colonel, R.E.,  
Secretary to Govt., P.W.D.

Submitting explanation with regard to certain points noticed on the subject of Colonel Pennycuik's pay while on deputation in England in connection with the selection of machinery for the Periyár Project.

190.



Public Works.

No. 1.

India Office.

London, 9<sup>th</sup> February 1888.

My Lord,

I have received Your Excellency's Public Works Letter, No. 17, dated 6<sup>th</sup> December 1887, in which it is proposed that Colonel J. Pennycook R.E. whose deputation to this country in connection with the selection of machinery for the Periyar Project was approved by my Public Works Despatch, No. 9, dated 20<sup>th</sup> October 1887, should be allowed to draw his full pay for the first three months of his deputation, in consideration of his forfeiting the three months privilege leave to which he is at present entitled.

3334 W. 4/12/87

3075 W. 4/15/11/87

His Excellency,

The Right Honorable,

The Governor in Council,

Fort St. George

2. In submitting this proposal

W. V.

proposal your Excellency  
has apparently overlooked  
the rule in the Civil Leave  
Code, Section 17 III (b),  
which limits the pay of  
an officer detained in  
this Country on special  
duty after taking privilege  
leave to half his pay and  
allowances in India, and  
though it may be contended  
that the circumstances of  
Colonel Pennycuik's case  
do not entirely correspond  
with what was contemplated  
in framing this Order, I do  
not see sufficient reason  
for breaking a well  
established rule in his  
favour.

3. Colonel Pennycuik  
may, therefore, be allowed  
to take privilege leave for  
three months on full pay,  
and draw half pay for  
the subsequent period  
while

2  
while on duty, or draw  
two-thirds pay for the  
whole period of duty, as  
already sanctioned.

4. In conclusion, I would  
remind Your Excellency  
that a recommendation to  
relax an established rule  
of this nature as a special  
case should, in accordance  
with usual practice, have  
been referred for my  
consideration through the  
Government of India.

I have the honor to be,

My Lord,

Your Lordship's most obedient,  
humble servant,

Wes.

Despatches to S. of S. no 17 56.12.87  
3334W

- N<sup>o</sup> 3075 W 15-11-87
- " 2997 W " 8-11-87
- " 2771 W " 18-10-87
- " 2640 W " 8-10-87
- " 665 W " 31-8-77
- Despatches N<sup>o</sup> 31 of 1875
- " 2267 " 15-9-73
- " 1228 W " 16-5-81
- Des: 2 of 81 " 20-1-81
- N<sup>o</sup> 11 W " 7-1-81
- " 844 W " 6-4-85
- " 18 " 22-9-84
- " 2341 W " 22-9-84

P.W. N<sup>o</sup> 2061  
N<sup>o</sup> 3

Public Works  
9<sup>th</sup> February 1888

The  
Letter to Hon<sup>ble</sup> St. George  
N<sup>o</sup> 1  
By 2.3.88

inc. 10-3-88

Sd/- J.W. Deft

Note for the Right Hon<sup>ble</sup>  
the Governor.

Despatch from the Rt Hon<sup>ble</sup>  
the Secretary of State for  
India N<sup>o</sup> 1 Public Works  
dated Feb 9. 1888. -

We certainly did not overlook  
the rule referred to. By order  
Col. Hasted wrote to Col. P. V.  
pointing out that he wd probably  
have to elect between full pay  
for 3 months &  $\frac{1}{2}$  afterwards or  
 $\frac{2}{3}$  throughout. His reply is  
the D.O. in G.O. 6 Dec 87. Knowing  
he was going home we left him  
to settle the matter with the  
India Office, merely stating  
that we had no objection.

PHH  
8 mar

I think the former was  
both right to be clearly  
justified and vindicated  
I should wish to  
consider the draft despatch

Under section 17<sup>th</sup>  
Civil Service Code, an officer  
deputed to Europe on  
special duty is entitled,  
from the date on which  
he makes over charge of  
his office in India to the  
date on which he resumes  
it, to an allowance not  
exceeding two-thirds of  
his Indian pay; and this  
allowance was sanctioned

to Colonel Semyenick  
in the Secretary of State's  
despatch N<sup>o</sup> 9 dated 20<sup>th</sup>  
October 1887.

2. Colonel Semyenick  
had, however, previously  
earned three months' privilege  
leave, and he asked, as  
a special case, to be allowed  
full pay for this period  
of his deputation; the  
remaining period being  
~~paid for~~ <sup>on</sup> the two-thirds  
~~rate~~ <sup>scale</sup>. He would, thereupon,  
forfeit his claim to  
privilege leave until  
he had again earned it  
by qualifying service.

3. The proposal was  
submitted to the Secy. of  
State for decision. It

526/3  
was not distinctly  
recommended. The Lt<sup>nt</sup>  
simply said they had  
no objection. The proposal  
was not therefore submitted  
through the Lt<sup>nt</sup> of India  
as would doubtless have  
been done had a specific  
recommendation for  
relaxation of an established  
rule been made; although  
so far as the S.W. Dept<sup>t</sup>  
is concerned the practice  
of addressing the Secretary  
of State through the  
Lt<sup>nt</sup> of India in cases  
of the kind can scarcely  
be termed "usual." The  
records afford no pre-  
cedent during the past  
15 years or more. The only

cases at all analagous  
are contained in the following  
Proceedings, and they  
show that the Secretary  
of State was addressed  
direct in every instance:—

Mr. Welch. Despatch to Secy of State N<sup>o</sup> 31 of 13<sup>th</sup> August 1875.  
... do ... do ... recorded with G.O. N<sup>o</sup> 665W of 31<sup>st</sup> Aug 1877  
Mr. Vincent. — do — N<sup>o</sup> 2 of 20<sup>th</sup> January 1881.  
Sergeant Smith — do — N<sup>o</sup> 18 of 22<sup>nd</sup> September 1884.

As regards para 2  
of the despatch - Section  
17-III (b) of the Civil Leave  
Code <sup>by the Secy of State</sup> is assumed to have  
been overlooked. Reference  
to the rule will show  
that it applies to the  
case of an officer already  
in Europe on privilege  
leave, and detained while  
there by the Secy. of State.

Colonel Semyenich was  
not in Europe, he was not  
on privilege leave, and he  
did not wish to be put  
on privilege leave. The  
first suggestion in para  
3 of the Secretary of  
States' despatch will not  
therefore be acceptable  
to Colonel Semyenich,  
~~who~~ <sup>who</sup> prefers <sup>to be</sup> ~~coming~~ on  
the two-thirds rate of  
pay for the whole period  
of duty. G.O. N<sup>o</sup> 3075W  
of 15<sup>th</sup> November 1887 will  
thus stand - and no further  
orders to the Accounts  
Dept will be necessary.

R.S.

Wm  
6.3.88

Wm  
6/3/88

REPLY.

20/9  
20/2061C-

Chief Sunday

I should be glad  
to have a note  
with respects to the  
points in the Sy 1  
State's dispatch as  
to Colonel Pengerick  
learn -



SAB  
11

Dear Stokes

I have some the  
dispatches on which  
the enclosed.

Yours sincerely  
James

29. 2. 28.

---

General  
Estates

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the

Read the following

Despatch from the Right Honble }  
the Secy. of State for India }

H.E. no. 1 Public Works d/g Feb'y '88.

Ordered that the Secy. of State  
for India be addressed.

A.E. No. 76 W d/17 March 1888

16 The Right Honble the  
Secy. of State for India  
My Lord,

We have the honor to acknowledge the receipt of your Lordship's despatch No. 1, Public Works, of 9<sup>th</sup> Febry 1888, on the subject of Colonel Pennington's pay while on duty in England in connection with the selection of machinery for the Periyar Project, and in reply to ~~it~~ we desire to bring to your Lordship's notice ~~that~~ that in our despatch of the 6<sup>th</sup> December 1887, No. 17, ~~we neither made nor had any~~ ~~we had no~~ ~~agreement~~ of making

we had no

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making a specific recommendation for the relocation of an established rule. Col. Pennycook <sup>had</sup> represented the circumstances of his case as meriting special consideration, but as the matter was one for your Lordship's decision we did no more than recapitulate the facts; ~~and~~ leaving ~~assuming that~~ Col. Pennycook ~~was going to leave~~ <sup>to</sup> bring his own case forward, and contenting ourselves with merely stating that we had no objection to the grant of the ~~required~~ concession solicited, should your Lordship be disposed to sanction it.

In these circumstances it did <sup>not</sup> occur to us as being necessary that any application should be made to your Lordship through the medium of the Govt. of India.

As regards para 2 of your Lordship's despatch we may observe that Sec. 17 III (b) of the Civil Leave Code <sup>was not overlooked but</sup> applying as it does to

That Officer has privilege leave due to him but does not propose to take it in England. In the ordinary course of things he will return to India with three months' privilege leave due to him and, subject to the condition that he can be spared, he will then be entitled to three months' full pay without doing any work in return. His offer was to forego this privilege if he were allowed to draw full pay during the first three months of his special duty in England, when he will be doing <sup>in some degree</sup> ~~in some degree~~ <sup>as</sup> ~~as~~ advantageous to the State, we deemed it our duty to bring it to your Lordship's attention.

The practical result will be that he would draw (full pay instead of two-thirds or) one third pay for three working months in England instead of full pay for three idle months in India. The principle that an Officer to whom privilege leave is due may draw full allowance during subsidiary leave is recognised by the Note to Sec 70 of the Civil Leave Code, but there is no rule covering Col. Pennycook's case & it seemed to be one which must be left entirely to your Lordship's discretion.

to an officer already in Europe on privilege leave and detained while there by the Secretary of State, it did not seem to us to have any direct bearing on the case of Col. Pennycook, who fulfilled none of these conditions <sup>as</sup> laid down by the Code rules. Colonel Pennycook has no wish to be placed on privilege leave while in England, and will therefore be entitled for the whole period of his employment to the two-thirds rate of pay already sanctioned to him in your Lordship's despatch of the 20<sup>th</sup> Octr. 1887. No 9 Public Works.

Wm  
10.3.50

Mm  
10/3/80

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11/3/88

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10640  
1888  
Govt. of Madras.

PUBLIC WORKS.

W. W. W. 13/3

35-2214

G.O. No. 596 W. March 1888

Col. J. Pennycook Dr.

Ordered that the Secy of State for India be addressed with regard to certain points noticed on the subject of the pay of — while on deputation in England in connection with the selection of machinery for the Serijan Project.

Submitting explanation with regard to certain points noticed on the subject of Col. Pennycook's pay while on deputation in England in connection with the selection of machinery for the Serijan Project.

S/N

20/3