

- (1) பக்கங்களின் எண்ணிக்கை 10
 (2) புதுக்கித் திருப்பிய நாள் 22.7.97
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் long

தமிழ்நாடு ஆவணக் காப்பகம்.

(224)

தமிழ்நாடு அரசு

P.W.D. துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	1472	அச்சகம் பலவகை
நாள் :	29-5-1891	198

மடிக்கவேர கண்டபடி கையாளவேர கூடாது

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29TH MAY 1891, No. 1472 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

General.
Establishment.

READ—the following paper:—

G O., dated 25th April 1891, No. 331, Public.

ORDER—dated 29th May 1891, No. 1472 W., Public Works.

Communicated to officers of the Public Works Department in modification of G.O., No. 2864 W., dated 1st December 1885.

2. In the Public Works Department, the question whether Government servants taking the benefit of the Insolvent Act shall be suspended pending adjudication under the Act will, in each case, be decided by the Chief Engineer, Public Works Department.

(True Extract.)

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

To the Chief Engineer for Irrigation.
" Consulting Engineer for Railways.
To Superintending Engineers
To the Superintendent of Works, Periyár Project.
" Consulting Architect to Government.
" Examiner, Public Works Accounts.
" Examiner, Railway Accounts.

Exd. G. A. Lewis.
Spare Copies.

GENERAL
ESTABLISHMENT.

Govt. of {1891} Madras.
PUBLIC WORKS.

Dated May, 29th.

Recd.

Encl.

G.O., 29th May 1891, No. 1472 W.

MAY.

Insolvents

Authorising the Chief Engineer to decide in the Public Works Department the question whether Government servants taking the benefit of the Insolvent Act shall be suspended pending adjudication under the Act.

25TH APRIL 1891, No. 331, PUBLIC.

GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

Read—again the following papers:—

G.O., dated 7th June 1881, No. 781, Public.

ABSTRACT.—Directing that Government servants having recourse to the Insolvent Court be suspended and that during such suspension their pay shall follow the rule for other cases of suspension as contained in section 53 of the Pay and Acting Allowance Code (5th Edition).

G.O., dated 17th November 1885, No. 2679, Public.

ABSTRACT.—Passing orders on the summary of Government orders issued on the subject of insolvency of Government servants.

Letter—dated 11th December 1890, No. 865, Public.

Read—the following paper:—

From F. ROWLANDSON, Esq., Official Assignee, Madras, to the Chief Secretary to Government, dated Madras, 26th November 1890.

I have the honour to respectfully invite the attention of His Excellency the Governor in Council, for such action as he may be pleased to adopt, to the great hardship worked by the practice now in force to persons employed in the Government offices who are compelled to file their petitions in the Court for the Relief of Insolvent Debtors in Madras.

2. This practice is that, upon the filing of such a petition, the insolvent is, as a matter of course, suspended, and not reinstated until the matter of his insolvency has been disposed of by the Commissioner, and what is known as a "personal discharge" has been granted to him by the Court. Upon this being done, the insolvent has to procure an extract of the proceedings of the Court to satisfy the Government that nothing has transpired there which will disqualify him for restoration to his appointment. After this has been obtained, and when the Government is pleased to restore the discharged insolvent, it is the practice to do so "without arrears of pay."

3. The result of this practice is that, for a period of several months, the insolvent is left absolutely without any means of support. Everything of which he is possessed at the time of applying to the Court passes to the Assignee for his creditors, and at the same time his income ceases. The unavoidable result is that he returns to his appointment with the nucleus of a fresh load of debt upon him, which he has of necessity incurred pending the disposal of his petition by the Court and his reinstatement by Government.

4. The order for personal discharge is almost invariably accompanied by a direction, which is often a condition, that the insolvent shall pay for the benefit of his scheduled creditors such monthly sum as the Court thinks fit to allocate from his pay. Thus in a recent case an insolvent drawing Rs. 240 as pay and Rs. 60 allowance was granted his discharge and directed to pay Rs. 40 a month for his

scheduled creditors. He had been some four months under suspension, and when reinstated was given no arrears of pay. He had been obliged to contract fresh debts for the support of himself and his family, and as soon as he was reinstated his new creditors obtained decrees against him, and attached half his pay. Thus crippled he made default in payment of the Rs. 40 allocated by the Insolvent Court, and was brought before it again by the Assignee for disobedience of the order. The facts set out above were elicited in his examination, and it also appeared that the amount of his fresh debts was approximately the same as the amount of arrears of pay which it was open to Government apparently to have allowed to him.

5. The case though not by any means an exceptional one was a typical one, and the Honourable the Chief Justice, who was sitting as Commissioner in Insolvency, expressed an opinion that if the matter were represented to His Excellency the Governor in Council, the practice of giving no arrears of pay in the class of cases indicated might possibly be altered.

6. I would venture, in conclusion, to point out that by the procedure of the Insolvent Court, each creditor of an insolvent has ample opportunities of bringing to the notice of the Commissioner any misconduct on the part of the insolvent, and that where a discharge is granted in the face of opposition by creditors, it is competent to the Court to mark its sense of the insolvent's behaviour by imposing a heavy allocation—a course which has, on some occasions, been adopted.

Letter—to the Secretary to the Government of ^{Bengal} ~~Bombay~~, General Departments, dated Fort St. George, 11th December 1890, No. 865, Public.

I am directed to inquire whether it is the practice in the ^{Bengal} ~~Bombay~~ Presidency to invariably suspend every public servant who applies for the benefit of the Insolvent Act and to grant him only subsistence allowance during his suspension. I am also to ask whether, on reinstatement after passing through the Insolvent Court, a Government servant is ever granted arrears of pay for the period during which he was under suspension.

(Signed) J. F. PRICE,
Chief Secretary.

READ—also the following paper:—

From the Acting Chief Secretary to the Government of Bombay, General Department, to the Chief Secretary to the Government of Fort St. George, dated Bombay Castle, 24th January 1891, No. 335.

I am directed to acknowledge the receipt of your letter, No. 865, Public, dated the 11th ultimo, inquiring whether it is the practice in the Bombay Presidency to invariably suspend every public servant who applies for the benefit of the Insolvent Debtors' Act and to grant him only subsistence allowance during his suspension, and whether, on reinstatement after passing through the Insolvent Court, a Government servant is ever granted arrears of pay for the period during which he was under suspension.

2. In reply, I am to state that it is not the practice in this Presidency to invariably suspend every public servant who applies for the benefit of the Insolvent Debtors' Act, though there is nothing to prevent heads of offices from so doing, if they consider such action advisable. Instances have occurred in which heads of offices have so suspended their subordinates, and in which the latter on being reinstated have been permitted, with the sanction of Government, to draw full pay for the period of their suspension. The existing practice is not to pass orders regarding the retention or dismissal of a public servant applying for the benefit of the Insolvent Debtors' Act until his case has been heard by the Insolvent Court, when a report stating the decision passed is made to Government. On receipt of the report, Government decides whether the insolvent should or should not be dismissed from its service.

From H. LUSON, Esq., Officiating Under-Secretary to the Government of Bengal, Judicial, Political and Appointment Departments, to the Chief Secretary to the Government of Madras, dated Calcutta, 17th February 1891, No. 763 J.

I am directed to acknowledge the receipt of your letter, No. 865 (Public), dated the 11th December last, in which you inquire whether in Bengal a public servant applying for the benefit of the Insolvent Act is invariably suspended and granted only subsistence allowance during his suspension, and whether on reinstatement after passing through the Insolvent Court a Government servant is ever granted arrears of pay for the period during which he was under suspension.

2. In reply, I am to refer you to Mr. H. A. Cockerell's demi-official letter of the 14th May 1881, to the address of Mr. R. Davidson, on the subject, and, in forwarding a copy of that communication, to say that officers in Bengal applying for the benefit of the Insolvent Act are not invariably suspended and that there are instances in which such officers have been allowed full pay for the period during which their cases were pending in the Insolvency Court. I am to add that instances of Government servants becoming insolvents in Bengal are fortunately rare.

ENCLOSURE.

Demi-official letter from H. A. COCKERELL, Esq., to R. DAVIDSON, Esq., C.S.I., Chief Secretary to the Government of Madras, dated Bengal Secretariat, 14th May 1881.

In reply to your demi-official letter of the 21st ultimo, I have to say that there is no rule, such as that mentioned by you, in existence in Bengal, but that very stringent orders, a copy of which I enclose, have been issued by this Government on the subject of Government servants having recourse to the Insolvent Court. Under these orders, the case of each officer is separately considered and decided on its own merits. When an officer who takes the benefit of the Insolvent Act is not dismissed from his appointment, he is ordinarily either deprived of all pay or granted merely a subsistence allowance during the period of his suspension. Occasionally, however, he is permitted to count the time as leave, should there be any leave due to him.

ORDER—dated 25th April 1891, No. 331, Public.

On consideration of the foregoing correspondence, His Excellency the Governor in Council is pleased, in supersession of all previous orders, to rule that the question whether Government servants taking the benefit of the Insolvent Act shall be suspended, pending adjudication under the Act, will, in future, be left for decision to the discretion of Heads of Departments.

2. The cases of all gazetted officers taking the benefit of the Act, together with the action taken by the Head of the Department in each case, will be always reported for the information of Government.

3. Each case will, as now, be finally disposed of by Government on the receipt of the report prescribed in paragraph 3 of G.O., dated 17th November 1885, No. 2679.

(True Extract.)

over Boldly

*Under Secretary to Govt. P. & S.,
for Chief Secretary.*

To the Official Assignee.
" Departments of the Secretariat. *P. W. D.*
" all Heads of Departments under the Chief Secretary.

Exd. P. L. Pereira.

with 10 cc

P.W. C 62 5502

85. Buz 2864 W 31-12-85

Govt. of {1891} Madras.
PUBLIC.

Issued

Recd. 21-5-91 Encl.

G.O., 25th April 1891, No. 331.

APRIL.

Insolvents.

Issuing revised orders relative to the suspension
of Government servants taking the benefit of the
Insolvent Act.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

PUBLIC WORKS DEPARTMENT

Read the following

Proc. of Government Public Dept. No. 331 of 25.4.91.

Communication
to officers of the P.W.
Dept. in modification
of G.O. No. 2864 W of
1st Decr 1885.

In the P.W. Dept.,
2. The question whether Govt.
servants taking the
benefit of the Insolvent
Act shall be suspended
pending adjudication
under the Act, will
in each case be
decided by the Chief
Exec. P.W. Dept.

To Mr. Ch. S. for Mr.
- C. S. for Mr.
- Mr. S. for Mr.
- S. P.W. for Mr.
- Ch. S. for Mr.
- Mr. S. for Mr.
- Mr. S. for Mr.

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Govt. of Madras.
PUBLIC WORKS.

11/5/91

Dated

Recd

Encl.

G.O., 29 May 1891, No. 1472W.

Resolutions:-

Authorising the Chief Engineer
to decide, in the P.W. Dept.,
the question
whether or not servants
taking the benefit of the
Insolvent Act shall
be suspended pending
a resolution under the
Act

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19/5/91
20/5/91