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- (1) பக்கங்களின் எண்ணிக்கை 16
(2) புதுக்கித் திருப்பிய நாள் 10. 9
(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 10. 9

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

PWD துறை

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மடிக்கவோ கண்டபடி கையாளவோ கூடாது

3 Sheet

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ஆவண. கா-1-18,006-15-6-87.

15TH DECEMBER 1891, No. 1322, FINANCIAL.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

READ—the following paper :—

Resolution of the Government of India, Finance and Commerce Department, dated Calcutta, 4th December 1891, No. 4863.

Read—

Resolution by the Government of India in this Department, No. 5800, dated the 12th December 1890.

Despatch to the Secretary of State, No. 393, dated 17th December 1889.

Despatch from the Secretary of State, No. 125, dated 25th June 1891.

Resolution—In the Resolution read in the preamble, the decisions arrived at on some of the recommendations made in the report of the Select Committee of the House of Commons on East India (Civil Servants) were published. His Excellency the Governor-General in Council now directs the publication of the final decisions on the other questions, which arose in connection with the report of the Committee, and which were in December 1890 held over for further consideration in communication with Her Majesty's Secretary of State for India. These were—

(a) The recommendation contained in the following extract from the report :—

“Your Committee are further of opinion that the greater part of the grievances of the Uncovenanted Service is due to the ambiguity of the terms in which services have from time to time been stated, and recommend that in future there shall be as nearly as possible a uniform scheme, which shall explicitly describe the terms of pension and furlough.”

(b) The following remarks of the Committee :—

“Your Committee have had their attention called to the obstacles in taking furlough, arising from the insufficiency of the present furlough pay, and they recommend this matter to the consideration of the Secretary of State in Council.”

(c) The question as to what action should be taken with reference to the complaints made to the Committee regarding the reservation, in Articles 5 to 7 of the Civil Service Regulations, of the right of the Government to change or modify the pension and furlough rules from time to time and to interpret their meaning.

2. The Government of India are of opinion that the leave and pension rules, as contained in the Civil Service Regulations, are not open to the charge of ambiguity, though from the necessity of the case they are elaborate and complicated. The regulations have acquired their present form in the course of years, the object of the modifications made from time to time having been, while assimilating as far as possible the conditions of service for similar classes in different branches of the Administration, to remove all ambiguity from the rules, and to enable, on the one hand, officers to ascertain their rights and privileges, and, on the other hand, to enable Local Governments and executive authorities to decide without reference to the Government of India the great mass of questions in regard to leave and pension which necessarily come before them.

3. In view of the great differences which exist in the conditions of service of the many branches of the public service, and in the circumstances of appointments of officers to different branches and sometimes to the same branch, it is not possible

to introduce one scheme of leave and pension rules applicable to all branches of the Civil Service. His Excellency the Governor-General in Council considers that the Civil Service Regulations cannot be materially abbreviated or simplified without risk of causing ambiguity and a return to the former state of uncertainty, which existed before the rules were codified. His Excellency in Council will always bear in mind the desirability of simplifying the rules wherever possible; but the Civil Service Regulations, without any material alteration in form, must for some time continue to be the authoritative declaration of the rules relating to leave and pension.

4. In order, however, that the more important rules regarding leave and pension may be available in a shorter and more convenient form, a pamphlet containing the principal regulations in a condensed form is being prepared, and will be issued hereafter.

5. The remarks of the Committee quoted in clause (b) of paragraph 1 of this Resolution have been understood by the Secretary of State and by the Government of India to have reference to the absence of any minimum furlough allowance. The decision on this question is contained in the following extracts from the Secretary of State's Despatch of the 25th June 1891:—

"I concur with Your Excellency in thinking that there are certain cases in which it is desirable to guarantee a minimum leave allowance, but I am of opinion that it will be sufficient to give £ 200 a year, or 75 per cent. of the last salary in India, converted at the rate annually fixed for adjustment, whichever of the two sums may be the less.

"The leave rules are, in my opinion, sufficiently liberal in the concessions made to those who voluntarily take leave of absence; and if they desire to come to this country, I see no reason for giving them an increase of pay beyond that at present permissible. There is, however, a difference in the case of persons whose health may have broken down in India, and who are ordered by a Medical Board to seek the restoration of their health in a temperate climate. Such officers have no option in the matter; and it is reasonable to allow them such a moderate amount of pay as may enable them to avail themselves of the leave ordered for them. Hence I am disposed, if Your Excellency should agree, to consent to the grant of the minimum rates above mentioned in cases of sick leave, and to half those rates in similar cases where quarter pay is at present admissible. I leave it to Your Excellency to determine from what date the privilege should commence."

His Excellency the Governor-General in Council has accepted these proposals and has fixed the 1st July 1891 as the date from which they shall have effect.

6. Her Majesty's Secretary of State for India, having examined the particular instances which were mentioned in support of the complaints referred to in clause (c) of paragraph 1 of this Resolution, regarding the manner in which the right to alter the leave and pension rules had been exercised by the Government of India, expressed the opinion that in none of them had there been any interference with the rights of the servants of the Government. The Government of India have always been careful to exercise the right of altering rules with due consideration for the rights of their servants. The ordinary course adopted to prevent hardship arising from any change of rule found necessary has been either to defer the introduction of the change for some time after its publication, or to give the officers affected the right of choosing whether they shall come under the operation of the old or of the new rules. It has been decided that the right of altering rules must be maintained, that care should be taken, as in the past, to prevent the introduction of any new rules from operating harshly, but that the Local Governments and the Government of India should not consider themselves precluded from recommending an exception in any case of individual hardship which may arise in spite of the precautions taken. If any case of apparent hardship arises, the local authorities should understand that, when the officer applies to retire, they are not precluded from examining into its merits and ascertaining whether, in their opinion, he has substantially suffered from the introduction of a rule not in force at the time he entered the service. If, after comparing the advantages secured to the officer by the altered rules with any disadvantages incidentally involved, they find that he has on the whole substantially suffered, the point may be taken into consideration in determining whether some compensation ought not to be granted in the particular instance.

7. A list of amendments to the Civil Service Regulations is appended to this Resolution, showing the additions and corrections made in accordance with the foregoing decisions.

Order—Ordered, that this Resolution be communicated to all Departments of the Government of India; to all Local Governments and Administrations; to the Comptroller and Auditor General; to all Accountants-General and Comptrollers; the Director-General of Post Offices; the Mint and Assay Masters, Calcutta and Bombay; the Commissioner, Northern India Salt Revenue; and the Superintendent, Government Printing, India.

Ordered also, that the Resolution be published in the *Gazette of India* for general information.

(Signed) J. F. FINLAY,
Secretary to the Government of India.

ENCLOSURE.

ADDENDA AND CORRIGENDA TO THE CIVIL SERVICE REGULATIONS.

PAGE 3.

Insert the following as a "Note" after Article 7:—

The following extract from a Resolution of the Government of India, No. 4863, dated 4th December 1891, relates to the exercise of the right reserved in Articles 5 to 7 to alter the leave and pension rules from time to time:—

"Her Majesty's Secretary of State for India, having examined the particular instances which were mentioned in support of the complaints referred to in clause (c) of paragraph 1 of this Resolution, regarding the manner in which the right to alter the leave and pension rules had been exercised by the Government of India, expressed the opinion that in none of them had there been any interference with the rights of the servants of the Government. The Government of India have always been careful to exercise the right of altering rules with due consideration for the rights of their servants. The ordinary course adopted to prevent hardship arising from any change of rule found necessary has been either to defer the introduction of the change for some time after its publication, or to give the officers affected the right of choosing whether they shall come under the operation of the old or of the new rules. It has been decided that the right of altering rules must be maintained, that care should be taken, as in the past, to prevent the introduction of any new rules from operating harshly, but that the Local Governments and the Government of India should not consider themselves precluded from recommending an exception in any case of individual hardship which may arise in spite of the precautions taken. If any case of apparent hardship arises, the local authorities should understand that, when the officer applies to retire, they are not precluded from examining into its merits and ascertaining whether, in their opinion, he has substantially suffered from the introduction of a rule not in force at the time he entered the service. If, after comparing the advantages secured to the officer by the altered rules with any disadvantages incidentally involved, they find that he has on the whole substantially suffered, the point may be taken into consideration in determining whether some compensation ought not to be granted in the particular instance."

PAGE 83.

Article 346 (c).

Substitute the following for this rule:—

(c) In the case of any other officer subject to these rules:—

If on furlough other than furlough on medical certificate out of India.

MAXIMA.

If paid at the Home Treasury of the Government of India, £ 200 a quarter; no minimum.

If paid in India, Rs. 666½ a month; no minimum.

If on furlough on medical certificate out of India.

MAXIMA.

If paid at the Home Treasury of the Government of India, £ 200 a quarter.

If paid in India, Rs. 666½ a month.

MINIMA.

If paid at the Home Treasury of the Government of India, £ 200 a year, or three-fourths of last salary, whichever is less.

If paid in India, Rs. 166 $\frac{2}{3}$ a month, or three-fourths of last salary, whichever is less.

Article 347 (ii).

Substitute the following for this rule:—

(ii) If an officer not in the Indian Civil Service or in the Army, to £ 120 a quarter paid at the Home Treasury, or Rs. 400 a month paid in India, or to one-quarter of his *average salary*, whichever is less. When the furlough is on medical certificate out of India, the following minima shall apply instead of one-quarter salary:—

MINIMA.

If paid at the Home Treasury of the Government of India, £ 100 a year, or 37 $\frac{1}{2}$ per cent. of his last salary, whichever is less.

If paid in India, Rs. 83 $\frac{1}{2}$ a month, or 37 $\frac{1}{2}$ per cent. of his last salary, whichever is less.

Article 374.

Substitute the following for this article:—

374 (a).—Half "*average salary*" is subject to the following maxima and minima:—

MAXIMA.

If paid at the Home Treasury of the Government of India, £ 150 a quarter.

If paid in India, Rs. 500 a month.

MINIMA.

(i) On leave on medical certificate out of India.

If paid at the Home Treasury of the Government of India, £ 200 a year, or three-fourths of last salary, whichever is less.

If paid in India, Rs. 166 $\frac{2}{3}$ a month, or three-fourths of last salary, whichever is less.

(ii) On leave other than leave on medical certificate out of India.

In the case of non-gazetted officers whose salary is not less than Rs. 300 a month, Rs. 150 a month.

(b) One-quarter "*average salary*" is subject to the following maxima and minima:—

MAXIMA.

If paid at the Home Treasury of the Government of India, £ 120 a quarter.

If paid in India, Rs. 400 a month.

MINIMA.

(i) On leave on medical certificate out of India.

If paid at the Home Treasury of the Government of India, £ 100 a year, or 37 $\frac{1}{2}$ per cent. of last salary, whichever is less.

If paid in India, Rs. 83 $\frac{1}{2}$ a month, or 37 $\frac{1}{2}$ per cent. of last salary, whichever is less.

(ii) On leave other than leave on medical certificate out of India.

In the case of non-gazetted officers whose salary is not less than Rs. 300 a month, Rs. 75 a month.

(Signed) J. F. FINLAY,
Secretary to the Government of India.

ORDER—dated 15th December 1891, No. 1322, Financial.

Communicated to all departments and heads of departments.

2. The Resolution will be re-published in the *Fort St. George Gazette*.

(True Extract.)

Redmond Rice

Chief Secretary.

To the Departments of Secretariat.
„ Heads of Departments.

Gazette.

Exd. J. Moses.

Gobt. of {1891} Madras.
FINANCIAL.

Issued

Recd.

Encl.

G.O., 15th Dec. 1891, No. 1322.

DECEMBER.

Leave and Pension Rules.

Communicating to all departments and heads of departments and re-publishing in the Fort St. George Gazette Resolution of the Government of India regarding an abstract of the — and a minimum furlough allowance to Uncovenanted officers.

with order

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