

(1) பக்கங்களின் எண்ணிக்கை

(2) புதுக்கித் திருப்பிய நாள்

(3) ஆதாரங் குறிப்பவர் சுருக்கொப்பம்

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15.7.92

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தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

மேலாதிபதி துறை

அரசாணை எண்.

மு. கோப்புத் தாள் எண்.

3496

அச்சகம்

பலவகை

நாள் : 21-12-1892 199

மடிக்கவோ கண்டபடி கையாளவோ கூடாது.

ஆவண. கா. 1-18,006-6-9-90.

3496
1

GOVERNMENT OF MADRAS.
PENSION DEPARTMENT.

READ—again the following paper :—

G.O., dated 12th April 1892, No. 319, Pension.

ABSTRACT.—Granting an invalid pension to Y. Kristiah, late head gumastah, Rámachandrapuram taluk, Godáviri district, and directing that the officer responsible for the irregular payment of leave allowance to the applicant while on privilege leave from 27th January 1891 to 2nd February 1891, be called upon to show cause why the amount should not be made good by him.

READ—also the following papers :—

From A. W. B. HIGGINS, Esq., Collector of Godáviri, to the Under Secretary to Government, Pension Department (through the Accountant-General), dated Cocanada, 2nd July 1892, No. 143.

In reference to paragraph 3 of the Government's Proceedings, No. 319, dated 12th April last, granting to Yezzo Kristiah, late head gumastah, Rámachandrapuram taluk, an invalid pension of Rs. 12-8-0, I have the honour to enclose the Treasury Deputy Collector's letter, No. 1084, dated 3rd May 1892, and his office note, dated 10th June 1892, together with a précis of correspondence in the matter. The Government, while sanctioning the pension of Y. Kristiah, observes, in paragraph 3 of the order quoted above, that no recovery need be made from him on account of the allowance irregularly drawn by him while on privilege leave from 27th January to 2nd February 1891, but that the officer responsible for the irregular payment should be called upon to show cause why the amount should not be made good by him.

2. I am respectfully of opinion that no irregular payment has been made and that therefore no adjustment in the manner directed by Government is necessary. Kristiah was actually on privilege leave from 27th January 1891 to 2nd February 1891, and was under suspension from that latter date. Mr. Moore having cancelled the leave, not retrospectively, but "from this date," the date of his order, viz., 3rd February 1891, Kristiah was thus entitled to receive pay for the period he was on leave, viz., 7 days. The amount paid was Rs. 11-7-1, * at Rs. 50 per mensem.

* Excluding income-tax which was credited to Government.

No. 204—L.A.E.

Forwarded. The applicant was granted privilege leave for 40 days with effect from the 27th January 1891, but before the expiration of the leave the head of his office suspended him from employment, viz., from the 3rd February 1891, owing to certain charges which were brought against him. The cancellation of the privilege leave under such circumstances did not justify the payment of privilege leave allowance in infringement of article 296 of the Civil Service Regulations.

FORT ST. GEORGE,
22nd July 1892.

(Signed) R. MORRIS,
for Accountant-General.

To the Under Secretary to Government, Pension Department.

Govt. of [1892] Madras.
PENSION.

No. 3496 Wap 21st Dec 1892

Comd to officers
of the S.W. Dept.

1st G. I. W.

Issued

Recd.

Encl.

G.O., dated 6th December 1892,
No. 1187.

DECEMBER.

Sanctioning the payment of leave allowances to Y. Kristiah, late head gumastah, Rámachandrapuram taluk, for the period he was on privilege leave, and ruling that article 296, Civil Service Regulations, does not apply to cases in which officers on privilege leave are prevented from joining their appointments by reason of suspension.

To
The Chief Engr for S.W.
Comd Engrs for Wap
B. Es.

C. H.
Supt. of Works P. Hooper
Earl S. W. Dept.
Earl S. W. Dept.

6TH DECEMBER 1892, No. 1187, PENSION.

3096
3

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FORT ST. GEORGE,
22nd July 1892.

(Signed) R. MORRIS,
for Accountant-General.

To the Under Secretary to Government, Pension Department.

No. 77.

OFFICIAL MEMORANDUM.

The undersigned is directed to request that the Accountant-General will be good enough to reconsider the opinion expressed in his endorsement, No. 204—I.A.E., dated 22nd July 1892. The Government considers that article 296, Civil Service Regulations, was not meant to apply to such an exceptional case as that of the applicant, who, it is observed, did return to duty eventually, though not immediately, on expiry of the privilege leave on account of his suspension. It seems to Government that the article in question was framed to meet the case of officers resigning or retiring while on privilege leave.

9th September 1892.

(Signed) R. H. CAMPBELL,
Ag. Under Secy. to Govt.

To the Accountant-General, with papers.

From T. W. RAWLINS, Esq., Accountant-General, to the Secretary to Government, Pension Department, dated Fort St. George, 20th October 1892, No. 304—I.A.E. :—

With reference to your Official Memorandum, No. 77, dated the 9th September 1892, I have the honour to point out that although article 296 may have been framed chiefly to meet the case of officers retiring while on privilege leave, it effected that object by making an officer's right to receive privilege leave allowances contingent on his return to duty "upon the expiry of his privilege leave."

2. No doubt in the present case the applicant was prevented from rejoining at the proper time only by the fact that he was suspended, and to deprive him of privilege leave allowances is really to impose an additional punishment for the conduct that led to his suspension and which, it may be assumed, has been sufficiently dealt with otherwise. But in a precisely similar case referred by my predecessor, the Government of India, in their No. 990, dated 2nd March 1886, copy of which I enclose, "sanctioned" the payment of leave allowances to Mr. ———, but did not rule that they were payable to him under the Civil Leave Code.

3. It would perhaps be desirable to have a definitive ruling on the subject, followed, if necessary, by an amendment of the Civil Service Regulations, but if the Madras Government think this unnecessary, I am prepared to accept their ruling.

ORDER—dated 6th December 1892, No. 1187, Pension.

In G.O., dated, 12th April 1892, No. 319, the applicant, Y. Kristiah, late head gumastah, Rámachandrapuram taluk, Godáviri district, was granted an invalid pension of Rs. 12-8-0 per mensem in consideration of his qualifying superior service of 18 years 5 months and 11 days. While the applicant was still in service, he was granted privilege leave for 40 days from 27th January 1891, but having been subsequently suspended from 3rd February following, he was unable to rejoin his appointment on the expiry of his leave. After suspension he returned to duty and retired two months afterwards.

In submitting his application for pension, the Accountant-General has raised the question whether the payment of leave allowances to the applicant for this period from 27th January to 2nd February 1891 was not irregular with reference to article 296, Civil Service Regulations. The Accountant-General points out that the case is analogous to that disposed of in the Government of India letter, No. 990, dated 2nd March 1886, printed as an appendix to these Proceedings, in which the Supreme Government sanctioned the payment of leave allowances under similar circumstances, but did not rule that they were payable under the Civil Leave Code, from which omission he argues that the Government of India considered that the case required special sanction. The Accountant-General also suggests the desirability of obtaining a definite ruling on the subject, followed, if necessary, by an amendment of the Civil Service Regulations.

His Excellency the Governor in Council is not prepared to accept the Accountant-General's interpretation of article 296 of the Civil Service Regulations and considers that the article in question was framed to meet the case of officers resigning or retiring while on privilege leave and was not intended to apply to cases in which officers are prevented from joining their appointments by reason of suspension. The omission on the part of the Government of India in the precedent quoted by the Accountant-General to rule that the leave allowances sanctioned were payable under the Civil Leave Code is perhaps open to the construction placed on it by the Accountant-General, but it need not necessarily be so construed and cannot be interpreted as a definite ruling on the point under discussion. The intention of article 296 of the Civil Service Regulations seems clear, and as the Accountant-General is prepared to accept the ruling of this Government on the point, His Excellency the Governor in Council considers it unnecessary to make a reference to the Government of India and accordingly sanctions the payment of leave allowances to the applicant from 27th January to 2nd February 1891.

2. A copy of these Proceedings will, however, be submitted to the Government of India for information.

APPENDIX.

From J. FINLAY, Esq., Officiating Under Secretary to the Government of India, Department of Finance and Commerce, to the Accountant-General, Madras, dated Calcutta, the 2nd March 1886, No. 990.

I am directed to acknowledge the receipt of your letter, No. 411, dated 10th February 1886, regarding the admissibility of privilege leave allowance to Mr. ———.

Mr. ——— was granted privilege leave for one month from the 4th January 1886, but was subsequently suspended by the Government of Madras from the 4th February 1886. He was consequently unable to resume charge of his duties on the termination of his privilege leave. You inquire with reference to the note to section 76 of the Civil Leave Code whether privilege leave allowance can be granted to him under these circumstances.

In reply I am directed to say that the payment of privilege leave allowance for the period in question is sanctioned.

(True Extract.)

(Signed) R. H. CAMPBELL,
Ag. Asst. Secy. to Government.

To the Accountant-General.
„ the Collector of Godáviri.
„ Heads of Department.

Exd. S. J. Pereira.

760 Copies.

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To the Accountant-General.
„ the Collector of Godáviri.
„ Heads of Department.

*Public works Dept.
with 100 spare copies*

Exd. S. J. Pereira.

700 Copies.

Gobt. of {1892} Madras.

PENSION.

B

No. 3496 Wap 21 Dec 1892

Communicated to
officers of the Public
Works Dept.

Issued 17/12/92 10.05 a.m.

Recd. 19.12.92

Encl.

For 19/12/92
19/12/92

G.O., dated 6th December 1892,
No. 1187.

DECEMBER.

C. E. for J. with 2 s.c.
C. E. for J. with
S. E. for J. with
C. A. for J. with
S. G. W. P. P. for J. with
S. P. W. A. for J. with
S. R. for J. with

S. P.

22/12

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officers on privilege leave are prevented from
joining their appointments by reason of sus-
pension.

with order

22/12

23/12/92

J.C. 23/12