

Flw
Marine (1898) Department.

G.O., No. 1579W

DATED 24 June 98

[Despatch Abstract]
Transfer of Charge of Cash Balances: Rao:
Line Dept, recording, with remark, Indorsement
of the Govt of India forwarding copy of letter
to the Accts of India, regarding the — by
an officer going on leave to his successor,
Communicated to officers of the Govt, in
Continuation of No. 2103W of 25th August 93

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

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C. S. for 10 ✓
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GOVERNMENT OF MADRAS.
FINANCIAL DEPARTMENT.

READ—again the following papers:—

G.O., No. 356, Financial, dated 5th April 1893.

ABSTRACT.—Recording letter from the Accountant-General forwarding correspondence containing ruling of the Government of India that an officer about to take leave may not leave his station at the close of the last day on which the office is open for business when his absence involves the formal deputation of an officer from another station on the re-opening of the office.

G.O., No. 732, Financial, dated 3rd August 1893.

ABSTRACT.—Recording, in continuation of G.O., No. 356, dated 5th April 1893, letter from the Accountant-General forwarding copy of correspondence from the Government of India permitting the practice hitherto followed in Bombay of allowing an officer proceeding on privilege leave to prefix, under article 251 of the Civil Service Regulations, gazetted holidays to it if his absence involves no formal transfer of charge in the way of taking over money or the like.

READ—also the following paper:—

From J. B. BRUNYATE, Esq., Under Secretary to the Government of India, Finance and Commerce Department, to the Accountant-General to the Government of Madras, dated Simla, 12th April 1898, No. 1647-P.

I am directed to acknowledge the receipt of your letter, No. 753, dated 25th February 1898, inquiring whether, when a Collector proceeds on privilege leave, the transfer of money is not of necessity involved in the sense of the term as used in article 251, Civil Service Regulations.

2. In your letter, No. 129, dated 17th December 1897, to the Comptroller-General, a copy of which was forwarded with your letter under reply, it is explained that, according to the present practice of your office, it is not considered imperative that there should be a formal transfer of charge of the balances by the officer going on leave to his successor, and a Collector proceeding on leave is allowed the benefit of article 251, Civil Service Regulations.

3. In reply, I am to say that the Government of India make no objection to the practice of your office, provided that the Local Government assent to it. But it must be quite understood that nothing should be considered to diminish the full responsibility of the Collector of the district for the cash balances held by him or his subordinates (Civil Account Code, article 301). The officer going on leave continues to be responsible till the formal assumption of charge by his successor.

Ordered, that copy be forwarded to the Secretary to the Government of Madras, Financial Department, for information.

(Signed) J. B. BRUNYATE,
Under Secy. to the Govt. of India.

ORDER—No. 421, Financial, dated 4th May 1898.

Recorded, with the remark, that His Excellency the Governor in Council has no objection to the continuance of the present practice. Officers who prefix or affix gazetted holidays to privilege leave will, however, understand that the concession is granted subject to the condition specified in paragraph 3 of the foregoing letter from the Government of India.

(True Extract.)

J. S. Roberts
for Chief Secretary.

To the Departments of the Secretariat. (P.W.D.)
„ all Heads of Departments under the Chief Secretary.

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AUGUST.

Recording, in continuation of G.O., dated 5th April 1893, No. 356, letter from the Accountant-General forwarding copy of correspondence from the Government of India permitting the practice hitherto followed in Bombay of allowing an officer proceeding on privilege leave to prefix, under article 251 of the Civil Service Regulations, gazetted holidays to it if his absence involves no formal transfer of charge in the way of taking over money or the like.

2-C. 28/6m

N^o. 2183 Wa 25^e August 1893

Communicated
to officers of the P.W.D.
in continuation of
S.O. No 1092 of 18th
April 1893.

19.893

25 AUG. 93

On
 Ctr. Eng. Gardiner ✓
 Ctr. Eng. for Rep ✓
 Supt. Eng. ✓
 C.A. to Govt ✓
 S. of W. P. Prosser ✓
 Exr. P. W. Aerts ✓
 Exr. R. Aerts ✓

25/25
 Hu 19-8
 21/8
 28/8

3RD AUGUST 1893, No. 732, FINANCIAL.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

READ—the following paper :—

From T. W. RAWLINS, Esq., Accountant-General to the Government of Madras, to the Chief Secretary to Government, dated Fort St. George, 25th July 1893, No. 2065.

With reference to the Proceedings of Government No. 356, Financial, dated the 5th of April 1893, I have the honour to forward, for the information of Government, a copy of a letter from the Government of Bombay to the Government of India No. 2028, dated 3rd June 1893, regarding the interpretation of article 251 of the Civil Service Regulations, together with the reply of the Government of India No. P-3040, Financial, dated 15th July 1893, from which it will be seen that the view advocated in my endorsement on Mr. Morris' letter to the Government of India No. 579, dated the 27th February 1893, has now been accepted.

ENCLOSURES.

From G. W. VIDAL, Esq., I.C.S., Acting Chief Secretary to the Government of Bombay, to the Secretary to the Government of India, Finance and Commerce Department, dated Bombay Castle, 3rd June 1893, No. 2028.

Article 251 of the Civil Service Regulations, second edition, lays down that, if the absence of an officer proceeding on leave does not involve the immediate deputation of any officer from another station, or any formal transfer of charge in the way of taking over money, or the like, then the absentee may leave his station at the close of the last day on which the office is open for business before his leave begins. The practice hitherto followed in this Presidency is to permit an officer proceeding on privilege leave to prefix, under the provisions of the article quoted above, public holidays to the privilege leave if his absence involves no formal transfer of charge in the way of taking over money or the like and if also it can be arranged that his *locum tenens* transferred from another station shall not assume charge of the office until the first day after the holidays have ended. The Accountant-General, Bombay, has forwarded to this Government a copy of the correspondence noted in the margin in which the Government of India have refused to permit Mr. Morris, Deputy Accountant-General, Madras, to prefix the Easter holidays to his privilege leave because his transfer involved the deputation of an officer from another station. Mr. Cox thinks that the ruling of the Government of India in the case of Mr. Morris decides that the practice observed in this Presidency is incorrect and states that, in future, if an officer be transferred from another station to act for an absentee on privilege leave, the latter cannot, under that ruling, be permitted to prefix holidays to privilege leave and that he understands that the ruling applies equally to affixing holidays to privilege leave.

Letter from the Government of India to the Deputy Accountant-General, Madras, No. P-689, dated 20th February 1893, and endorsement to the Accountant-General, Madras.

Letter from the Deputy Accountant-General, Madras, No. 579, dated 27th February 1893, to the Government of India, together with the endorsement from the Accountant-General, Madras, thereon.

Letter from the Government of India to the Deputy Accountant-General, Madras, No. P-1035, dated 11th March 1893, and endorsement to the Accountant-General, Madras.

in this Presidency is incorrect and states that, in future, if an officer be transferred from another station to act for an absentee on privilege leave, the latter cannot, under that ruling, be permitted to prefix holidays to privilege leave and that he understands that the ruling applies equally to affixing holidays to privilege leave.

2. I am to observe that the conditions specified in article 251 referred to above ran as follows in the corresponding rule 1 of section 8 of the third edition of the Civil Leave Code :—

“If the absence of the officer does not involve the deputation of any officer from another station or any formal transfer of charge . . . then the local Government may, by special order, permit the absentee to leave his station at the close of the last day on which the office is open for business before his leave begins”

It appears from the correspondence quoted in paragraph 1 above that the Accountant-General, Madras, in his letter No. 2228, dated 31st May 1877, to the Government of India, inquired whether the local Government was competent, under the provisions of this rule, to permit an officer to leave his station at the close of the last day on which the office was open for business before his leave began when his absence involved the formal deputation of an officer from another station on the re-opening of his office, and the Government of India in their letter No. 1728, dated 11th July 1877, ruled that so long as no officer was deputed from another station in the place of the officer proceeding on leave before his privilege leave began there was substantially no violation of rule 1 under section 8 of the Civil Leave Code. The Accountant-General, Madras, is of opinion that the subsequent addition of the word "immediate" in the corresponding section of the fifth edition of the Civil Leave Code appeared to bring the letter of the Code into harmony with the ruling laid down by the Government of India in their letter of July 1877, and I am to state that His Excellency the Governor in Council concurs in that view. The expression "if the absence of the officer does not involve the immediate deputation of an officer from another station," occurring in that section which corresponds to article 251 of the Civil Service Regulations, second edition, has accordingly been understood by this Government to imply that an officer going on privilege leave may be permitted to prefix holidays to his leave if his absence does not involve the necessity for the deputation of an officer from another station in time to take over charge when the former actually leaves the station, and whenever this condition has been fulfilled officers have been allowed in this Presidency to have the benefit of the holidays.

3. The recent ruling of the Government of India in the case of the Deputy Accountant-General, Madras, referred to in paragraph 1 above, though it was passed in a particular case and was not directly communicated to this Government, would appear to be of general application, and inasmuch as it would alter the present practice without apparently any benefit to Government and with hardship to their servants I am directed to request that you will be so good as to move the Government of India to reconsider the question.

From R. A. GAMBLE, Esq., Officiating Under Secretary to the Government of India, Finance and Commerce Department, to the Chief Secretary to the Government of Bombay, dated Simla, the 15th July 1893, No. P-3040.

In reply to your letter, No. 2028, dated the 3rd June 1893, regarding the interpretation of article 251, Civil Service Regulations, I am directed to say that there is no objection to the practice hitherto followed in the Bombay Presidency, viz., to permit an officer proceeding on privilege leave to prefix, under the provisions of article 251, Civil Service Regulations, gazetted holidays to the privilege leave if his absence involves no formal transfer of charge in the way of taking over money or the like and if also it can be arranged that his *locum tenens* transferred from another station shall not assume charge of the office until the first working day after the holiday.

Copy of the correspondence forwarded to the Accountants-General, Bombay and Madras, for information.

(By order, &c.)

(Signed) R. A. GAMBLE,
Offg. Under Secy. to the Govt. of India.

ORDER—dated 3rd August 1893, No. 732, Financial.

Recorded in continuation of G.O., dated 5th April 1893, No. 356.

(True Extract.)

Immuneto
Under Secy. to Govt.
Chief Secretary

To Departments of Secretariat.
„ all Heads of Departments under the Chief Secretary,
including Collectors and Judges.

Gobt. of {1893} Madras
FINANCIAL.

16/

Issued

205.C

Recd.

16.8.93

Encl.

G.O., 3rd August 1893, No. 732.

AUGUST.

Combination of Gazetted holidays
with leave.

Recording, in continuation of G.O., dated 5th April 1893, No. 356, letter from the Accountant-General forwarding copy of correspondence from the Government of India permitting the practice hitherto followed in Bombay of allowing an officer proceeding on privilege leave to prefix, under article 251 of the Civil Service Regulations, gazetted holidays to it if his absence involves no formal transfer of charge in the way of taking over money or the like.

2.C. 28/100

No 2183 Waf 25-August 1893.

Communicated
to officers of the P.W.D.
in continuation of
G.O. No 1092 w 8/18-4-93
April 1893.

19.8.93

DESPATCHED
25 AUG. 93

On
C.A. to Govt.
S. of W. P. Project
Exp. P.W. Accts.
Exp. Ry. Accts.
25/8

Gobt. of {1893} Madras
FINANCIAL.

order No 1092 w 8/18 April 93

Commnd. to
officers of the P.W.D.
25.8.93
W

Issued

Recd.

Encl.

G.O., 5th April 1893, No. 356.

APRIL.

Combination of Sundays and other
Holidays with any Leave.

Recording letter from the Accountant-General forwarding correspondence containing ruling of the Government of India that an officer about to take leave may not leave his station at the close of the last day on which the office is open for business when his absence involves the formal deputation of an officer from another station on the re-opening of the office.

C.A. for I
C.A. for Ry.
Supt. Engrs.
C. A.
S. of W. P.
Exp. P.W. accts.
Exp. Ry. accts.

GOVERNMENT OF MADRAS.
FINANCIAL DEPARTMENT.

READ—the following paper :—

From T. W. RAWLINS, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 22nd March 1893, No. 918.

I have the honour to forward copies of correspondence between this office and the Government of India regarding the grant of privilege leave to Mr. Morris, Deputy Accountant-General, Madras, from which it will be seen that, in the opinion of the Government of India, an officer about to take leave may not leave his station at the close of the last day on which the office is open for business when his absence involves the formal deputation of an officer from another station on the re-opening of the office.

2. The effect of this ruling will be that in such cases I shall not in future be able to admit the combination of Sundays and other holidays with any leave.

ENCLOSURES.

From R. A. GAMBLE, Esq., Officiating Under Secretary to the Government of India, Finance and Commerce Department, to the Deputy Accountant-General, Madras, dated Calcutta, the 20th February 1893, No. P-689.

In reply to your letter, No. 394, dated the 11th instant, I am directed to convey sanction to the grant to you of privilege leave for three months with effect from the 30th March 1893 or such subsequent date as you may avail yourself of the leave. I am to say that permission to combine the Easter holidays with your privilege leave cannot be granted, as this would be contrary to Article 251, Civil Service Regulations—your absence involving the deputation of Mr. J. C. E. Branson from Bombay to relieve you at Madras.

2. I am to request that you will communicate with Mr. Branson as to the date on which he will be required to relieve you.

Copy forwarded to the Comptroller and Auditor-General and to the Accountant-General, Madras, for information.

(By order, &c.)

(Signed) R. A. GAMBLE,
Offg. Under Secy. to the Govt. of India.

From R. MORRIS, Esq., Deputy Accountant-General, Madras, to the Secretary to the Government of India, Finance and Commerce Department (through the Accountant-General, Madras), dated Fort St. George, 27th February 1893, No. 579.

With reference to your letter, No. P-689, dated the 20th February 1893, I have the honour to inquire whether, if arrangements are made for my successor's relief, such that his joining time to Madras would not expire before the forenoon of the first working day after the Easter holidays, his deputation must necessarily be regarded as "Immediate" for the purposes of Article 251 of the Civil Service Regulations. If not, I respectfully request that, in modification of the orders contained in your letter quoted above, I may be permitted to hand over charge of my appointment on the last day on which the office is open for business before the commencement of the holidays to such officer as the Accountant-General may arrange, and that my leave may be reckoned from the 5th April (the first working day after the holidays) provided that my successor takes charge from such officer on the forenoon of the 5th.

Endorsement of Accountant-General on the above.

Forwarded for the favorable consideration of the Government of India, Financial Department, with the remark that in this Presidency the term "Immediate" has been regarded as referring to *time*, and the words "If the absence of the officer does not involve the immediate deputation of an officer from another station" have been understood to mean "If the absence of the officer does not involve the necessity of deputing an officer from another station *in time to take over charge when the officer actually leaves the station.*"

This practice is based upon a ruling of the Government of India on a reference made by this office.

In rule 1, section 8, of the 3rd Edition of the Civil Leave Code which was at that time in force, the condition ran "If the absence . . . does not involve the deputation, &c., &c.," without the qualification of the latter word implied in the addition of the term "Immediate," and in consequence of an order passed by the Madras Government the Accountant-General, in his No. 2228, dated 31st May 1877, and addressed to the Government of India, inquired whether the Local Government was competent under the provisions of this section "to permit an officer to leave his station at the close of the last day on which the office is open for business, before his leave begins, when his absence involves the formal deputation of an officer from another station *on the re-opening of his office.*" On this the Government of India, in its No. 1728, dated 11th July 1877, ruled that "so long as no officer was deputed from another station in Mr. Webster's place before his privilege leave began, there was substantially no violation of rule 1 under section 8 of the Civil Leave Code." The addition of the word "Immediate" in the 5th Edition appeared to bring the letter of the code into harmony with this ruling, and when an officer proceeding on leave is allowed by the Madras Government to make over charge *ad interim* to another officer *on the spot*, he is invariably allowed the benefit of the holidays. In the present case, the Treasury Account Department is closed during the Easter holidays. No possible inconvenience could therefore result from the concession asked for, and as the decision of the Government of India will affect the date from which it will be necessary for Mr. Groves to take his joining time, it is respectfully requested that it may be communicated by telegram.

(Signed) T. W. RAWLINS,
Accountant-General.

From R. A. GAMBLE, Esq., Officiating Under Secretary to the Government of India, Finance and Commerce Department, to the Deputy Accountant-General, Madras, dated Calcutta, the 11th March 1893, No. P-1035.

In reply to your letter, No. 579, dated 27th February last, I am directed to say that the Government of India regret that they are unable to permit you to prefix the Easter holidays to your privilege leave.

Copy forwarded to the Accountant-General, Madras, for information with reference to his communication, dated 27th February last.

(By order.)

(Signed) R. A. GAMBLE,
Offg. Under Secy. to the Govt. of India.

ORDER—dated 5th April 1893, No. 356, Financial.

Recorded.

(True Extract.)

C. A. GALTON,
Ag. Chief Secretary.

To the Departments of the Secretariat.
„ all Heads of Departments under the Chief Secretary,
including Collectors and Judges.

Exd. A. Baite.