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MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No. 1329

Press
~~Mis-~~

Dated 8 12 1881

Not to be folded or roughly handled

~~Indic~~ (1891) Department.

ORDINARY PRINTED.

G.O., No. 1329

DATED 8-12-81.

[Despatch Abstract.]

LEAVE ALLOWANCE.

Passing orders on the recovery from retiring officers of leave allowance irregularly drawn by them while in service, and directing that no recovery need be made from Mahomed Khasim and that only a reduced amount of Rs. 29-9-9 need be recovered from S. Samiah.

GOVERNMENT OF MADRAS.
PENSION DEPARTMENT.

8th December 1881, No. 1329.

Leave Allowance.

Read again the following papers:—

G.O., Pension Department, dated 18th August 1881, No. 758.

From H. E. STOKES, Esq., Collector of Salem, to the Secretary to Government, Pension Department, dated Salem, 9th September 1881, No. 2340.

I beg respectfully to call the attention of Government to a practice which appears to me novel, and also since there is no ruling of the Government of India on the subject peculiar to this Presidency. I refer to the recovery from persons admitted to pension of the full amount of leave allowances which the Accountant-General, on scrutiny of the service lists, may hold to have been improperly drawn by them during their service.

2. I submit that, if such allowances were improperly drawn, it was the business of the Audit Department of the day to have found it out; that it is scarcely possible that the Audit Officers of the present day can be fully acquainted with the leave rules and constructions of them in force, it may be, thirty years ago; that to require the claims to be now justified when, owing to lapse of time, the circumstances under which the allowances were drawn, and which may have made them legitimate, cannot be ascertained or proved is very hard; that, if there was in old days laxity in applying the leave rules, this is not the fault of the pensioners; and that it is unworthy of Government to dock in this way the hard-earned pensions of their servants.

3. As an instance of the way in which the system works, I may mention that in a recent case from this district, in which the Accountant-General reported that Rs. 191 had been wrongly drawn and Government ordered the recovery, subsequent inquiry and research has shown grounds for reducing the claim to Rs. 29. The larger amount would be in this case more than six months' pension.

No. 982.

ORDER.—Referred to the Accountant-General for report—

- (1) when, and for what reasons, the practice arose of recommending the recovery of all overdrawings during service, and
- (2) whether in his opinion some period of limitation might not be fixed beyond which such recoveries will not be made as it would appear that the Account Department must be itself to blame for non-recoveries at the time of the irregular payments being passed.

(Signed) J. A. DAVIES,
Acting Under Secy. to Govt.

27th September 1881.

Read also the following papers:—

From the Accountant-General, dated 19th September 1881, No. A.D.J.-254.

ABSTRACT.—Submitting further report in the matter of leave allowance said to be irregularly drawn by S. Samiah, late Sheristadar, and stating that the amount to be recovered may be reduced to Rs. 55-9-3.

From H. F. CLOGSTOUN, Esq., Officiating Accountant-General, to the Secretary to Government, Pension Department, dated Fort St. George, 24th October 1881, No. J.A.E.-355.

With reference to the Proceedings of Government, No. 982, dated the 27th September 1881, I have the honor to state that the practice of recommending recoveries from pension allowances on account of overdrawals of leave allowances arose from the instructions of the Government of India conveyed in G.O., No. 696, dated the 14th July 1880. On receipt of this Order, it was ruled by my predecessor that all irregularities in the grant of leave or in the payment of leave allowances which came to light in the course of verifying an officer's services for pension should be noted in the verification report submitted to Government.

2. It has, I find, however, been unfortunately the case that the duty of checking the periods of leave taken and the allowances drawn in those periods, with the periods and allowances admissible under the Leave Code, has been performed by the Pension Department of this office in communication with the district officers, but without first consulting the department of the office whose duty it is to deal with these particular questions, and the consequence has been that, owing to misunderstandings of the rules in force at different dates, retrenchments have, in some cases, been improperly recommended of leave allowances which were correctly drawn.

3. The origin of the error lay in the application of the Uncovenanted Service Leave Rules in their entirety to Uncovenanted Officers on salaries of less than Rs. 100 from the date of their promulgation in June 1863. The rules were, as originally published, applicable only to Uncovenanted Servants on salaries of not less than Rs. 100, and, though the spirit of the rules was declared in the Government of India letter to the Civil Paymaster, Madras, No. 3654, dated 10th August 1863 (*vide* the Government of India letter to the Madras Government, dated 30th November 1864, No. 3609), to be applicable to Uncovenanted Servants on salaries of less than Rs. 100, it was laid down in letter from the Government of India, dated 28th March 1865, No. 1666, that the leave rules need not be applied with the same strictness to the latter class of officers, but that Local Governments might, at their discretion, grant other than privilege leave to the former class of servants in excess of the periods prescribed in the Code for servants of Rs. 100 and upwards, seeing that such leave will not count for pension.

4. The Madras Government in their Order, dated 19th June 1865, No. 304, ruled that the above Order permitted the grant of absentee allowances in cases where leave to servants below Rs. 100 was granted in excess of the leave admissible under the Uncovenanted Civil Service Leave Rules and also that it did away with the necessity for the lapse of a space of six years between each period of private affairs' leave. This Order of Government was cancelled by an Order, dated 15th September 1870, No. 386, in which Government ruled that an Uncovenanted Officer (presumably one on less than Rs. 100) was not eligible to leave on private affairs until he had served six years from the date of appointment.

5. The rule which now regulates the grant of leave to Uncovenanted Officers on salaries of less than Rs. 100 is Section 126 of the Civil Leave Code and was first promulgated in the Government of India Resolution, No. 3965, dated 31st October 1872, embodied as a correction in Civil Leave Code, First Edition. Under that rule an Uncovenanted Officer on a salary of less than Rs. 100 is allowed leave under the Rules for Uncovenanted Officers generally, the only proviso being that the absentee allowance must not exceed what remains from the pay of the appointment after provision is made for the efficient discharge of his duties during his absence, and the rules which require a continuous period of service before private affairs' leave or furlough can be taken have, since that date, been applied with the same strictness to uncovenanted servants with salaries below Rs. 100 as to those with salaries above that sum.

6. The rules, as explained above, seem sufficiently clear, and there can be no difficulty in applying them to the case of any leave taken since 1863 when verifying an officer's services for pension.

7. I must explain, too, that applications for leave to Uncovenanted Ungazetted

Officers are not now audited by this department, which restricts itself to ensuring that the leave allowances drawn are those suitable to the particular description of leave granted, it having been found quite beyond the power of the department to enforce any further check than this. The verification of leave which now takes place when services for pension are being verified is thus the only occasion which exists of ascertaining, outside the district office, whether the leave rules have been properly observed. I do not, therefore, think it advisable that the scrutiny should be less thorough than it has hitherto been. It is quite true, as the Collector states, that in a recent case, in which I reported that Rs. 191 had been wrongly drawn and should be recovered, subsequent inquiry and research made by him, which inquiry and research might, however, as well have been made antecedent to his verification report to me as subsequent to it, have shown grounds for reducing it to Rs. 29, but retrenchment of the greater part of the original sum, that is to say, Rs. 135-10-4, was entirely due to errors made by the Collector in verifying the services and the sums drawn by the officer. The Collector stated that a period of leave on private affairs taken by petitioner in 1863—and this is an item which the Collector was solely responsible for verifying—extended from 18th April to 3rd July and was on half pay, the facts being that the leave was leave without any allowances whatever and that it extended to the 4th June and not the 4th July. The discovery of the mistakes rendered the two succeeding periods of leave admissible and of course obviated the necessity of retrenchment.

8. It does not seem unreasonable to hope that, considering that every officer has, for many years, been bound to keep up a register of his services to aid in their subsequent verification, a little more care in the district offices will prevent the commission of mistakes of the nature shown above, and under these circumstances I do not feel justified in recommending that any period of limitation should be fixed for the recovery of sums which have been drawn in excess of what are admissible under rules which are too simple to admit of the excess having been drawn under any misapprehension of their meaning.

9. For the reasons given above the amount of Rs. 191 recommended to be retrenched from the pension of Selaloor Samiah will be reduced to Rs. 29-9-9.

From H. F. CLOGSTOUN, Esq., Officiating Accountant-General, to the Secretary to Government, Pension Department, dated Fort St. George, 25th October 1881, No. J.A.E.-357.

With reference to my letter, No. J.A.E.-355, dated the 24th October 1881, I have the honor to forward herewith, for such orders as Government might deem necessary, a statement showing the names of pensioners from whom recovery has been recommended of excess leave allowances drawn whilst they were in service.

ENCLOSURE No. 1.
List of Pensioners from whom Recovery has been recommended of Excess Leave Allowances.

Number of Government Order.	Date of Government Order.	Name of Pensioner.	Period of Leave.	Nature of Leave.	Amount of Recovery.	When recovered.	Number of Permanent Pay Order.	District.
45	1881							
363	January 24th	V. Swami Aiyar	From 13th June to 6th Sept. 1872	Private Affairs	Rs. 70 0 0	10th June 1881	5862	South Arcot.
382	April 5th	C. Lakshmayya	9th May to 3rd July 1870	Do.	18 6 2	20th Aug. 1881	6148	Kistna.
	" 9th	B. Akkiah	12th June to 6th July 1879	Privilege	14 9	"	Gratuity.	Nelore.
427	May 4th	C. Siva Subbien	1st April 1864 to 17th June 1864	Private Affairs	105 11 0	6th June 1881	6179	Coimbatore.
469	" 16th	A. Rethna Mudaliar (Public Works Department).	12th March to 19th April 1865	Privilege	[Privilege Leave, Rs. 14-8-3]	"	6238	North Arcot.
	"		16th March to 30th June 1870	Private Affairs	45 0 0	19th July 1881	"	"
	"		4th Oct. 1875 to 3rd Jan. 1876	Private Affairs	"	"	"	"
	"		15th to 23rd February 1865	Do.	23 9 10	15th Aug. 1881	6295	Vizagapatnam.
	"		19th April to 2nd May 1865	"	"	"	"	"
497	" 28th	A. Narasimulu	17th May to 30th June 1865	"	"	"	6353	Madura.
	"		1st to 31st Jan. 1869	"	13 12 9	Not recovered yet.	6336	North Arcot.
539	June 13th	Cuppanuthu Pillay	18th to 28th Nov. 1869	Privilege	16 1 2	6th Aug. 1881	6354	Nelore.
537	" 16th	T. Naranayya	6th Jan. to 2nd Feb. 1872	Private Affairs	13 8 9	"	"	Tanjore.
541	" 13th	Gunda Jeggiab	3rd to 30th Jan. 1867	Privilege	66 13 5	31st	Gratuity.	"
	"		12th to 29th Aug. 1867	"	"	"	"	"
	"		4th to 31st Dec. 1868	"	"	"	"	"
614	July 4th	T. Tillyvinaiyagam Pillai	16th to 18th April 1866	Private Affairs	[Privilege Leave, Rs. 18-11-6]	"	6500	Bellary.
	"		21st Nov. to 12th Dec. 1867	"	37 6 11	Not recovered yet.	6501	South Arcot.
757	August 18th	B. Kistna Rao	29th Nov. 1869 to 31st Mar. 1870	Privilege	10 7 0	Do.	6493	Bellary.
760	" 18th	C. M. Rungaswami Nayadu	17th Jan. to 17th Feb. 1868	Do.	38 14 11	Recovery not sanctioned by Government yet.	"	"
765	" 29th	Bhoopal Rao Konary Rao	14th Feb. to 3rd May 1867	Do.	"	"	"	"
	"		14th Nov. to 4th Dec. 1867	"	"	"	"	"
	"		26th July to 15th Nov. 1864	"	"	"	"	"
758	" 18th	Setaloor Samiah	From 1st to 15th March 1873	Privilege Leave	Collector has been written to for particulars.	"	Under reference.	Salem.
799	" 31st	T. Mahomed Khasim	From 1st to 15th March 1873	Private Affairs	Collector has been written to for particulars.	"	"	Cuddapah.
940	September 20th.	Kamal-ud-Deen	17th July to 16th Oct. 1875	Privilege Leave	9 10 10	Not recovered yet.	"	South Canara.
945	" 20th.	Uppur Thomas Souza	24th to 31st Dec. 1866	Private Affairs	22 8 0	Do.	"	Do.
977	" 23rd.	G. Venkatrayulu	"	Do.	2 9 3	Do.	Gratuity.	Kistna.

(Signed) H. F. CLOGSTOUN,
Offg. Accountant-General.

For Sr. GEORGE,
24th October 1881.

ORDER THEREON, 8th December 1881, No. 1329.

These papers relate to the recovery from pensioners of leave allowances reported to have been irregularly drawn by them during service, but not discovered until their services for pension were under verification.

2. The practice of recommending such recoveries is of recent origin and is stated by the Accountant-General to have arisen from the instructions of the Government of India conveyed in G.O., No. 696, dated 14th July 1880, but it is observed that the Order quoted contains no directions on the subject. The Accountant-General was simply asked to explain how he had allowed an infringement of rule in the matter of leave granted, and the Government of India sanctioned the pension without directing any recovery to be effected from the pensioner on account of the irregular leave. From the fact of the case being then directly under the consideration of the Government of India, this omission may be taken to show that they did not, rather than that they did, intend that such recoveries should be the rule.

3. The Government do not however wish it to be understood that they consider such recoveries barred, and in cases of modern instance, where there was a clear breach of the rules, it will be no more than equitable to recover allowances that were inadmissible when drawn. The Accountant-General does not approve of any period of limitation being fixed, and the Government will therefore settle each case that comes up on its own merits, but in future practice the principle above stated will be followed in deciding whether the recovery is or is not to be made. It often happens that the character of the leave granted affects the admissibility or otherwise of the allowances drawn, so that what would be regular under one head is wrong under another. In such cases the Accountant-General is requested to exercise discrimination in recommending recoveries.

4. In paragraph 7 of his letter of the 24th October the Accountant-General explains that it has been found beyond the power of his department to check all the various descriptions and periods of leave granted to Uncovenanted Ungazetted Officers, and it therefore behoves the heads of all offices throughout the Presidency to maintain the closest check possible so as to ensure that all leave and allowances granted by them are strictly within the rules, and this even in the interests of their subordinates who may ultimately be called on to refund payments improperly passed and that at a time when perhaps they can least afford it. The attention of district officers will also be called to the Accountant-General's remarks regarding the greater accuracy required in the preparation of pension applications. The Government have themselves seen reason to believe that the registers of service are not everywhere uniformly and regularly kept up as they should be, and they desire that the Accountant-General will bring to their special notice any neglect he may observe in this respect.

5. As regards the list furnished with his letter of the 25th October, it appears that in nearly all cases the recoveries hitherto made have been on account of leave of ancient date on private affairs. The Accountant-General now reports, in paragraph 5 of his letter of the 24th idem, that the rule under which his past recommendations for recovery was based was not generally promulgated till the 31st October 1872, the Order to the same effect of the Government of India embodied in G.O. of the 15th September 1870, No. 386, referred to in paragraph 4 of the above letter, having evidently not been considered of general application, as the ruling therein was not incorporated in the first edition of the Codes published early in 1872. In these circumstances the Government direct that all recoveries as detailed in the above-mentioned list actually made or sanctioned on account of allowances on private affairs leave prior to the 31st October 1872 be refunded or passed as drawn. In the matter of privilege leave the rules have been since 1865 (G.O., 26th April 1865, No. 859, Revenue Department,) sufficiently clear to prevent mistakes, so that the orders for recovery of allowances irregularly drawn (all being subsequent to that date) on account of such leave will, as they have already been sanctioned, be allowed to stand. According to the above decision the amount to be recovered from Setaloor Samiah, on whose case the general question has been raised, will be reduced, as stated by the Accountant-General, to Rs. 29-9-9. In the case of T. Mahomed Khasim (G.O., No. 799, of 31st August 1881,)

entered in the above list the Government now observe that the total amount of leave taken by him on one-third pay during a service of nearly thirty-six years was only two years, two months, and twenty-six days, and since October 1872 only six months and twenty-two days of such leave was taken; as this does not seem excessive, no recoveries at all need be made from the pension granted.

(True Extract.)

Acting Under Secy. to Govt.

To the Accountant-General.
„ the Financial Department.
„ the Revenue Department.
„ the Military Department.
„ the Public Works Department.
„ the Judicial Department.
„ all Heads of Departments.

Exd. J. W. Fischer.

27-5-03

Gobt. of (1881) Madras.
PENSION.

To
THE ACCOUNTANT-GENERAL.
&c., &c., &c.

Dated December, 8th.

Issued

Recd.

Encl.

G.O., 8th December 1881, No. 1329.

DECEMBER.

Leave Allowance.—Passing orders on the recovery from retiring officers of leave allowance irregularly drawn by them while in service, and directing that no recovery need be made from Mahomed Khasim and that only a reduced amount of Rs. 29-9-9 need be recovered from S. Samiah.

Revenue DEPARTMENT.

List showing the distribution of the Proceedings of Government,
dated 8- December No. 1329.
181

Revenue Department, for information and for communication to Subordinate Officers .. 100 ✓
Public Works Department, do. do. .. 100 ✓
Military Department, do. do. .. 100 ✓

JUDICIAL.
Honorable the Judges of the High Court, for information and for communication to Subordinate Officers .. 50 ✓
Inspector-General of Police, do. do. .. 50 ✓
Inspector-General of Jails, do. do. .. 35 ✓
Magistrates of the Town Police Court .. 3 ✓
Do. of the Egmore Police Court .. 3 ✓
Judges of the Madras Court of Small Causes .. 3 ✓
Advocate-General .. 1 ✓
Government Solicitor .. 1 ✓
Administrator-General .. 1 ✓
Coroner of Madras .. 25 ✓
Inspector-General of Registration .. 1 ✓
Sheriff of Madras .. 1 ✓
Government Pleader .. 1 ✓
Registrar of the Joint Stock Companies .. 1 ✓

PUBLIC.
Surgeon-General with the Government of Madras, for information and for communication to Subordinate Officers .. 20 ✓
Sanitary Commissioner .. 6 ✓
Health Officer .. 3 ✓
Committee for the Examination of Assistants .. 3 ✓
Private Secretary to the Right Honorable the Governor .. 3 ✓
Government Astronomer .. 3 ✓
Superintendent, Government Central Museum .. 3 ✓
Chemical Examiner .. 3 ✓
Superintendent of Stationery .. 3 ✓
Supervisor of the Government Press .. 3 ✓
Protector of Emigrants .. 1 ✓
Tamil Translator to Government .. 1 ✓
Telugu do. to do. .. 1 ✓
Malayalum do. to do. .. 1 ✓
Canarese do. to do. .. 1 ✓
Hindustani do. to do. .. 1 ✓
Postmaster-General .. 1 ✓
Superintendent, Electric Telegraphs .. 1 ✓
Examiner of Medical Accounts .. 1 ✓
Committee for the Management Government Workhouse, Madras .. 1 ✓

POLITICAL.
Resident in Travancore and Cochin .. 1 ✓
Government Agent at Chepauk .. 1 ✓
Do. at Tanjore .. 1 ✓
Political Agent at Poodocottah .. 1 ✓
Collector in charge of the Special Agent's Department at Cuddalore .. 1 ✓
Officer in charge of the Stipend Pay Office at Vellore .. 1 ✓
British Consular Agent, Pondicherry .. 1 ✓
Do. Karikal .. 1 ✓

ECCLIESIASTICAL.
The Right Reverend the Bishop of Madras .. 3 ✓
Venerable Archdeacon of Madras .. 10 ✓
Senior Chaplain of the Church of Scotland .. 1 ✓

MARINE

Master Attendant, Madras, for information and for communication to Subordinate Officers

22

FINANCIAL

Accountant-General
Commissioner of Paper Currency

6/1

EDUCATIONAL

Director of Public Instruction
Commissioner for the Uncovenanted Civil Service Examinations

18/1

N 6416

No. 2377

Salem Collectors Office

12th September 1887.

Recd 3

From,

The Collector of Salem,

To,

The Accountant General

Fort St. George

Madras,

Sir,

With reference to your letter

No. $\frac{9aE}{258}$ dated 30th August 1887, I have the

honour to inform you that the leave allowance

of Rs. 15-4-3 drawn by Samya from 18th Aprilto 3rd June 1865 was deducted by the Civil

Auditor in the pay abstracts as he was then

not entitled to the leave, and therefore it

should be considered that he was not on

private leave from 18th April to 3rd June 1865.

As Samya returned to duty on

the

the 4th June 1865 and not the 4th July 1865 as originally stated, vide my letter No 1970 dated 4th August 1881, the privilege leave enjoyed by him from 26th May to 24th June 1866 was admissible and Rs. 59-9-9 should not therefore be recovered from him.

3. The private leave granted to him on two occasions in 1870 was allowable under the Rules then in force, for, under G.O. No 304 dated 19th June 1865, and Board's Standing Order No 51 dated 27th July 1865 and para 525 of the Uncovenanted Servants' Wages and Pensions, Uncovenanted Officers on salaries less than Rs. 100 per mensem might be granted private leave even before completing 6 years service from the date of return to duty after the expiration of such leave. Copies of these documents are herewith forwarded for

3
for ready reference.

4. I therefore beg to point out that the amount that should be recovered from Samyee is only Rs. 29-9-9 and not Rs. 115-3-0.

I have the honour to be,
Sir,

Your most obdt. Servant

W. H. Colver
Collector

Camped
H. C.



5
Revenue Department
Proceedings of the Madras Government.

Read the following:—

Financial Department
Proceedings of the Madras Government.

Read the following letter from
W. Donald Esq; Chief Assistant Civil
Paymaster in charge, Fort Saint George,
to the Honourable A. J. Arbuthnot, Chief
Secretary to Government, Fort St George,
dated 24th April 1865 No. 298.—

1. I have the honor, with reference to the
letter of the Financial Secretary to the
Government of India, No. 1666, dated 28th
March 1865, to your address, published
at page 777 of the Fort Saint George
Gazette of the 21st instant, to inquire
whether I am correct in supposing
the 2nd paragraph of that letter to mean
that Incovenanted Servants on less
than Rupees 100 a month, when granted
leave other than privilege, in excess
of the periods prescribed by the In-
covenanted Service Absence Rules,
can also, when so permitted, receive
pay

11/2

From
The Collector
to
The Secy. General
Madras
Recd 11/2
10/23/71
1881 to 1883
the amount of
to entered from
Lance 30 is 12
29. 9. 9

pay for such excess periods, according to the rates laid down in these Rules.

2. I beg, at the same time, to be informed whether the Civil Paymaster can recognize all such cases when sanctioned by Heads of Departments and Establishments, without the Special Orders of Government in each case, and also whether, in the case of special leave, the interval of six years is to be strictly observed.

Order thereon, 19th June 1865 No. 304.

1. The Governor in Council is of opinion that Unincorporated Civil Servants on salaries of less than Rupees 100 per annum, when granted leave other than privilege leave in excess of the periods prescribed in the Unincorporated Civil Service Absentee Rules, may be granted an absence allowance for such excess periods provided that the amount do not exceed the amount authorized by the rules for special leave and that

a sufficient sum is recommended in each case for the provision of an efficient substitute. The Special Orders of Government in such cases, are not necessary nor need the interval of six years in the case of special leave be observed.

2. The Correspondence referred to in the Civil Paymaster's letter above recorded commenced in the Revenue Department, originating in a Memo. sundry addressed by the Civil Paymaster to the Board of Revenue, which was forwarded to Government by Board, and was followed up by a reference to the Government of India, made in the Revenue Department. In future all orders and references, relating to the civil leave rules, will be made in the Financial Department.

(True Extract)
(Signed) W. Suddleston
Secretary to Government

Order thereon, 23rd June 1865 No. 1410.

Communicated to the Board of

of Revenue for information and
guidance.

(True Extract)

(Signed) J. Grose

as Under Secretary to Govt.

True Extract

Camp
See

Collector.

Standing Circular No II

Board No 4438

Proceedings of the Board of Revenue dated
27th July 1865.

In continuation of Board's Stand-
ing Circular, dated 12th June 1865, No. XXX,

* Order of Government, dated 23rd June 1865 No. 1410, Revenue Department, on Proceedings of Government, dated 19th June 1865 No. 304, Financial Department, and under the further orders of Government, that in-
formed, that in-
Covenanted Civil
servants on the

receipt of salaries less than Rupees 100
per mensem, when granted leave other
than privilege leave, in excess of the periods
prescribed in the Uncovenanted Civil
Service Absentee Rules, may be granted
an absentee allowance for such excess
periods, provided that the amount
do not exceed the amount authorized
by the rules for the grant of special
leave, and that a sufficient sum
is reserved in each case for the pro-
-vision

L A 1452

vision of an official Substitute. In
all such cases, collectors are at liber-
ty to grant leave, without the Special
Orders of Government and the inter-
val of six years in the case of special
leave need not be observed.

(A True Extract).

(Signed) R. D. Dalzell
Acting Secretary.

(True Copy)

(Signed) H. M. C. Kelly
Acting Financial Assistant.

True Extract.

Collector.

Comd
J. H.

~~Excerpt from the Unconvenanted Servants~~
Trade Measures

§28- Unconvenanted civil servants
on less than 100 Rupees per mensem,
may be granted other than privilege
leave in excess of the periods prescribed
in the Unconvenanted Civil Service
Absentee Rules and may be granted
an absentee allowance for such excess
periods, provided that the amount
do not exceed the amount authorized
by rules for special leave, and that
a sufficient sum is reserved in each
case for the provision of an efficient
substitute. The special order of
Government

Government in such case is not
necessary nor the interval of six years
in the case of special leave be
observed.

[illegible]

No 1970 ¹³ Salem Collector's office
4th August 1881

Received

From,

The Collector
of Salem,

To, The Accountant General
Fort St George
Madras.

Sir,

In continuation of my
letter No 1499 dated 15 June 1881
I have the honor to inform you
that on further examination
of the records on certain infor-
-mation given by Samaya the
applicant for pension, it appears
that certain deductions are
necessary in the amount shown
in the memo forwarded with the
above.

2. Samaya who appears to have
been granted 3 months' private
leave

1. 13
731

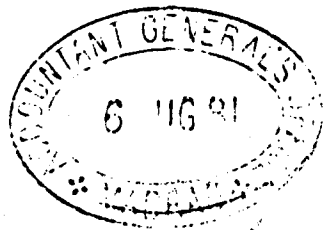
Ans F 452

of the account code in doing
-ding the question; and that
it should be presumed that
the Audit Department of
the time, passed no leave
allowances to which the parties
were not entitled by the rules
in force.

I have the honor to be,
-Sir,
Your most obed^t Serv^t

Comp^d
Off.

Collector



N^o 1452

17

From
The Collector
of Salem

To
The Accountant General
Fort St George
Madras

Dated 14th
Recd 3 August 1881

No 1970.

Enclosure

States that certain
amount shown in
the memo forwarded
into letter No 1499 dated
15 June 1881 should
be deducted for reasons
given within.

In No 1452.

View letter by 1.
In 1452 22/8/81

"Review" 18

37

Memo showing the Absence allowances erroneously
drawn by Seltalur Paimayya late Talug Sheristadar
of Trichengod to be recovered from his
arrears of pension

Kind of leave and period for which absence allowance drawn	Designation & pay of the appointments held at the time	Monthly rate of absence allowance	Amount	Remarks
Privilege leave from 26 th May 1866 to 24 th June 1866	Sheristadar Attankarai	60 60	59 99	1
Privilege leave from 22 nd June 1871 to 6 th July 1871	Sheristadar Namakal	60 60	29 99	
Total			89 36	
Salem District Office 4 August 1881.			By Collector	
Bhee				

19 Pension Department

N^o 83.

Official Memorandum.

With reference to his report dated the 19th instant N^o ²⁵⁸/₂₅₄ the Accountant General is requested to be good enough to return the register of application for pension on behalf of P. Samiah late Sheristadar, Tiruchengod Taluk, Salem District and to make any further remarks if necessary on the case with reference to G. O. of this date N^o 982 and the Collector's letter read therein.

[By Order]

(signed) J. A. Davies
Ag. Under Secy.

Fort St George + }
27th September 1881

To The Accountant General, with 7 Enclosures

Penion (1881) Department
N^o 83
Official Memorandum

Dated 27th Sept 1881

No. 2340. 20. Salun collector's office.
Salun 9 September 1881.

From
The Collector
of Salun

To
The Chief Secretary to Government
Prison Department.

Subject. Kota command.
Sir,

I beg respectfully to call the
attention of Government to a practice
which appears to me novel, and also
since there is no ruling of the Govern-
ment of India on the subject, &
peculiar to this Presidency. I refer
to the recovery from prisoners admitted
to prison of the full amount of
leave allowances which the Accountant
General on scrutiny of the service lists
may hold to have been improperly
drawn by them during their service.

2. I submit that if such allowances
were improperly drawn, it was
the business of the audit department.

of the day to have found it out; that
it is scarcely possible that the
audit officer of the present day can
be fully acquainted with the lease
rules and constructions of them in
force, it may be, 30 years ago; that to
require the claims to be now justified
when owing to lapse of time the
circumstances under which the
allowances were drawn, and which
may have made them legitimate
cannot be ascertained or proved is very
hard; that if there was in old days
laxity in applying the lease rules,
this is not the fault of the present
and that it is unworthy of Govern-
ment to dock in this way the
hard-earned portions of their servants.

3. As an instance of the way in which
the system works, I may mention
that in a recent case from this district
in which the Accountant General
reported that Rs 191 had been

wrongly drawn, and Government ordered
the recovery, subsequent enquiry and
research has shown grounds for
reducing the claim to Rs 29. The larger
amount would be in this case more
than six months' pension.

I have the honor to be
Sir
your most obedient servant

Collector

Could
not

Received
50/50/10
August 1881
[Signature]

23

Pension 1881 kept

From N^o 1405

W. B. Stokes Esq.
Collector of Salem

The Chief Secretary
to Government
Pension Department
Calcutta

Dated 9th 3
Recd 11 3 September 1881

No. 2340

Bringing to notice the recovery
from persons admitted
to pension of the full amount
of leave allowances which
may have been improperly
drawn ^{by them} during their service.
Referred

Order thereon 27th Sept/81 N^o 982

Referred to the Accountant
General for report:-

- (1) when, & for what reasons
the practice arose of recommending
the recovery of ^{all} overdrawings
during service, and
- (2) whether in his opinion some
period of limitation might not
be fixed beyond which such
recoveries will not be made, as
it would appear that the Acct.
Department must be itself to
blame for non-recoveries at
the time of the irregular payments
being passed.

16/9/81.

W. B.

To the Accountant General

10/9-9-81

24

Accountant General's Office.
19th September 1881

N^o 2574

Forwarded with reference to Para 2 of G.O.
No. 758 dated the 18th August 1881 Pension Dept.
Under the explanation now furnished by the Collector
the applicant's leave on Private Affairs from
18th April to 3 June '65 may be committed
into leave without allowances without affec-
ting his title to the Privilege leave and leave
on Private Affairs enjoyed by him from 26th
May to 24th June '66 and from 18th June
to 8th August '70 respectively. In which
Case the first three items shown below the
last Para of this Office report No. 40/131
dated 29th June 1881 should be struck off.
With regard to the Collector's explanation in
respect of the grant of leave on Private
Affairs from 31st August to 15th Sep^r/70
the attention of Govt is respectfully solicited
to the 1st Clause under para 12 of the
Uncovenanted Civil Service Absentee rules
of 13th April '64, in which it is provided

that leave on private affairs should
be repeated only after an interval of 6 years,
the G.O. quoted by the Colles would
seem to apply to cases in which the leave
granted is in excess of the periods prescribed
in the rules referred to above. Under the
above mentioned circumstances the re-
franchisement directed in G.O. No 758
dated 18th August 1881, may be reduced
to Paper 55-9-3.

M. Klutzing
Asst. Asst. General
for
Accountant General.

The Under Secretary to Govt.
Pension Department.

20
London 1881 Sept 11

C 1452

From

The Account General

Nº 254.

Water 19th }
Dec 21st } September 1881

En 7.

Submitting further
report in the case of S.
Samuel de Christodorus -

Calcutta District -

O. M. to be sent forward with
reference to this, it being the
purpose of the Commission to make
any further enquiry on this
case with reference to the
this date etc. etc. etc. etc.
della and the same year

Oct 13/81. 27/7

27

Enclure

(1881) DEPARTMENT.

N^o 1452

From

The Account General

No. 254.

Dated

Recd.

19th September 1881

SUBJECT.

Submitting further
report in the matter of leave
allowance paid to be irregularly
drawn by S. Samiah Late
Sheristadar and stating that
the amount to be recovered
may be reduced to Rs 55-9-3.

Pension Department

28

Fort Saint George
Account General's Office

24th October 1881

N^o 148
355

From

H. F. Hoggston Esq.
Off. Accountant General

To

The Chief Secretary
to Government
Pension Department,
Fort Saint George.

With reference to the Proceedings
of Government N^o 982 dated the 27th Sep-
tember 1881, I have the honor to state that
the practice of recommending recoveries from
pension allowances, on account of overdrawals
of leave allowances arose from the instructions
of the Government of India in G. O. N^o 696
dated the 14th July 1880. On receipt of this
order, it was ruled by my predecessor, that
all irregularities in the grant of leave or in
the payment of leave allowances which came
to light in the course of verifying an officers
services for pension, should be noted in
the verification report submitted to Govern-
ment.

2. It has, I find however been
unfortunately the case that the duty of checking
the

27
the periods of leave taken and the allowances drawn in those periods with the periods and allowances admissible under the Leave Code, has been performed by the Pension Department of this Office in communication with the District Officers, but without first consulting the Department of the Office whose duty it is to deal with these particular questions and the consequence has been that, owing to misunderstandings of the rules in force at different dates, retrenchments have, in some cases, been improperly recommended of leave allowances which were correctly drawn.

3. The origin of the error lay in the application of the Uncovenanted Service Leave Rules in their entirety to Uncovenanted Officers on salaries of less than Rs. 100, from the date of their promulgation in June 1863. The Rules were, as originally published, applicable only to Uncovenanted Servants on salaries of not less than Rs. 100 and though the spirit of the Rules was declared in the Government of India letter to the Civil Paymaster Madras No. 3654 dated 10th August 1863 (vide the Government of India letter to the Madras Government dated 30th November 1864 No. 3609) to be applicable to Uncovenanted Servants on salaries of less than Rs. 100 it was laid down in letter from the Government of India dated

28th

2nd Committee trans.

+ Vide Rev Pms 22
1861.

Rev Pms 26 April 1865

30

28th March 1865 & No. 1666, that the leave rules need not be applied with the same strictness to the latter class of Officers, but that Local Governments might, at their discretion, grant other than privilege leave to the former class of Servants in excess of the periods prescribed in the Code for Servants of Rs. 100 and upwards, seeing that such leave will not count for pension.

4. The Madras Government in their order, dated 19th June 1865, No. 304, ruled that the above order permitted the grant of absentee allowances in cases where leave to servants below Rs. 100 was granted in excess of the leave admissible under the Uncovenanted Civil Service Leave Rules, also that it did away with the necessity for the lapse of a space of six years between each period of private affairs' leave - This order of Government was cancelled by an order dated 15th September 1870, No. 386, in which, Government ruled that an Uncovenanted Officer (presumably one on less than Rs. 100) was not eligible to leave on private affairs until he had served 6 years from the date of appointment.

5. The rule which now regulates the grant of leave to Uncovenanted Officers

on

on salaries of less than Rs. 100, is Section 126 of the Civil Service Code, and was first promulgated in the Government of India Resolution No. 3965 dated 31st October 1872 embodied as a correction in Civil Pension Code 1st Edition.

Under that rule, an uncovenanted Officer on a salary of less than 100 is allowed leave under the rules for Encovenanted Officers generally, the only proviso being that the absence allowance must not exceed what remains from the pay of the appointment after provision is made for the efficient discharge of his duties during his absence, and the rules which require a continuous period of service before private affairs, leave or furlough can be taken have, since that date, been applied with the same strictness to Encovenanted servants with salaries below Rs. 100, as to those with salaries above that sum.

6 The rules, as explained above, seem sufficiently clear, and there can be no difficulty in applying them to the case of any leave taker since 1863 when verifying an Officer's services for pension.

I must explain too, that applications for leave to uncovenanted un gazetted officers

officers are not now audited by this Department, which restricts itself to ensuring that the leave allowances drawn are those suitable to the particular description of leave granted, it having been found quite beyond the power of the Department to enforce any further check than this. - The verification of leave which now takes place when services for pension are being verified, is thus the only occasion, which exists of ascertaining, outside the District Office, whether leave rules have been properly observed. I do not therefore think it advisable that the scrutiny should be less thorough than it has hitherto been. It is quite true, as the Collector states, that in a recent case in which I reported that Rs. 191 had been wrongly drawn and should be recovered, subsequent enquiry and research made by him, which enquiry and research might however, as well have been made antecedent to his verification report to me, as subsequent to it, have shown grounds for reducing it to Rs. 29, but retrenchment of the greater

greater part of the original sum, that is to say, 135-10-4, was entirely due to errors made by the Collector in verifying the services and the sums drawn by the Officer. The Collector stated that a period of leave on private affairs taken by petitioner in 1863, and this is an item which the Collector was solely responsible for verifying, extended from 18th April to 3rd July, and was on half pay; the fact being that the leave was leave without any allowances whatever, and that it extended to the 4th June and not the 4th July. The discovery of the mistakes rendered the two succeeding periods of leave admissible and of course obviated the necessity of retrenchment.

8. It does not seem unreasonable to hope, that, considering that every Officer has, for many years, been bound to keep up a register of his services to aid in their subsequent verification, a little more care in the District Offices will prevent the Commission of mistakes of

of the nature shown above, and under these circumstances, I do not feel justified in recommending that any period of limitation should be fixed for the recovery of sums which have been drawn in excess of what are admissible, under rules which are too simple to admit of the excess having been drawn under any misapprehension of their meaning.

9. For the reasons given above, the amount of Rs. 191 recommended to be retrenched from the pension of Selaloon Samiah will be reduced to Rs. 29-9-9.

I have the honor to be,
Sir,
Your most obedient Servant,

H. (Logston)
Off. Account General

11/11/63

*List of pensioners from whom recovery has been recommended of excess
land allowances.*

<i>Order of Government</i>	<i>Date of Government Order</i>	<i>Name of Pensioner</i>	<i>Period of Land</i>	<i>Nature of Land</i>	<i>Amount of Recovery</i>	<i>Subsidy recovered</i>	<i>Amount of Recovery</i>	<i>Remarks</i>
105	January 22	V. Suman Chandra	land 13 pmd to 16 Sept 72	Private affairs	70	10 pmd 81	5862	Southbrook
363	April 5	B. Lakshmanappa	9 pmd to 17 July 1871	do	18	6 220	6148	Nicola
382	—	B. A. K. K. K.	12 pmd to 17 July 79	Private Land	11	49 18 Aug 81	gratuity	Weller
427	2 May	B. S. S. S. S.	14 pmd to 17 July 1871	Private affairs	105	6 1/2 pmd 81	6179	Cumtala
469	—	A. P. S. S. S.	17 pmd to 17 July 1871	Private affairs	11	49 18 Aug 81	gratuity	Weller
497	—	A. P. S. S. S.	17 pmd to 17 July 1871	Private affairs	105	6 1/2 pmd 81	6179	Cumtala
509	—	A. P. S. S. S.	17 pmd to 17 July 1871	Private affairs	11	49 18 Aug 81	gratuity	Weller
537	—	A. P. S. S. S.	17 pmd to 17 July 1871	Private affairs	105	6 1/2 pmd 81	6179	Cumtala
541	—	A. P. S. S. S.	17 pmd to 17 July 1871	Private affairs	11	49 18 Aug 81	gratuity	Weller

51
108

37

Pension 1881 kept to

N^o 1621

From

The Account Genl.

Madras.

To
The Chief Secretary
to Government
Pension Dept
Fort St George.No. 148
355Dated ^{24th} October 81.
Recd ^{25th}No. 148

States the practice of
recommending persons
residing from pension
allowances on acct of
overdrawals and that
for the reasons given
the amount of Rs 191
recommended to be
retrenched from the pen-
sion of Kelaloo Samiah
will be reduced to
Rs 29-5-5.

Cc N^o 1329.

Pension DEPARTMENT.

38

Fort Saint George,
Accountant General's Office,
25 October 1881.No. 148
357

From

A. J. Clogston Esq
Offg ACCOUNTANT GENERAL

TO THE GOVERNMENT OF MADRAS,

To

THE Secretary to Government;
Pension Department.

SIR,

With reference to my letter N^o 148
355,
dated the 21st October 1881, I have the
honour to forward herewith, for such orders
as Government might deem necessary,
a Statement showing the names of
pensioners from whom recovery has been
recommended, of excess leave. Allowances
drawn whilst they were in service.

I have the honour to be
Sir
Your obedient Servant.

H. Clogston

WRO Offg Accountant-General

11/10/81

39

Encl. 1881 Deptt

N^o 1627

From

The Accountant General

Madras.

To

The Secretary to Govt

Pension Deptt.

No 118
357

Dated 25th October 81.
Recd 26th

Is.

Forwarded for order
as to showing the
names of pensioners
from whom recovery
has been received.
Included of excess
leave allowance
drawn whilst they
were in service.

CC N^o 1329

40

1452, 1621, 1622

Pension Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter again

G. O. Pension Deptt. d/ 18th Augst 81 N^o 758

do - do d/ 27th Sept^r 81 N^o 982

Read also

Report from the Accountant General, d/ 19th September 1881 N^o 254

Letter from the Accountant General d/ 24th Oct^r 1881 N^o 355

do - do - d/ 25th Oct^r 81 N^o 357

Order thereon 8th Dec^r 81 N^o 1329
Draft Order for Order.

(11)

1. These papers relate to the recovery from pensioners of leave allowances reported to have been irregularly drawn by them during service but not discovered until their services for pension were under verification.

2

2. The practice of recommending such recoveries is of recent origin and is stated by the Accountant General to have arisen from the instructions of the Govt. of India conveyed in G. O. No 696 d/ 14th July 1880; but it is observed that the order quoted contains no directions on the subject. ~~On the other hand it appears that the~~ Accountant General was simply asked to explain how he had allowed an infringement of rule in the matter of leave granted; ~~and~~ while the Govt. of India sanctioned the pension without ~~making any~~ ^{mention of a} recovery to be effected from the pensioner on account of the irregular leave. From the fact of the

case being then directly under the consideration of the Govt. of India this omission may be taken to show that they did not, rather than that they did, intend that such recoveries should be ~~made~~ ^{to rule}.

3. ~~There seems therefore to be no rule or authority binding the Govt. Yet they~~ ^{however} do not wish it to be understood that they will ~~not~~ ^{absolutely} refuse to order ~~any~~ ^{unlawful} recoveries ~~in the future~~ ^{barred and} they ~~insist~~ ^{decide} that in cases of modern instances where there was a clear breach of the rules, it will be no more than equitable to recover allowances that were inadmissible when drawn. The Accountant General does not approve of any period of limitation being fixed

and ^{therefore} 43
fixed ~~to~~ the Govt. will settle
each case that comes up on
its own merits, but in future
practice the principles above
stated will be followed in
deciding whether the recovery
is or is not to be made. It often
happens that the character
of the leave granted affects
the admissibility or otherwise
of the allowances drawn,
so that what would be
regular under one head is
wrong under another. In
each case the Accountant
General is requested to
exercise discrimination in
recommending recoveries.

In para 7 of his
letter of the 24th Octr the
Accountant General explains
that it has been found he
could the power of his
Department to check all

the

44
the various descriptions &
periods of leave granted
to unsanctioned unauthorised
officers and it therefore
behoves the Heads of all
offices throughout the
Presidency to maintain
the closest check possible
~~long & many~~
that all leave and
allowances granted by them
are strictly within the
rules ^{and this Govt} in the interests of
their subordinates who
may ultimately be called
on to refund payments
improperly passed ^{and that} at a
time when perhaps
they can least afford it.
The attention of District officers
will ^{be} also called to the Act.
General's remarks regarding
the greater accuracy re-
quired in the preparation
of Pension applications.

The

45
The Govt. themselves have
reason to believe that the
Registers of Service are not
everywhere uniformly & regu-
larly kept up, as they
~~are bound to be~~ and trust they desire
that the Accountant Genl.
will bring to their special
notice, any ~~delinquencies~~ ^{objections} he
may observe in this respect.
5. As regards the
list furnished with his
letter of the 25th Oct. it ap-
pears that in nearly all
cases the recoveries hitherto
made have been on account
of Leases on Private affairs
of ancient date. The Acct.
General now reports in
para 5 of his letter of the
24th idem that the rule
under which his past
recommendations for recovery
was based was not generally
promulgated

46
promulgated till the 31st
October 1872 - the order to the
same effect of the Govt. of
India embodied in G.O.
of the 15th Sept. 1870 No. 386
referred to in para 4 ^{of the above letter} having
evidently not been considered
of general application as
the ruling therein was not
incorporated in the first
Edition of the Codes published
early in 1872. In these
circumstances the Govt.
direct that all recoveries
as detailed in the above
mentioned List, actually
made or sanctioned on account
of allowances on Private
affairs Lease prior to the
31st Oct. 1872 be refunded
or passed as drawn. In
the matter of privilege leases
the rules have been since
1865 (G.O. 26th April 1865 No.
859 Rev. Dept.) sufficiently
clear

clear its present mistakes
 so that the orders for recovery
 of allowances irregularly
 drawn (all being subsequent
 to that date) on account of
 such leave will, as they have
 already been sanctioned, be
 allowed to stand. [The Govt.
 however cannot but consider
 that the Audit Dept^{ment} ^{must} have
 been to blame in not dis-
 covering the irregularities
 in the ~~circumstances~~ ^{at the}
 time of their occurrence.]

According to the above
^{decision} ~~decision~~ the amount to be
 recovered from Setalood
 Samiah on whose case the
 general question has been
 raised will be reduced as
 stated by the Accountant
 General to Rs 29-9-9. In
 the case of J. Mahomed
 Khasim (G. O. No 799 of

31st

47

must be
 settled
 by the
 Govt.

48

31st August 1881) entered
 in the above list the Govt.
 now observe that the total
 amount of leave taken
 by him on 1/3rd pay during
 a service of nearly 36 years
 was only 2 yrs 2 m & 26 days
 and since 1st October 1872
 only 6 m. & 22 days of such leave
 was taken; as this does
 not seem excessive no
 recoveries at all ^{need} ~~must~~ be
 made from the pension
 granted ^{per} 5/12/81.

W. L.

To the Accountant General
 - " - Financial Department
 - " - Revenue Department
 - " - Military Department
 - " - Public Works Department
 - " - Judicial Department
 To all Heads of Departments

L. E. No. 750. Copies

5-11-90
1.6.93
13-1793

49

Govt. of 188 } Madras.

Pension 1881 - *Depart*

Dated 8th } Decr 1881, No. 1329
Secy.

Nos.

Have also been taking order
in the recovery from retiring Officers
of leave allowances irregularly
drawn by them whilst in service &
directing that no recovery need be
made from Mahomed Khassim
& that only a reduced amount
of Rs 29-9-4 need be recovered
from S. Ganniah.

acc. 632.87
Rev 7-12-87

Send for...