

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	633	Press ~~Mis.~~
Dated	6-6-	1867.

Not to be folded or roughly handled

[Signature]

Proceedings of the Madras Government, Public Department,

6th June 1867.

No. 55. Read the following letter from the Examiner of Claims, to the Chief Secretary to Government, Fort Saint George; dated Fort Saint George, 15th May 1867, No. 405A.

I have the honor, by direction of the Accountant General, to report, for the information of the Right Honorable the Governor in Council, that I have entered in the Europe Leave Certificate granted to Surgeon Major C. M. Duff, M. D., Surgeon 3rd District, Presidency, who went Home by yesterday's Mail Steamer upon 15 months' sick leave under the Furlough Regulations of 1854, that he is to receive Absentee pay for the first six months at the rate of Rupees 1093-2-0 per mensem, and to state the grounds upon which I consider that these are the allowances to which Dr. Duff is entitled.

2. I deem it right to report the matter fully to Government, as I am of opinion that the point is not free from doubt and should at once be settled authoritatively by Government (upon a complete statement of the case) as a guide to this office for the future, and to enable me, should I have been wrong, to issue an amended certificate in Dr. Duff's case. There was not time to lay the matter before Government and obtain their decision before Dr. Duff's departure, or that course would have been adopted.

3. In paragraph 9 of G. O. G. G., No. 370 of 1867, it is stated that the allowances of absent Officers are to be reckoned according to Military pay of rank, as laid down in paragraph 29 of G. O. G. G., No. 1060 of 1864, plus moiety of net Civil salary attached to the appointment. This in Dr. Duff's case would aggregate Rupees 969-6-0 as per margin. Dr. Duff

	RS.	A.	P.
Pay of rank.....	888	12	0
Moiety of net Civil salary.....	80	10	0
	969	6	0

is a Surgeon Major of 25 years' service, and is therefore entitled, under paragraph 10 of G. O. G. G., No. 507 of 1864, to

Rupees 1093-2-0 per mensem. This sum it was ruled by the Government of India in paragraph 5 of letter* dated 26th

* Communicated in Proceedings of Government, dated 16th August 1865, No. 3033, Military Department.

July 1865, No. 594, Military Department,

to be the pay to which Dr. Macfarlane, a Surgeon Major of 25 years' service, was entitled for the first six months of his leave to Europe, although the pay of his appointment in Madras was only Rupees 1000 a month.

4. Had the aggregate allowances due to Dr. Duff, calculated in accordance with paragraph 9 of the recent G. O. G. G., exceeded the pay of his rank under the new Warrant, no difficulty would have been felt in giving him those allowances, but it seemed to me that, when the new Warrant secured to a Surgeon Major of 25 years' service the pay above stated, I could not, without putting it and the ruling of the Government of India in Dr. Macfarlane's case aside, act otherwise than I have done.

No. 56. ORDER THEREON, 6th June 1867, No. 633.

The Governor in Council concurs in the view which has been taken of Dr. Duff's case by the Examiner of Claims.

*Proceedings of the Madras Government, Public Department,
6th June 1867.*

2. The ruling of the Supreme Government in the case of Dr. Macfarlane seems to be decisive as to Dr. Duff's claim to have his allowances reckoned with reference to the pay of his rank.

(True Extract).

Chief Secretary.

To the Examiner of Claims.
„ Inspector General, Medical Department.

Edw. J. Tulloch

No 405A.

*Fort Saint George
Acc. & Genl. Office
15th May 1867*

*From
The Examiner of Claims
To The Chief Secretary
to Government
Public Department*

Sir,

*I have the honor by direction of
the Accountant General, to report for the
information of the Right Honorable the
Governor in Council that I have ruled in
the Europe Leave Certificate granted to Surgeon
Major C. M. (Duff) M.D. Surgeon 3^d
District, Presidency who went home by
yesterday's mail steamer upon 18 months
Sick Leave under the Furlough Regulations
of 1856, that he is to receive Absentee Pay for
the period 6 months at the rate of Rs. 1093 2
per incensem and to state the grounds upon
which I consider that these are the allowances
to which Doctor Duff is entitled.
2. I deem it right to report the matter fully to Govern-
ment as I am of opinion that the point is not
free from doubt and should at once be settled
authoritatively by Government (upon a complete
statement of the case) as a guide to this Office
for the future and to enable me, should I have
been wrong, to issue an amended Certificate.*

in Dr. Duff's case - There was not time to lay the matter before Government & obtain their decision before Dr. Duff's departure or that course would have been adopted -

3. In Para 9 of G.O. G. C. to 370 of 1867, it is stated that the allowances of absent Officers are to be reckoned according to military pay of rank as laid down in Para 29 of G.O. G. C. to 1060 of 1864 plus merely of net civil salary attached to the appointment - This in Dr. Duff's case would aggregate Rs 969-6-0 as per margin -
Dr. Duff is a Surgeon Major of 25 years service and is therefore entitled under Para 10 of G.O. G. C. to 507 of 1864, to Rs 1093-2-0 per mensem. This sum it was ruled by the Government of India in Para 5 of letter dated 26 July 1865 C. to 591, Military Department, to be the pay to which Dr. Macfarlane a Surgeon Major of 25 years service was entitled for the first 6 months of his leave to Europe altho' the pay of his appointment in Madras was only Rs 1000 a month.

Pay of rank Rs 888-12-0
Merely of net civil salary 80-10-0
Rs 969-6-0

+ communicated in Pro. of Govt dated 16 Aug 1865 C. to 3033 Military Department.

4. Had the aggregate allowances due to Dr. Duff, calculated in accordance with Para 9 of the recent G.O. G. C. exceeded the pay of his rank under the New Warrant no difficulty would have been felt in giving him those allowances, but it seemed to me that, when the New Warrant secured to a Surgeon Major of 25 years service the pay above stated, I could not without putting it and the ruling

of

of the Government of India in Doctor Macfarlane's case aside act otherwise than I have done -

I have the honor to be,
Sir,
Your most obedient servant
H. Donald
Examiner of Claims.

Miss R. 6 Sept 1857

Received 1857 September
from R. 6 Sept 1857
The accompanying letter
to the Chief Clerk to York
Sept 1857

of 153
R 173
2

104052

No 690

Report for the
information of York the
Virginia Avenue which
he received 8th Aug is
entirely to suggest the
decision of York.

35-86

With an order

6 June 1857 R. 63.

The Governor in Council
consent in the view which has been
taken of the English case by the
Commissioner of Customs.

The making of the reference
known in the case of R.
The reference should be made
as to the English claim to have
reference to the group of the same.

W. A.

to the Commission of York
Sept 1857
Sept 1857