

16
19.2.37

M.R.O. 1-32,400-22-11-80.

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	445	Press Mis.
Dated	12-4-1870	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Department,
12th April 1870.*

No. 101. Read the following letter from the Accountant-General, Madras, to the Chief Secretary to Government, Fort Saint George, dated Madras, 17th March 1870, No. 297.

Examiner of Claims' Department.]

I have the honour, with reference to Proceedings of Government, dated 1st instant, No. 251, Public Department, to bring to the notice of Government that they have apparently misunderstood the meaning of Sections A. and B., paragraph, 3, of my report embodied in those paragraphs.

2. It was a matter of regret at the time that specific dates could not be inserted in those parts of the report, but Mr. Nelson had not furnished the information, and it was not considered desirable to delay the disposal of the case till this could be obtained. I have, however, to-day received from the Acting Judge the dates alluded to, and subjoin amended Sections A. and B. for the consideration of Government.

A.—As a Junior Civilian appearing as a Candidate for the reward in an Oriental language, from 8th to 14th January.

B.—On duty as Small Cause Court Judge, from 15th to 27th January.

3. It will thus be seen that the state of the case is, that Mr. Nelson held charge of the Court for thirteen days, and not that he had “ taken charge of his Court for one day ” only, as Government believed he had done, after his return from examination, so that a definite period of duty intervened between his examination and subsidiary leaves.

4. In these circumstances I beg that Government will be pleased either to cancel the grant to Mr. Nelson of examination leave allowances during his subsidiary leave, or to submit to the Government of India for their orders, the point whether a Civilian who avails himself of only a portion of his examination leave may, during subsidiary leave prior to furlough or special leave taken immediately after he has passed a successful examination, draw examination leave allowances during that subsidiary leave for a period equal to the unavailed of portion of his examination leave.

No. 102. ORDER THEREON, 12th April 1870, No. 445.

On further consideration, His Excellency the Governor in Council is of opinion that Mr. J. H. Nelson's claim to draw full pay during his subsidiary leave, viz., from the 28th January till the 5th February 1870, is untenable ; and resolves accordingly to cancel paragraph 1 of G. O., 1st March 1870, No. 251, Public Department.

(True Extract.)

Chief Secretary.

To the Accountant-General.
To J. H. Nelson, Esq.
Ed. J. Wright.

Cobt. of 1870 ~~Address~~

PUBLIC.

To

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

Dated April, 12th.

Recd.

Encl.

G. O., 12th April 1870, No. 445.

APRIL
Nos. 101-102.

Stating that, on further consideration, Mr. J. H. Nelson's claim to draw full pay during his subsidiary leave is untenable.

Pub 1 - March/70 No. 1 C3
Foil 13 May/69 - 23-24
- 6 March - 18-19

Sub 26 - 1/70

Public 1870 Department
From ~~Pross~~ 311
The Assistant General
Tat St George

To The High Secretary
to Government
Pub Dep't

Of 17 } March
Of 18 }

no 297

~~no 311~~

With reference to
G. O. d. 1st March 1870
no 257 Pub. Submpts
for the consideration
of Government amended
Sections A & B in substitu-
tion of those contained
in Para 3 of his report
embodied in the same
order of amendment.

C31/3.
R7/4

101

Memo. for Order

I fear Mr. Nelson's
claim is untenable
but have no objection
to a reference for
an authoritative
opinion. J. H.

I think the claim
untenable & would
advise to refuse it.
J. H.

I think the claim
untenable. I think
it now up to him
to make out
his case and I
would not refer any
of the questions involved.

Mr. J. H. Nelson
Small Cause Judge of
Combaconum was granted
one month's examination
leave with effect from
the 8th Jan^y 1870. He had
never returned to duty on
the 14th idem, and was
granted 2 years furlough
from 5th February together
with subsidiary leave for
a month. He availed
himself of the latter on the
27th Jan^y, and sailed
from Madras on the 5th
Feb^y 1870.

2. On the 24th he
applied that the month's
examination leave might
be held to run on till
his departure, and that
he might be granted
the extension of an ad-
ditional month's exam-
ination leave which he

was entitled for passing
in order that he might
draw full pay during
his subsidiary leave and
for a portion of his furlough.

3. He cited the
rule under which an
officer who has privilege
leave to his credit may
draw during subsidiary
leave the allowances
to which he is entitled
while on privilege; which
ruling, he says, establishes
the principle that though
an officer may not take
any other leave in
privilege leave, he may
enjoy two kinds of leave
concurrently. It has been
ruled that an officer
cannot take any other
leave in continuation
of examination leave.

4. The Accountant
General stated that
Mr. Helton's return to duty
on the 14th Jan^y cancelled
the

the balance of his exami-
nation leave, inasmuch
as there is no provision
for examination leave
being taken in instal-
ments, and that Mr.
Helton's request for the
extension of examination
leave is inadmissible
because if granted, it
would run into his
furlough.

5. The last in this
order by 151 of 1st March
ruled that Mr. Helton
having taken charge of
his Court for one day
not debar him from
enjoying his examination
leave; and directed that
he should receive full
pay up to the date of
the sailing of the Surat
(the 5th Feb^y not the 7th March
as stated in the order.)

Mr. Helton's request for an
extension

2 p. sent on 6.30.00
sent to the work supervisor
one of people, and one
of which

^{When}
Presidency and if ~~the other~~
ing it is able & finds it
convenient to return to
his duty before its expira-
tion, he thereby forfeits
the balance.

8. Orders are requested
whether the B. O. referred to
should be cancelled; whether
the question put by the
Accountant General should
be referred for orders of
the Supreme Court; and
~~whether the reference if~~
made should also embrace
the question as to taking
examination leave in
instalments. If the Court
of Directors are recommended
to allow examination leave
to be taken concurrently
with subsidiary leave, it
is submitted that the
concession should be
~~conferred~~ with a proviso
that it should be restricted
to cases where the second

instalment is taken within
a short period (say
three months as the exami-
-nations are quarterly)
from the date of the ex-
-amination with reference
to which the leave is
claimed; and that the
right of a month's extension
should lapse entirely
on the officer's return to
duty after the examina-

P.A.C.

15/

Public Department

PROCEEDINGS of the MADRAS GOVERNMENT.

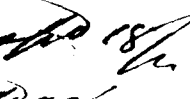
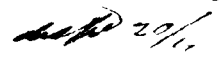
Read the following Letter

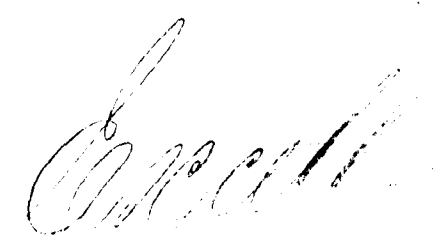
From the Accountant General } H.L. N. 297 dated
to the Chief Secretary to Government } 17th March.

Order thereon, N. 445. 12 April/70

On further consideration
H. E. the G. in C. is of opinion
that Mr. J. H. Nelson's claim
to draw full pay during
his Subsidiary Leave, viz. from
the 28th January 1870 to the 5th
February 1870, is untenable
and resolves accordingly
to cancel paragraph 1
of G.O. 1st March 1870 N.
207. Public Department.

H.L.S. 

The Acct Genl  1870
H. Nelson Esq 



22/3.
27/4.

Out of 18 } *Manus.*

To _____

Dated _____ }
Recd. 18 , No.

Nos. _____

Recd 26 Feb 1850