

Number of pages 2
A. Date of receipt 29-5-19
B. Initials of Receiver
M.R.O. 1-58,000-16-10-88

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No. 1775-1776 Press
Mis.

Dated 29-11-1918

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Department,
29th November 1871.*

Read the following papers :—

No. 117. From the Collector of Malabar, to the Secretary to Government, Revenue Department, Fort St. George, dated Chavasherry, 18th October 1871, No. 75.

I have the honour to forward, through the Accountant-General, a letter from the Assistant Collector, Mr. Winterbotham, in reference to the subject of his leave, disposed of in G. O., dated 11th October 1871, No. 36.

2. I am not able to refer to the book quoted by the Deputy Accountant-General; but it appears to me that the rule he alludes to is intended to prevent an officer, who, after passing his examination, has taken the advantage of the examination leave from adding thereto his privilege leave. The present case is quite different, as Mr. Winterbotham proposes to take his privilege leave before the examination, and the very fact of appearing for examination should be considered as equivalent to rejoining his appointment.

3. The necessary declaration is enclosed.

From H. M. WINTERBOTHAM, Esq., Assistant Collector, to the Collector of Malabar, dated Calicut, 14th October 1871.

Government have been good enough, in their Proceedings dated October 11th, No. 36, Revenue Department, to communicate to me a report from the Officiating Deputy Accountant-General, stating that under Rule II., Cap. IX., examination leave cannot be granted me in continuation of privilege leave.

2. The only rule which can be discovered in your office is that referred to on page 35 of Mr. Donald's "Civil Service Manual," which provides that privilege leave shall not be taken in continuation of examination leave.

3. It does not follow that the converse of this holds good, nor do the reasons for the rule continue, where privilege leave is applied for *before* the examination as a *bona fide* means of gaining leisure for study.

4. I have, therefore, the honour respectfully to request that Government may be asked to reconsider my application.

Transferred to the Public Department.

FORT ST. GEORGE,
21st November 1871.

(Signed) W. HUDLESTON,
Secy. to Govt., Rev. Dept.

No. 333.

No. 118.

MEMORANDUM.

The Acting Accountant-General has the honour to report that he considers the question as to whether examination leave may be availed of in continuation of privilege leave a doubtful one, and to require reference to the Government of India, as the rules do not provide for the case.

2. The reason for not granting privilege leave after examination leave is clear, viz., that an officer cannot be said to have been continuously at duty when he has been away on examination leave; but, when he has earned privilege leave by

*Proceedings of the Madras Government, Public Department,
29th November 1871.*

continuous service at his post and desires to appear before an Examination Committee after having been on privilege leave and therefore with a full month to study in uninterruptedly, there would seem no reason why the Government of India might not be disposed to sanction his request.

FORT ST. GEORGE,
28th October 1871.

(Signed) R. W. LODWICK,
Acting Accountant-General.

To the Secretary to Government, Revenue Department.

No. 119. ORDER THEREON, 29th November 1871, No. 1775.

The Government observe that Clause 1 of the "construction" on Section XIX., Chapter VI. of the Covenanted Civil Service Leave Code, expressly prescribes that "an officer, when applying for privilege leave, must declare that he has no present intention of taking *any other leave, &c., &c., within six months, &c., &c.*"

2. The construction admits of no exception, such as that put upon it by Mr. Winterbotham in his certificate, dated the 14th October 1871, and the Government are, therefore, precluded from sanctioning the grant to him of the six weeks' privilege leave for which he has applied, prior to his examination leave.

3. They resolve, however, to refer the question to the Government of India for their favourable consideration and orders.

(Signed) R. S. ELLIS,
Chief Secretary.

No. 120. To the Secretary to the Government of India, Financial Department, dated Fort St. George, 29th November 1871, No. 1776.

I am directed to transmit, for the favourable consideration and orders of the Government of India, copy of the Proceedings* of this Government, relative to an application by Mr. H. M. Winterbotham, of the Madras Civil Service, for six weeks' privilege leave prior to his examination leave.

* Dated 29th November 1871, No. 1775.

(Signed) R. S. ELLIS,
Chief Secretary.

Calcutta October 14th 1874.

To The Collector of Malabar.

Sir,

Government has been good enough, in their Proceedings dated October 11th 1874, Rev. Departt, to communicate to me a report from the Offg. Deputy Accountant General, stating that under Rule 2 Cap. 2, Examination leave cannot be granted me in continuation of privilege leave.

2. The only rule, which can be discovered in your office, is that referred to on page 35 of Mr. Donald's "Civil Service Manual", which provides that Privilege leave shall not be taken in continuation of Examination Leave.

3. It does not follow that the converse of this holds good; nor do the reasons for the rule continue, where Privilege Leave is applied for before the Examination.

GOVT. OF INDIA

PUBLIC.

To

THE REVENUE DEPARTMENT,
CO., CO., &c.

Dated November, 1874.

Recd.

End.

G. O., 29th November 1874, No. 1775.

NOTED.
NOV. 17-1874.

Expressing inability to grant to Mr. H. H. Wintchell the six weeks privilege leave for which he has applied, prior to his examination leave, but resolving to submit a copy of these Proceedings for the favourable consideration of the Government of India.

is a bona fide means of gaining
income for study.

I have therefore the honor respectfully
request that Government may
be asked to reconsider my applica-

I have recd

Signed H. M. Winterbotham
Apist Collector

91
I hereby certify that I have no present intention of taking any other leave, except Examination leave, or of retiring from the service within six months after the expiry of the Privilege leave now applied for.

Cabinet,
14th October 1871 }

H. M. Winterthorn
Assistant Collector

92
letter from the Assistant Collector,
Mr. Winterthorn in reference to the subject of his leave, disposed of in G. O. dated 11 October 1871 N^o 36.

I am not able to refer to the book quoted by the Deputy Accountant General but it appears to me that the rule he alluded to is intended to prevent an officer who after passing his Examination has taken the advantage of the Examination leave from making

ALL

Enc: No 1

In a letter from the
Collector of Madras
to the Secy. to Govt.
Revenue Department
of 18th October 1871 No
106

To Mr. Winterthorn

104. 2729 Revd. 1/1

In 13. 10/11/71

Copy of letter from the
Assistant Collector, Madras
to the Secy. to Govt.
Revenue Department
of 18th October 1871 No
106

Malabar Collector's Office
on Circuit
Chavasherry 13 October 1871

From

A. Macgregor Esq
Collector of Malabar

To

W. Audleston Esq
Secretary to Government
Kannur

Sir,

I have the honour to forward
through the Accountant General

in a letter from the
Coll. of Malabar &
the Secy to Govt. Mal
dated 27th Oct. 1871
1871
14. 10. 29 1871
1871

A. Macgregor
Collector.
Accountant General's Office
Recd 28 10 1871
Ans'd

118

thence his privilege leave. The present case
is quite different, as Mr Wintertothorn
proposes to take his privilege leave
before the Examination - and the very
fact of appearing for Examination
should be considered as equivalent
to rejoining his appointment.

The necessary declaration is inclosed.

I have the honour to be,

Very respectfully,
Your obedient servant

The Acting Secretaries General have the
honour to report that he considers the question as to
whether Examination leave may be awarded
in continuation of privilege leave a doubtful
one and therefore referred to the Government
of India, as the rules do not provide for this
case.

The reasons for not granting privilege
leave after examination leave is clear viz
that an officer cannot be said to leave leave
intentionally at duty when he has leave owing
on examination leave but when he has
privilege leave by continuous service at duty
and desists to appear before an examination
Committee after leaving him on privilege leave
and therefore with no full warrant to duty
unintentionally then would be a case where
if Charles might not be said to have left to
examination leave. The Acting Secretaries
General have the honour to be,
Very respectfully,
Your obedient servant

Printed at the Press of the
Civil Service Leave Code
Civil Service Manual

1871 Public Dept.
1871 Public Dept.
1871 Public Dept.

h33446
1871 Public Dept.

The Collector of Malabar.

The Secretary to Govt.
Rev. Depart.

h^o 2413

Dated 18. Oct 3 1871
Recd.

14. 11. 1871.

No. 15
Exec. 2

Forwarding to the
Acting General, a letter
from his Assistant Secy
H. M. Winterbottom
regarding his appli-
cation for 4 weeks
leave, referred to in
G.O. 11. Oct. 21. 1871.

10275

21. Nov. 1871
117-118.

Public Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

~~Read the following letter for perusal;~~

Read again

Proceedings of the Madras Government
Revenue Department, dated 9. October 1871 h^o 236
Read also the following
Letter from Collector of Malabar dated
18. October 1871 h^o 75.

Report from Acting Accountant General
dated 28. October 1871 h^o 333

Order thereon. h^o 1775. 29. Dec. 71

The Government
observe that Clause I of
the "Construction" or Sec-
tion XIX. Chapter VI of the
Covenanted Civil Service
Leave Code expressly
prescribes that "An Officer,
when applying for privilege
leave

Government of India
for their consideration and
orders.

They resolve however to
refer the question to the
Govt of India for their
favourable consideration
and orders.

leave, must declare that
he has no present intention
of taking any other leave,
Gr. Gr. within six months
of the 9th.

2. The Construction
admits of no exception,
such as that put upon
it by Mr. Wintersholham
in his certificate dated
the 14th October 1870, and
the Government are ~~not~~
^{excluded from} therefore to sanc-
tioning the grant to him
of the six months Pri-
vilege leave ^{for} which he has
applied ~~for~~, prior to his
examination leave.

3. A copy of these
proceedings will however
be transmitted to the

To The Revenue Department
" " Collector of Malabar
" " Accountant General

draft 30/11 with
copy of Nos 1775 in hand.

92 6

Public Department.
No. 1776.

To

The Secretary to Government
of India.

Financial Department.

Sir,

I am directed to tra-
-mit for the ^{favorable} consideration
and orders of the Govern-
-ment of India. Copy of
the Proceedings of this
Government relative to
an application by Mr.
H. M. Winterbotham of
the Madras Civil Service,
for six weeks privilege
leave prior to his Exam-
-nation leave. and to
~~request the instructions~~
~~of the Govt of India on~~
~~the subject~~ R.U.

* dated 29 November 1871
No 1775.

I think the leave should
be granted, under
such circumstances. H. M. Winterbotham of
for the time allowed
for examination pur-
poses is not "leave"
in its proper ac-
-ceptation - viz relief
from work of all kinds.
The recent re-
-strictions are too harsh.
I should refer the question
advocating the point.

For: L. L. G. 1. 1. 1.
29 Nov 71.

Cont. of 1871 } **Minutes.**

To Public

The Revenue Dept.

for

Dated Nov. 29 }
Recd. 1871, No. 1775

Nos. 117, 120.

Copy of the minutes to
be sent to the Secy to the
Govt. of India. The
Secy to the Govt. of India
has been asked to
send the minutes to the
Secy to the Govt. of India
for his consideration.
The Secy to the Govt. of India
has been asked to
send the minutes to the
Secy to the Govt. of India
for his consideration.

Send
in R.U.

18 , Department

No.

To
The Secretary to the
Government of
Department

Dated 187 .

117-120.

117-120.

1871.
Financial DEPARTMENT

From
The Chief Secretary to Government,
Port Saint George,

To
The Secretary to the Govt. of India,
Financial Department.

Dated. Nov-29. 1871.
Recd.

No. 1776.
Enclosure.

Nos 117-120.

transmitting ^{favorably} for consideration
and order copy of the Prov. of
his Govt. relative to an appli-
cation by Mr. H. M. Wetherbotham
of the Madras Civil Service for
his wife's privilege leave
prior to his examination leave.