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11.5.35

ORDINARY, PRINTED.

Public DEPARTMENT.
G.O., DATED 24-3-93
No. 239

INDEXED.

First copy sent to Press. 25-3-93.

Returned for signature. 27/3/93.

Despatched in print.

Receipts [Despatch Abstract.]
with

1. Further or special
leave in continuation of
receipts

Recording telegram from
the Govt of India in-

terminating that
spent out of India

it is not advisable
to combine

Govt. of {1893} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 24th March 1893, No 239.

MARCH.

Recess with Furlough or Special
Leave.

Recording telegram from the Government of
India intimating that it is not admissible to com-
bine — out of India.

BACK PAPER, No.

or 13

READ AGAIN ORDER OF GOVERNMENT, DATED
15, No.

FURTHER PAPER, No.

or 13

ENCLOSURES.

CURRENT No.

633 } - h
673 }

40-193-94-2
64-879-2

STATEMENT WITH DITTO.

ORDER, &c., OF GOVERNMENT—A.

PAPERS KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL
(not pagged.)

NUMBER OF COPIES
REQUIRED.

{ Order complete. 256
{ Letter only.
{ Order complete with Letter.

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
C = Print heading only.
R = Print, but not monthly volume.

2. In Mr. Chapman's letter, dated 21st July 1880, No. 1808, it is stated that of India Financial Proceedings, dated 16th July 1880, No. 1808, it is stated that section 25 A of the Civil Leave Code (now article 359 of the Civil Service Regulations) applies to an officer who takes subsidiary leave and operates only to determine when subsidiary leave ends and furlough or special leave out of India begins, and that section 13 of the Civil Leave Code and rule 13 of the Civil Service Regulations govern the case of an officer whose furlough or special leave begins in India, their applicability not being immediately quit the country.

3. I am directed to inquire whether the above rulings are correctly interpreted in supposing that, as the District Judge in question will not take any subsidiary leave in the event of his being permitted to take furlough in continuation of the vacation, the commencement of his leave will not be governed by article 359 of the Civil Service Regulations, but will fall under article 251, and that he can be permitted to count his furlough from the date of the re-opening of his Court after the recess, provided his absence during the recess does not involve the immediate deputation of any officer from another station to act for him or any formal transfer of charge.

4. I am to mention that the officer whose request has given rise to the present correspondence will require at the beginning of the vacation about one month and twenty days to complete his 21 years' active service and intends, if he can count the period of the furlough applied for; and I am, therefore, to point out that if it is decided that his furlough shall count from the beginning of the recess, it will be necessary for him to return to this country to qualify for his annuity.

5. As the case is one of urgency, I am to request that the orders of the Government of India may be telegraphed at an early date.

READ—also the following paper :—

Telegram from the Secretary to the Government of India, Finance and Commerce Department, to the Chief Secretary to the Government of Madras, dated Calcutta, 22nd March 1893.

Your number 194, dated 9th instant, contains the following:—
District Judge to combine vacation with furlough or special leave out of India. Article 359, Civil Service Regulations, prevents this.

ORDER—dated 24th March 1893, No. 239, Public.

Recorded.

R

(True Extract.)

Ag. Chief Secretary.

To the Accountant-General.
„ the Honorable the Chief Justice (with C.L.).
„ all District Judges.

Govt. of {1893} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 24th March 1893, No 239.

MARCH.

(Furlough or Special Leave in
~~continuation of Recess.~~

Recording telegram from the Government of India intimating that ~~spent~~ out of India is not admissible.

it is not
advisable to
have.

24TH MARCH 1893, No. 239, PUBLIC.

GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

READ—again the following paper :—

G.O., dated 9th March 1893, Nos. 193, 194, Public.

Read—the following papers :—

From the District Judge, Kurnool, dated 27th February 1893, No. 1.

ABSTRACT. — Requesting that Government may be pleased to grant him six months' furlough from the 7th June 1893, and to allow him to deliver over charge to his successor by a letter or a telegram.

From the Accountant-General, Madras, {dated 4th March 1893, No. 647.

ABSTRACT.—Stating that Mr. Weld is eligible for furlough without medical certificate for six months, and forwarding copies of certain correspondence with reference to his request that he may be permitted to leave India during the ensuing recess and to avail himself of furlough from the end of the recess without returning to this country.

Order—dated 9th March 1893, No. 193, Public.

The Government of India will be addressed.

(True Extract.)

(Signed) C. A. GALTON,
Ag. Chief Secretary.

Letter—to the Secretary to the Government of India, Department of Finance and Commerce, dated 9th March 1893, No. 194, Public.

A District Judge in this Presidency, who has applied for six months' furlough, has requested permission to leave India during the vacation of his Court and to avail himself of the furlough from the end of the vacation without returning to this country.

From Accountant-General, Bombay, to Government of India, No. 15995, dated 19th February 1876.

From Government of India, to Accountant-General, Bombay, No. 1643, dated 21st March 1876.

Proceedings of Government of India, Financial Department, No. 1808, dated 16th July 1880.

case in 1883, basing his ruling on this very order of the Government of India, decided that a District Judge might not take furlough in continuation of a recess spent in Europe, the Accountant-General has suggested that, with reference to rule 5 (1) of Chap. 79 of the Civil Account Code, a reference should be made to the Government of India as to the proper construction to be placed upon its order.

2. In Mr. Chapman's letter, dated 20th May 1880, No. 651, read in Government of India Financial Proceedings, dated 16th July 1880, No. 1808, it is stated that section 25 A of the Civil Leave Code (now article 359 of the Civil Service Regulations) applies to an officer who takes subsidiary leave and operates only to determine when subsidiary leave ends and furlough or special leave out of India begins, and that section 13 of the Civil Leave Code and rule I subsidiary to it (now article 251 of the Civil Service Regulations) govern the case of an officer whose furlough or special leave begins in India, their applicability not being affected by the accident that the officer may immediately quit the country.

3. I am directed to inquire whether the above rulings are correctly interpreted in supposing that, as the District Judge in question will not take any subsidiary leave in the event of his being permitted to take furlough in continuation of the vacation, the commencement of his leave will not be governed by article 359 of the Civil Service Regulations, but will fall under article 251, and that he can be permitted to count his furlough from the date of the re-opening of his Court after the recess, provided his absence during the recess does not involve the immediate deputation of any officer from another station to act for him or any formal transfer of charge.

4. I am to mention that the officer whose request has given rise to the present correspondence will require at the beginning of the vacation about one month and twenty days to complete his 21 years' active service and intends, if he can count the recess as such service, to retire within the period of the furlough applied for; and I am, therefore, to point out that if it is decided that his furlough shall count from the beginning of the recess, it will be necessary for him to return to this country to qualify for his annuity.

5. As the case is one of urgency, I am to request that the orders of the Government of India may be telegraphed at an early date.

READ—also the following paper:—

Telegram from the Secretary to the Government of India, Finance and Commerce Department, to the Chief Secretary to the Government of Madras, dated Calcutta, 22nd March 1893.

Your number 194, dated 9th instant. Rulings referred to do not authorize a District Judge to combine vacation with furlough or special leave out of India. Article 359, Civil Service Regulations, prevents this.

ORDER—dated 24th March 1893, No. 239, Public.

Recorded.

(True Extract.)

Ag. Chief Secretary.

To the Accountant-General.
 „ the Honorable the Chief Justice (with C.L.).
 „ all District Judges.

Exd. S. J. Pereira.

Current No. 877

Pub DEPARTMENT.

Telegram

From G. J. L. Fin. Com.

No.

Dated 22nd }
Received 22nd } March 1893.

Enclosures

SUBJECT.

Stating that C. S. R. presents
a District Judge from continuing
vacation with furlough or Special
leave out of India.

H.M.
P.S. Read again 4.0. 193/4
9. 3. 93.
ORDER 24 March 93 No. 239
Recorded.

M. R. Weld Esq }
2.0.0 }
Accountant General }
The Hon'ble the Chief Justice (with Ch.)
All District Judges.

Note Mr. Weld will be written to
D.O. and asked to decide from
what date he wishes to take leave
C.J.

24TH MARCH 1893, No. 239, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

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G.O., dated 9th March 1893, Nos. 193, 194, Public.

Read—the following papers :—

From the District Judge, Kurnool, dated 27th February 1893, No. 1.

ABSTRACT.—Requesting that Government may be pleased to grant him six months' furlough from the 7th June 1893, and to allow him to deliver over charge to his successor by a letter or a telegram.

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ABSTRACT.—Stating that Mr. Weld is eligible for furlough without medical certificate for six months, and forwarding copies of certain correspondence with reference to his request that he may be permitted to leave India during the ensuing recess and to avail himself of furlough from the end of the recess without returning to this country.

Order—dated 9th March 1893, No. 193, Public.

The Government of India will be addressed.

(True Extract.)

(Signed) C. A. GALTON,
Ag. Chief Secretary.

Letter—to the Secretary to the Government of India, Department of Finance and Commerce, dated 9th March 1893, No. 194, Public.

A District Judge in this Presidency, who has applied for six months' furlough, has requested permission to leave India during the vacation of his Court and to avail himself of the furlough from the end of the vacation without returning to this country.

From Accountant-General, Bombay, to Government of India, No. 15995, dated 19th February 1876.

From Government of India, to Accountant-General, Bombay, No. 1643, dated 21st March 1876.

Proceedings of Government of India, Financial Department, No. 1808, dated 10th July 1880.

case in 1883, basing his ruling on this very order of the Government of India, decided that a District Judge might not take furlough in continuation of a recess spent in Europe, the Accountant-General has suggested that, with reference to rule 5 (1) of Chap. 79 of the Civil Account Code, a reference should be made to the Government of India as to the proper construction to be placed upon its order.

On Her Majesty's Serv

INDIAN TELEGRAPHS. Month's Number.

From Calcutta

Order. Day. Hour. Minute. Official Instruction. CURRENT NO. 279

From

(Person) Minner

Own number 194 dated with instant ruling referred to do not interfere a district judge to conduct business with Enclomah of Special pass out of India article 359 Civil Service regulations prevents this

L.N. Sent to L.N. Mts. by At Hrs. Mts. by Telegraph Master.

Printed and Published by the Government of India, No. 124 T.—25-5-91—36,00,000.

MADRAS FORT 22-3-39

Public 239

24-3-93

Desp 574/93

Handwritten notes and signatures

District and Sessions
Judge of

North Arcot, Chittoor.

South Arcot, Cuddalore.

Bellary.

South Canara, Mangalore.

Chingleput.

Coimbatore.

Cuddapah.

Ganjam, Berhampore.

Godavari, Rajahmundry.

Kistna, Masulipatam.

Kurnool.

Madura.

North Malabar, Tellicherry.

South Malabar, Calicut.

Nellore.

Nilgiris, Ootacamund.

Salem.

Tanjore.

Tinnevely, Palamcottah.

Trichinopoly.

Vizagapatam.

QO-239/93

i Q6 has been
is to the
account to Genl
Prof. Joseph Kephell.

1/4/93

The of Genl Kephell
of the of the of the
1/6/93