

Public (1895) Department.

ORDINARY MS.

G.O., No. 263

DATED 8th April 1895

INDEXED.

[Despatch Abstract.]

MR. J. COTTON, I.C.S.

Extending, with remarks, the subsidiary leave of --- upto the
date of his embarkation.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1577		55-				

[6]
2,000—23-1-95.

282

Public DEPARTMENT.

From J. J. Cotton Esq^r
London

No.

Dated 11th }
Received 29th } January 1895
Enclosures 2

SUBJECT,

Submitting a petition re the
date of Commencement of
his furlough for the purpose.
like Consideration of Govt.

Order no. 192 of 1-2-95.

Referred to the collector
of Bellary, through the
Board of Revenue for
reference.

GAZETTED AUDIT DEPARTMENT.

No. 75

Fort St. George,
Accountant General's Office,
28 November 1894.

FROM THE ACCOUNTANT GENERAL
TO THE GOVERNMENT OF MADRAS,

To

SIR,

G. O., No. 478 Public Dept., dated 26 Nov 94
published in the Fort St. George Gazette at page 1304

Pay Certificate, stating the circumstances of your leave.

2. *If you are in, or intend to pass through (Madras),* your certificate will be prepared, and your allowances up to the date before you leave India paid, on your calling personally at my Office,* and presenting a Last Pay Certificate from the Treasury Officer of the District where you last drew your allowances.*

3. Otherwise, I shall cause the Last Pay Certificate to be delivered to you and the allowances to be paid, through the Treasury Officer of your District. To enable me to do so in either case, it is necessary that you send me the information in the enclosed form so as to reach me one clear week before you make over charge and can receive the Certificate.

4. You are requested to note that the Subsidiary Leave admissible to you is—

- (a) If you are to embark at Bombay *minimum days 10 days or 9 days exclusive of Sundays not spent in travelling*
(b) If you are to embark at *Madras* 10 days. *minimum*

If you exceed this period without special order of Government, your leave to Europe dates from the day you give over charge.

N.B. The above calculation is made on the assumption that you will make over charge at Bellary.

I have the honor to be,
Sir,

Your most obedient Servant,

W. E. H. L. L.

Asst. - Accountant General.

* Omit the italicised parts of paragraph 2 and clause 1 of paragraph 3 if the Officer draws pay from Accountant General's Office direct.

To

The Chief Secretary to the Government of
Madras.

Sir,

I have the honour to respectfully submit
the following representation for the considera-
tion of His Excellency the Governor in Council.

1. Since the 16th of January, 1894, I have
been serving as Assistant to the Collector and
Magistrate of Bellary. On the 18th of Septem-
ber last I was attacked by fever, but continued
to perform my duties as Stationary Sub-Ma-
gistrate, the special post assigned to me by
the Collector, until the 1st of October. On the
4th of October I was confined to my room, and
on the 7th of October to my bed. On the after-
noon of the 16th of November I left Bellary and
proceeded to Madras to appear before a Medical
Board. On the 23rd of November the Board
held their examination, and upon their cer-

tificate

2
205/95

tificate leave was granted to me for twelve months by an order No 1129, bearing date the 28th of November, 1894.

2. On the 28th of November, I received, without having had any previous communication with that officer, a printed form A, which I have the honour to enclose herewith, from the Accountant-General. A footnote was appended in writing to the effect that the Accountant-General assumed I would make over charge of my office at Bellary. I replied on the same day that I had not yet made over charge of my office, and that there was no officer to whom to make over charge: and enquired whether it was necessary for me to proceed to Bellary for the purpose. On the 30th of November, I received a further communication from the Accountant-General, requesting me to inform him when I ceased to do duty as Assistant-Collector, prior to my availing myself of subsidiary leave. To this letter I replied that I

ceased my special work as Stationary and
Magistrate on the 1st of October, and that as
Assistant Collector I had no special duties.
On the 4th of December I was informed by the
Accountant-General that my furlough would
be held to have commenced on the 1st of Octo-
ber, 1894, as I ceased to do duty on that date
and did not leave India at the termination of
my ten days' subsidiary leave.

3. I respectfully beg to submit that, not having
been relieved of my substantive office as
Assistant to the Collector and Magistrate, nor
having been granted leave of absence, I should
be held to have been in charge as Assistant
Collector of Bellary until my departure from
the district, that is to say, until the afternoon
of the 16th of November, 1894. It is true that
in any case I must be held to have over-
stayed my subsidiary leave of ten days, for
under circumstances over which I had no
control, I was unable to leave Madras on
the furlough granted to me until the 8th

of December, and I am therefore compelled
under article 359 of the Civil Service Regula-
tions, to date my furlough from the commence-
ment of my subsidiary leave. But I desire
to respectfully submit for the consideration
of His Excellency in Council that such ~~such~~
leave should take effect from the 15th of
November, when I left Bellary, and not, as
The Accountant-General has been pleased
to decide, from the 1st of October, when I was
taken ill. I venture to submit that mine
is an exceptional case, and that it would be
very hard upon me to lose nearly seven weeks
out of the twelve months' furlough to Europe,
which the state of my health has unfortun-
ately required me to take.

Trusting that this representation may re-
ceive the favourable consideration of Govern-
ment, I have the honour to be, Sir, your
most obedient servant,

sd/s 116 Blythe Road.
London. SW.

(sd) J. J. Cotton.
Madras Civil Service.

3, DEN CRESCENT,

TEIGNMOUTH SECRETARY
*S. DEVON.
29 JAN. 1895
GOVERNMENT OF INDIA

Sir

I have the honour to enclose for you
under a separate cover, a petition to
Government, which I beg that you
will be so good as to take into
your consideration. I trust that I have
committed no error in forwarding
it to yourself direct, & beg that
I may be excused if I have not
complied with the proper formalities,
but I left India in an unfit state
of health & have had no one to advise
me in this country. May I venture
to ask that any communications

As the Government of Madras may
think fit to send me, may be addressed
to me at 116 Belgrave Road, London
S.W., or to the India Office?

I have the honour to be, Sir,

Your most devoted servant

J. J. Cotton

To the Hon'ble J. F. Rice, & forwarding
Chief Secretary to beg that
Fort St George not
Madras formalities,
& unfit state
o me to advise
may venture



Proceedings of the Board of Revenue

(Land Revenue).

Dated 19. February 1895.

No. 859 also.

Read again B. P. dated 6.2.95, forwarding to the Collector of
Ballary B. P. calling for a report on petition from Mr. J. J. Cotton
Asst. Collector of his district regarding the date of Commencement
of his furlough.
READ ~~also~~ the following letter from H. Trembleere Esq.,
Collector of Ballary, to the Secretary to the
Commissioners of Land Revenue, Madras,
of 12. February 1895, No. 333:-

With reference to B. P. No. 594 6.2.95, I have
the honor to report that in my opinion Mr.
Cotton was on duty in this District up to the
16th November 1894, when he left it; and
that it would be a graceful act of
Government in its discretion to extend the
period of Subsidiary leave which began on
the 17th November up to the date of embar-
-kation.

C.S.
58th December

Resolution

Submitted to Government with reference
its Endorsement dated 1.2.95
192.

2. The Board supports the recommendation
made by the Collector.

(True Copy & Extracts)

To The Chief Secretary to Government,
P. D., with Encls. Retd;
amb

L. M. V. N. S. S.
Secretary

1895

Board of Revenue
(Land Revenue)

Madras.

UNDER SECRETARY
21 FEB 95
RECEIVED

To

The Chief Secretary

To Government,

P. D.

Progs d/ 19. 2. 95
Recd 24/2
No: 859
anchs. Pub. 282
is mls

Publmg: to Govt: with Bds
support letter from the Collector
of Bellary reporting that Mr.
Cotton was in his opinion on
duty upto 16. 11. 94 and that it
would be a graceful act to
extend the period of subsidiary
leave upto the date of embarkation

July 77 D 23-1-95 Rk
27 28-11-94
9 MAR 95
MEMO

Referred to the Accountant General for
favour of remarks. Under § 354 (a) of the
C. S. R. this Govt is apparently at liberty
to direct that Mr. Cotton's furlough shall
begin in India at the end of the subsidiary
leave otherwise admissible, without for-
feiture of the subsidiary leave.

Mr. Cotton's appointment was not that of
stationary Sub. Magistrate; this was a
portion of the work assigned to him as an
Assistant Collector under training. He
was not permanently incapacitated for
duty until the 7th Oct. This date
should, it is thought, be taken as the
starting point of his subsidiary leave.

In § 355 of the C. S. R. it is ruled that
subsidiary leave is calculated according
to the rules and restrictions laid down
for joining time (in § 197 it says). The
Accountant General has held (vide his
order of 24th May 1894 No 1429) that
subsidiary leave can be extended
under § 198. Apparently therefore
it can be extended under § 199.
Mr. Cotton's case seems to fall under
this article & if so, this Govt can appar-
ently extend his subsidiary to 30 days.
This would make his furlough
commence on the 7th November.

Resubmission
Chief Secretary

To

The Accountant General

Forfeited Audit DEPARTMENT.

FORT ST. GEORGE,

Accountant-General's Office.

18th March 1895.

No. 678

From

T. W. Rawlinson Esquire,

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Chief Secretary to Government,
Public Department.

SIR,

With reference to your endorsement No 9
dated the 8th of March 1895, I have the
honour to inform you that it rests at the
discretion of Government to declare Mr. J.
Cotton to have held the appointment of
Assistant Collector, Bellary, upto 6th October
1894 inclusive, the date preceding that
on which he was confined to bed and to
extend his subsidiary leave to the extent
of 30 days from 7th October to 5th November
if it considers that his case falls under
Article 199 Civil Service Regulations.

I have the honour to be,
Your most obedt. Servant,

Accountant General

Mr
16/3

(189) DEPARTMENT.

From

THE ACCOUNTANT-GENERAL,

MADRAS,

To

THE Chief Secretary to Government
Public Deptt

No. 678

Dated 18th

Received 19th

Enclosures -

Pub. eno

581 + 282

No.

SUBJECT.

Shewing that it rests with Govt.
to declare Mr. J. J. Cotton to
have held the appointment
of Asst. Collector, Bellary,
upto 6th October 94 inclusive.
and to extend his Subsidiary
leave to the extent of 30 days
from 7 Oct to 5th Nov 94.

Pub. 778 23-1-95 Kohn
1129 28-11-96
386 24-8-94 Mrs. Uncester

[G.]
25
200-N-2-05.

Public DEPARTMENT.

C. Nos. 282, 580 + 929

1. ... It appears & have adopted
a doctrine which is quite FOR ORDERS.
novel to me, vizt., that an officer
who is unfortunate enough to fall
ill shall be considered on sick
leave from the date on which he became
unable to attend to his duty, without
reference to the date on which (i) he is
relieved by a ~~his~~ successor or locum
tenens or (ii) he quits his district (or
station) under the orders of the health
officer attending him. If this is to be
the rule, Mr. Justice Parker, who has
been ill & unable to attend Court for
a few days, should be treated as on
sick leave for the period of his absence.
In my opinion Mr. Cotton should be
treated as on duty up to Nov. 16
inclusive, on which date he left his
district & from which his subsidiary
leave may be held to have
begun. He overstayed his sub-
sidiary leave & therefore, by ordinary rule,
his furlough should begin from Nov. 17.
But here sub. 17, C.S.R. comes in
to enable Govt. to extend his subsidiary
leave to 30 days. This is what
I consider should be done - i.e.,
his subsidiary leave should be
ordered to begin on Nov. 17 & to
extend to the date of his sub-
sidiary leave. If the A.G. would agree
to this, the case should go to
India, for I cannot accept
the novel doctrine above stated.

Mr. Cotton continued to perform
the duties of Stationary Sub-Magistrate,
a post assigned to him by the Collector
of Bellary until the 1st October 1894.
On the 4th October he was confined to
his room by illness; on the 7th he was
confined to his bed; on the 10th Novem-
ber he left Bellary for Madras; on the
28th November he was examined by the
Medical Board; on the 28th November
orders were passed granting him leave
and on the 8th December he left Madras.

The Accountant General held
that Mr. Cotton's furlough commenced
on the 1st October 1894, as he ceased
to do duty on that date and did not
leave India at the end of his subsidiary
leave /10 days/.

Mr. Cotton begs that his leave
may, as a special case, be held to
have

have commenced on the 16th November the date on which he left Bellary. The Collector of Bellary recommends that Mr. Cotton should be considered to have been on duty until the 16th November 1894 and that his subsidiary leave should be extended up to the 8th December. This recommendation is supported by the Board of Revenue.

The Accountant General's contention that Mr. Cotton forfeited his subsidiary leave is based upon § 359 of the Civil Service Regulations. There is, however, a saving clause in that article and under § 354 /b/, Government is at liberty to direct that Mr. Cotton's furlough shall begin in India at the end of the subsidiary leave otherwise admissible, without forfeiture of the subsidiary leave.

There seems to be no reason moreover, why the 1st October should be taken as the date from which Mr. Cotton's subsidiary leave commenced. His appointment was not that of Stationary Sub-Magistrate. This was a portion of the work assigned to him as an Assistant Collector under training

He

FOR ORDERS

on any lower authority than that of India
AS

27/3/95

I agree. Mr. Cotton did not vacate till he left Bellary & under the circumstances his subsidiary leave shd be extended.

JG
27/3

20
30 Mar

He was not permanently incapacitated from duty until the 7th October. This date should, it is submitted, be taken as the starting point of his subsidiary leave.

In § 355 of the Civil Service Regulations it is ruled that subsidiary leave is calculated according to the rules and restrictions laid down for joining time [in § 197 et seq]. The Accountant General has held [vide his endorsement in G.O. d/ 4th June 1894, No 386] that subsidiary leave can be extended under § 198. Apparently therefore it can be extended under § 199. Mr. Cotton's case seems to fall under this article and, if so, this Government can extend his subsidiary to 30 days. This would make his furlough commence on the 6th November. Any further concession would require the sanction of the Government of India.

The above has been pointed out to the Accountant General and he states [C.No. 929] that it rests at the discretion of Government to declare Mr. Cotton to have held the appointment of Assistant Collector Bellary up to the 6th October 1894 inclusive and to extend his subsidiary leave to 5th November 1894 if it is considered that his case falls under article 199 of the Civil Service Regulations.

CS.
27/3/95

20
27/3/95

MR. COTTON'S LEAVE.

H.M. & Circ.

Chief

NOTE FOR THE ~~SECRETARY~~ SECRETARY.

With reference to H.M.'s
note it is said that an officer
who falls ill and is unable to
attend to his duties is ~~not~~
technically on casual leave.

The note to § 366 of the C.B. R.
clearly lays down that casual
leave must not be given so as to
cause evasion of the rules
regarding "commencement of
leave"

C.B.
1. A. 95

Perhaps C.B. will mention
this in Council

CS
NM

Public Dept

C. No. 282, 580 + 929

Order of 8th April 1895 No. 263

It is the order in Council,
The Govt. considers that Mr.

Cotton should be treated as
on duty up to the 16th November
1894, inclusive, on which date
he left his district. Under
the provisions of § 354 (b) of
the C. S. R. ~~whereas~~ the
Govt. is pleased to direct that
his furlough shall be held
to have begun in India at
the end of his subsidiary leave
without forfeiture of his the
later and under § 199 his
subsidiary leave will be
extended up to the date of
his embarkation.

(From Order)

CS
3. 4. 95

Dr
5/4/95

J. Cotton Esq *Despatched*

Accd. Gm 11 APR 95

Board of Rev. *MS*

1742
apli

[Faint, mostly illegible handwritten text, possibly bleed-through from the reverse side of the page.]

When *given* for copying _____
When *issued* _____
When *examined* _____
When *signed* _____ } 189 .

READ AGAIN G.O., No. _____ DATED _____
189 ,

CURRENT No. _____

ENCLOSURES TO G. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—
A = Copy in full.
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