

Public (1896) Department.

ORDINARY MS.

G.O., No. 478-77

Dated 22^d April 1896

INDEXED.

[Despatch Abstract.]

MR. TRIMBHAKHAR.

Forwarding, for the favourable consideration of the Government of India, the application of---- requesting that he may be permitted to take the twenty-one day's privilege leave earned by him during his service in the Judicial Department.

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

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
80	585		4-6-96				

No. 442

~~March~~ 1896
14th Feby: 1896.

From

J. C. Harrison Esquire,
Offy. ACCOUNTANT-GENERAL TO THE
GOVERNMENT OF MADRAS

To

THE *Secretary to the Government of India,*
Financial Department.

SIR,

I have the honour to submit for your decision the question whether an officer transferred from a Vacation Department (after enjoying his vacation) to a non-vacation Department is entitled to privilege leave in respect of his service rendered in the vacation Department. A case has recently arisen in which Mr J H A Tremenheere I.C.S. on return from furlough joined the Judicial Department on the 31st October 1892, was on duty in that Department upto 19th

April 1894, enjoyed the two months vacation from that date to 19th June 1894 and reverted to the Revenue Department from the 20th June 1894. He has asked whether the period of his service in the Judicial Department entitles him to 21 days Privilege leave on half pay in addition to the period of leave on whole pay to which his service since 20th June 1894 entitles him.

I have taken the view that the half pay privilege leave allowed to officers in a vacation Department by Article 306 (b) of the Civil Service Regulations is a privilege enjoyable by officers for only so long a time as they remain in such a Department, but that ^{it} confers no right to privilege leave on their reversion to a nonvacation Department. As the case is a pressing one, I have asked him to modify his application accordingly but refer the point since my predecessor Mr Rawlins held that the privilege leave on

half pay adverted to in Article 306 (b) accumulated to an officer's credit while in a vacation Department in the same way as privilege leave on whole pay accumulates in a nonvacation department and that the accumulation can be enjoyed even after a return to a nonvacation Department.

I have H¹
(Signed) F C Harrison
Off Account General.

True copy.

Wm S. Minto
Chief Superintendent

Dec
27.3.

Cancelled Audit
DEPARTMENT.

No. 543

(189) DEPARTMENT.
From
THE ACCOUNTANT-GENERAL,
MADRAS,
To
THE
No.
Dated
Received
No.
Subject.

From
J. C. Harrison Esquire,
OFFY. ACCOUNTANT-GENERAL TO THE
GOVERNMENT OF MADRAS,
To
THE *Secretary to the Government of India,*
Financial Department.

SIR,
In continuation of my letter N^o 442 dated
the 14th of February 1896, I have the honour to
state that Mr. Tremere in a subsequent
letter requests that if the decision be ac-
cording to my view it be applied to future
cases only. His letter is enclosed. Its
material argument is that he is entitled to
special treatment owing to his having incurred
expenditure which he would not have
incurred had this office taken that view
of his case which I have taken. I do not
know

* No 10128 21-2-96

Enc to Genl N. 1540796

know whether the Government will accept
this argument, but I may be permitted
to explain that so soon as I was aware of
the report which had been made to Mr.

I
R
Tremont here, in accordance with the usual
office practice, I wrote to him explaining
what I believe to be the intention of the
rule and expressing a regret that he had
been misinformed.

Article 310 and 601 and 602 appear to
throw some light upon the question at issue.

I have &c.

(Signed) F. C. Harrison

Off: Account General.

True copy.

~~True copy~~

Chief Superintendent

27/3.

From

THE ACCOUNTANT-GENERAL,

MADRAS,

To

THE

No.

Dated

Received

No.

Subject.

Enc. to Genl. N. 1540776

N^o 1131 P.

Government of India,

Finance and Commerce Department,

Bombay, the 12th March 1896.

To

The Accountant-General,

Madras.

Sir,

I am directed to refer to your letter N^o 442, dated the 14th February 1896, in which you enquire, with reference to the case of Mr. J. H. A. Fremantle, J. B. S., whether an officer transferred from a vacation department (after enjoying the vacation) to a non-vacation department is entitled to privilege leave on half pay in respect of his service rendered in the vacation department.

2 In reply, I am to say that an officer transferred from a vacation department to a non-vacation department carries with him a title to privilege leave calculated

Fr
To
Da
Rec
calculated only on that part of his service
in the vacation department passed after
the last vacation enjoyed in that depart-
ment. As Mr. Fremenhare reverted from
the Judicial to the Revenue Department
immediately after enjoying two months' ~~vacation~~
vacation, he is not entitled to any privilege
leave in respect of his service in the Judicial
Department.

3. With reference to your letter No. 543,
dated 24th February 1896 and enclosure,
I am to request that you will inform
Mr. Fremenhare that his case can be
specially considered only if submitted through
the Local Government.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) R. Nathan

Offg. Undersecretary to the
Government of India,

Extract

Extract paragraphs 1 and 2 forwarded
to all Accountants-General and Comptroller
for information.

(True Copy)

W. S. T. S.
Chief Superintendent.

Ok
27-3

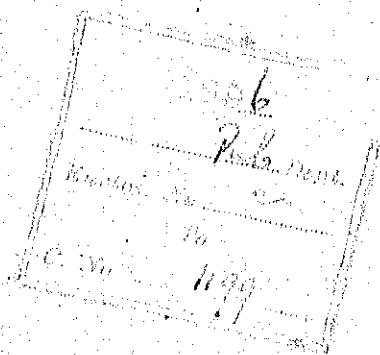
Copy of letter from Mr. H. Trueman
Collector of Bellary, dated 24th March 1896,
No. 1018 B of 1895. to the Secretary to the
Commissioners of Land Revenue, Madras.

(Through the Accountant General)

I have the honour to address the
Board and Government again on the subject
of my privilege leave.

2. On the 22nd November last I
informed the Accountant General that I had
returned from furlough on 13th October
1893, had been posted Judge of Land Revenue
on 14th October 1893, had joined as Judge
of Bangalore on 1st November 1893 and after
taking 2 months' recess had joined as
Collector of Bellary on 20th June 1894 and
I asked him what privilege leave I was
entitled to under the circumstances. And
I added "The point I am not quite certain
about is whether my taking the judicial
recess interferes at all with the term of leave
counting for privilege leave".

3. On the 11th December 1896 the
Accountant General replied as follows: "You
are at present eligible for privilege leave
for 21 days on half salary for service in the
Judicial Department and for 1 month and 17
days on full salary for service in the Revenue
Department. The leave earned in the Revenue
Judicial Department can be granted on the
same terms and under the same circumstances."



Enc to Govt N. 1540 of 96.

as those under which it could have been granted to you while still in that department, and it may be combined with the leave on full salary:

4. Entirely relying upon this letter which seemed to me to contain a correct interpretation of articles 277 and 306 of the Civil Service Regulations, I determined to apply for 2 months and 20 days' leave from the 8th April and to go to Nilgiris, and after semi-official Correspondence with the Chief Secretary, I took a house at Ootacamund (which I had to take for six months), bought a carriage and horse up there, and went to many other expenses.

5. On the 3rd February, I submitted my formal application for 2 months and 20 days' leave, but to my surprise and great disappointment, the Accountant General returned it, stating that upon reconsideration he was of opinion that half pay privilege leave is a privilege confined to officers whilst they remain in the judicial Department, in that they lose claim thereto on their transfer to the Revenue Department, and that any privilege leave could be reckoned only from the date of my transfer to the Revenue Department. On my protesting against this interpretation of the rules, the Accountant General wrote to me that he had referred the matter for the orders of the Government of India. I then addressed him more fully with a view of ensuring that my construction of the articles should be properly represented, as well as the peculiar circumstances of my case; which should not I conceived be governed by any interpretation having retrospective effect. In the meantime, as suggested by the Accountant General, I submitted a revised application for 1 month and 20 days' privilege leave. This was sanctioned in the Fort St. George Gazette of 10th March.

6. The Accountant General now informs me (Letter No. 823 ^{16.3.96}) that the Government of India has agreed in the view taken by him, and has desired him to inform me that my case can only be specially considered by it if submitted through the Local Government. Accordingly, I have the honour to request that steps may be taken by which my case may be specially considered by the Government of India with the view to grant me the further period of 21 days, at least on half pay on the following grounds:-

(a) that the wording of the articles at present is so ambiguous that it would be hard to give retrospective effect to a ruling passed subsequently to my application.

(b) that when contemplating to take privilege leave, I resolved to do so only if nearly if ~~not~~ ^{exactly} three months should be due to me, otherwise I intended to go to a hill station in my own district.

(c) that it was after putting all the circumstances before the Accountant General and being informed by him of the exact amount of leave I would be entitled to, that I resolved to go to the Nilgiris and incurred expenses amounting to several thousands of rupees.

(d) that while my health urgently demanded a rest and a change to a cooler climate, the benefits derivable therefrom will be materially lessened by my having

to take so long and tedious a journey
twice within two months, the additional
period of three weeks on the Miggins
thus become a matter of very considerable
importance to me.

CURRENT No. 1199 B

8,000
27-11-96.



Proceedings of the Board of Revenue

(Land Revenue),

Dated 30th March 1896,

No. 1497 ^{Mis.}
Routine.

Read the following endorsement of the Accountant General
Madras, No. 956, dated 27th March 1896 on letter
from the Collector of Bellary, Ref on cur no 10183
dated 24th March 1896.

Forwarded to Government through the Board
of Revenue. Copies of correspondence between
Accountant General's letter to the this office and the Govt.
Govt. of India no: 442 of 14.2.96 of India are herewith
do ... No 543 of 24.2.96 submitted for information.
Govt. of India No 1131 of Financial
of 12.3.96

Resolution.

Forwarded.

True copy and Extracts

Received
Ag. Secretary.

To The Chief Secretary to Govt. Pub. Dept
with Collier's letter & Enclos.

CURRENT No. 1199

1896.

Pub

Pub. No. 2778/10/3-96

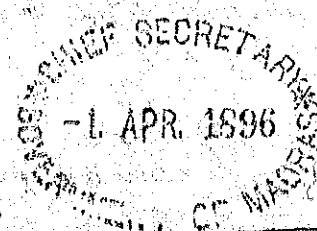
Board of Revenue

(Land Revenue),

MADRAS.

To

The Chief Secretary to Govt.
Public Department



Proceedings, dated 30th March 1896,
No. 1697. Mis
Routine.

Forwarding Subject.
~~submitting~~ to Govt: letter
from the Commr of Bellary
requesting to treat the sub-
ject of his privilege leave
as a special case for the
reasons set forth by him.

[G.]
25
1,000-5-11-05

Public DEPARTMENT

C. No. 1199.

FOR ORDERS.

The view taken by the A.G. & confirm-
ed by India seems to require con-
sideration. India is a sort of a
special application, perhaps
we may try - Mr. T. makes out a
pretty good case

BA
7/4/96

For orders whether the
Govt. of India should be requested
to permit ^{as a special case} Mr. Tharmaswami to
take the 21 days privilege leave
earned during his service in
the Judicial Dept.

I am afraid that the Govt. of India
will not entertain this case favourably.
B.
6/4/96.

*For Transmission to
Privilege Dept.*

FOR ORDERS.

E

H. E. THE GOVERNOR.

THE HON'BLE MR. H. W. BLISS, C.I.E.

THE HON'BLE MR. J. GROSE, C.I.E.

c.7/v

Public Dept.

no 1199.

order ^{ms} No 478, of 22 April 1896.

The Govt. of India will be addressed.

*CS
4.4.96*

17/4/96

Ad. of Rev., L.R. (G). *Desp*

No 479.

Letter to

The Secretary to the Govt

of India, Fin Com. *Desp*

Sir

Desp 25/4/96

With reference to your

Mr Nathan's letter no 1131 P. B.

12 March 1896 to the Accountant

General, ^{Madras} ~~San Francisco~~ I am directed

to submit for the orders of the

Govt. of India an application

from Mr J. H. A. Fremantle

requesting that he may

be permitted to take ^{long} ~~the~~ ~~the~~

days' privilege leave earned by

during his service in the

Judicial Dept. The circumstances

of ^{Mr. Fremantle's} ~~the~~ case have already been

fully reported to you by the Acct

General in his letters no 442

*2.9.4
18.4.96*

On 14 Feb. 1896 and 543 On 24 Feb
1896 and I am now to state
the grounds on which Mr
Tremaine bases his request.

2. Mr. Trainor's representative

(ii) that the wording of ~~the~~

^{of the C.S. R.}
~~article~~ is so ambiguous
that it would be hard upon
him to give retrospective
effect to a ruling passed
subsequently to his application.

(ii) that when contemplating

advising for
 He has been privileged leave he
 had resolved to do so only if
 nearly three months should
 be due to him, ^{and had decided} ~~and that~~
 if otherwise ^{if otherwise he would} ~~he intended~~ to
 that he could not obtain leave to then return
 go to a hill station in his
 own district;

(iii) that it was after putting

Having all the circumstances of
the case before the Acct. Genl. and
being informed by him
of the exact amount of leave
that he would be entitled ^{eligible for} to, ^{that} he
~~managed~~ ^{managed} ~~desired~~ ^{desired} ~~sett~~ ^{sett} resolved to go to the Nilgiris
and resolved incurred
expenses amounting to

several thousands of rupees.

(iv) ~~Not at all~~ *Not at all*

to a cooler climate the
benefit which would
be derived therefrom will
be materially lessened if
he has to undertake within
two months the long and
trying journey from Bellary
to the hills and back and
that therefore the addition
of three weeks to his leave
is a matter of considerable
importance to him.

undoubtedly a more direct
and a change to a cooler
climate, the benefits
derivable therefrom will
be materially lessened by
his having to take so long
and ^{trying} ~~time~~ some a journey
twice within two months
as that to the hills and back.
The additional period of
three weeks on the hills
thus becoming a matter
of very considerable
importance to him.

3. Mr. the Governor in
Council ^{is of opinion} ~~considers~~ that in
view of the above circumstances
~~stated above~~
Mr. Tammurthi's case deserves
^{treatment} special consideration and I
am accordingly to recommend
it for favorable consideration of the
~~that the~~ Govt. of India ~~may~~
~~be moved to comply with~~
~~his request.~~

(From orders)

C.S.
9.4.96

12/4/86

Mr. Trevelyan's leave

When given for copying

When copied

When signed

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

DOCUMENT WITH DITTO

PAPERS NOT FILLED UP, BEING WANT FOR DISPATCH
IN ORIGINAL

N.B.—
A = Copy in full.
B = Not to be copied.
C = Copy Abstract only.
Q = Copy heading only.

H.E. the Governor

E

2 Please find the letter & return to
me after signature

10/2
20/4/89

817/4