Public Works (1907) Department.

RAILWAYS.

G.O., No. 897 Rys.

DATED 30th May 1907.

[Despatch Abstract.]

New leave rules (S. I. Rys)

Forwarding ~~with remarks~~, for orders to the Railways Board, a proof copy of the ——— revised up to date.

Indexed

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1471-72-3 of 06

LEGAL AND MUNICIPAL DEPARTMENT.

CURRENT FILE.

Cons
G.O. No. 897 Ry of 30/5/07.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	483	Ry.	18/3/07				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1033	Ry	3/7/07				

Form No. 9.
890 -22-7-05.

OFFICE OF THE CONSULTING ENGINEER FOR RAILWAYS.

Madras, dated the 22 August 1906.

No. 678 Mis.

From

MR G. A. ANDERSON.,

CONSULTING ENGINEER FOR RAILWAYS,

Madras,

To

THE AGENT

SOUTH INDIAN RAILWAY.

SIR,

With reference to your letter, No. A.H. 1123/39(1)/22, dated the 9th August 1906, forwarding copies of the Establishment Rolls for 1906-07, I have the honour to observe that the authority previously quoted in the proof copy for the omission of the word "active" in rule 2(b) of the Leave Regulations has been omitted in the copies now received, and that Rule 6 has been altered as suggested in the Examiner's note, dated 10th July 1906, an extract from which was sent to you with my letter, No. 425/0 Mis. dated 15th July 1906. I request that you will be so good as to report to this office, for communication to the Railway Board, what alterations have been made in the Leave Rules since the receipt of the Rules referred to in G.O. No. 591 Ry:, dated 23rd March 1904.

for E. B.

Enclosures.

No A.E.1294/12(i) 32

South Indian Railway Co., Ld.

AGENT'S OFFICE

From

The Agent,

SOUTH I

To

The Consulting Engineer

for Railways,

Madras.

Sir,

With reference to your letter No.678/O dated 22nd August 1906 and in substitution of the revised Leave Rules recorded in G.O.No.591 Ry. of 23rd March 1904 I have the honor to forward an extract of paragraph 8 from the Managing Director's letter No.374 dated 23rd November 1906 together with 2 copies of the amended Leave Rules therein approved, to the introduction of which from 1st January 1907 sanction is requested.

2. I also forward for facility of comparison a set of the existing rules with slips printed in red showing the corrections approved by the Board.

I have the honor to be,

Sir,

Your most obedient servant,

for Agent.

5 Enclosures.

FROM

THE AGENT,

SOUTH INDIAN

To

THE CONSULTING ENGINEER

FOR RAILWAYS,

MADRAS.

Dated

Received } 190 .

No.

ENCLOSURE.

South Indian Railway Co., Ld.

LEAVE REGULATIONS.

As sanctioned by the Board in paragraph 8 of their letter No. 374 of Nov. 23rd 1906

SECTION I.—LEAVE TO OFFICERS AND COVENANTED EUROPEAN SUBORDINATES.

I. FURLOUGH.

Active service.

1. Active service, for the purpose of calculating the Furlough due includes, besides time spent on duty in India, Privilege Leave, Language Leave and also short absences from duty on Sick Leave, or otherwise, when no deduction from pay is made, but excludes every other kind of leave.

Agent authorized to grant Furlough.

2. The Agent may grant to any Officer or Covenanted European Subordinate of the Company, who has not less than seven years' active service, Furlough according to the following scale :—

First Furlough.

(*a*) A first Furlough, after not less than seven years' active service, for a period not exceeding one-fourth of his active service, up to a limit of two years, less any Sick Leave or Special Leave with allowances which he may have already had.

Subsequent Furlough.

(*b*) Subsequent Furlough, up to a limit of two years, after 3 years' further continuous service, at the rate of one-fourth of his active service less any Furlough, Sick Leave or Special Leave with allowances which he may have already had.

Extension of Furlough on Medical Certificate.

(*c*) Furlough may be extended on medical certificate to not more than three years.

two years', may be granted by the Board who may extend the Furlough, if due, on medical certificate up to a limit of three years. When Furlough is taken elsewhere than in Europe, the power to grant leave under this Rule is vested in the Agent.

Furlough taken in instalments.

4. The whole amount of Furlough at the credit of an Officer or Covenanted European Subordinate need not be taken, but any portion thereof may be taken as an instalment, and the balance credited in the computation of the amount of Furlough due at any subsequent date. The balance of leave of an Officer or Covenanted European Subordinate, who, by permission of the Board, returns to duty before the expiry of Furlough granted to him, will be carried to his credit in the computation of future leave.

Recall from Furlough.

5. When an Officer or Covenanted European Subordinate absent on Furlough is recalled to duty before the expiration of such leave, he may take the balance of the Furlough and Privilege Leave at his credit as soon as he can be spared from duty. The time occupied in returning to duty, as also the time spent on the return voyage to Europe if the leave be resumed within a year from the date on which he can be spared, is counted as active service, but the Officer or Covenanted European Subordinate, until he rejoins his appointment,

is only entitled to Furlough pay and allowances, under Rule 8, and if recalled from Europe or the Colonies, to a passage to India at the cost of the Railway and to Travelling Allowance from the port of debarkation in India to the station to which he is recalled, or, if he be recalled from leave in India, to Travelling Allowance from the place at which the order of recall reaches him.

Service between grants of Furlough.

6. Except as provided in Rule 5, an interval of three years of continuous service must elapse from the date of the expiration of the last Furlough or Sick Leave and the grant of any subsequent Furlough.

Furlough combined with Privilege Leave.

7. Furlough may be taken in combination with Privilege Leave, but the total period for which Privilege Leave and Furlough may be taken in combination shall not be less than six months nor more than 24 months at any one time. The allowance for the period of Privilege Leave to be full pay and allowances, and for the remainder of the period of total leave, Furlough pay and allowances, under Rule 8.

8. With the proviso that pay during Furlough shall exceed the rate of £1,000 per annum, an Officer or Covenanted European Subordinate on Furlough will be allowed one-half, and if extended beyond two years on medical certificate, for the period in excess of two years, one-fourth the substantive pay of his appointment and of his personal allowance, paid in sterling in England, under his agreement with the Railway, at the exchange rate of 1s. 11d. per rupee; and if paid in India, in rupees plus exchange compensation allowance, if any. No other allowances are admissible.

II. SICK LEAVE.

Sick Leave applied for out of Europe.

9. The Agent may grant to an Officer or Covenanted European Subordinate who has rendered three years' continuous active service, Sick Leave for a period not exceeding two years, and may grant extensions of such Sick Leave, if taken elsewhere than in Europe, to three years on medical certificate. He may also grant Sick Leave for a period not exceeding one year to an Officer or Covenanted European Subordinate who has not rendered three years' continuous active service. The grant of Sick Leave or extension thereof is contingent on the production of a certificate from the Company's Superintending Physician or other Medical Practitioner approved by the Agent. The certifying Officer must state that he is of opinion that Sick Leave or extension of Sick Leave for a certain period is necessary and that at the end of such period the Officer or Covenanted European Subordinate will probably be fit to resume his duties. The Agent, in granting the leave or extension of leave, must satisfy himself that the sickness has not been caused by the misconduct of the Officer or Covenanted European Subordinate.

Sick Leave applied for in Europe.

10. When applied for in Europe, the Sick Leave or extension thereof admissible under Rule 9 will be granted by the Board of Directors on such medical certificate as it may approve.

Sick Leave combined with PrivilegeLeave.

11. Sick Leave may be taken in combination with Privilege Leave, but the total period of combined leave is limited to two years, and must not be less than six months. The allowance for the period of Privilege Leave to be according to Rule 14 and for the remainder of the period of total leave, Sick Leave pay and allowances under Rule 12.

Sick Leave pay and allowances.

12. With the proviso that no Sick Leave pay shall exceed the rate of £1,000 per annum, an Officer or Covenanted European Subordinate on Sick Leave will be allowed one-half, and if the leave be extended beyond two years, one-fourth the substantive pay of his appointment and of his personal allowance, paid as stated in Rule 57 hereof.

plus exchange compensation allowance if any. No other allowances, are admissible.

III. SHORT PERIODS OF ABSENCE ON ACCOUNT OF SICKNESS.

Short absences on account of sickness.

13. No deduction of pay need be made for short periods of absence of an Officer or Covenanted European Subordinate actually laid up by sickness, to the extent of sixty days in each calendar year. Any absence beyond this in any calendar year must be treated as Privilege Leave, if such leave be due; or as Sick Leave proper, or as a combination of the two; and any continuous absence exceeding sixty days must be so treated. Absence on full pay in the case of sickness counts as duty for the purpose of Privilege Leave.

IV. PRIVILEGE LEAVE.

Privilege Leave pay and allowances and authority for granting the same.

14. The Agent may grant to an Officer or Covenanted European Subordinate, who has rendered not less than eleven months' uninterrupted duty Privilege Leave on full pay and allowances, if any, for a period calculated at the rate of one calendar month for every complete eleven calendar months, and one day for every complete eleven days, of the time during which such Officer or Covenanted European Subordinate has served without interruption of duty, provided that no one period of Privilege Leave may exceed three calendar months and that no Privilege Leave can be earned by service while three months of such leave is due. Interruption of duty means absence on Furlough, Sick Leave, Special Leave and any absence treated as leave without pay. Absence on Privilege Leave, though not counting as duty, is not an interruption of duty for the purpose of earning Privilege Leave.

Interval between return from Privilege Leave of over six weeks taken by itself and the grant of Furlough.

15. An interval of not less than eighteen months must elapse between the return to duty from Privilege Leave of over six weeks in duration when taken by itself and departure on Furlough.

Service required between grant of Privileges and other leave.

16. Subject to Rule 15 hereof, a service of not less than six months is necessary between the date of return to duty from Privilege Leave and the grant of Furlough or any further Privilege Leave.

Privilege Leave may be combined with Furlough, Sick Leave or Special Leave.

17. Privilege Leave may be taken in combination with Furlough, Sick Leave or Special Leave, and, when it is so taken, the interval of six months required by Rule 16 shall not apply.

Declaration to accompany application for PrivilegeLeave.

18. Application for Privilege Leave uncombined with any other leave must be accompanied by a declaration that the applicant intends to return to duty and will not retire within a period of three months of his return.

Payment of Privilege Leave pay and allowances.

19. The right to receive pay and allowances for the time spent on Privilege Leave, when not combined with other leave, is contingent (except in the case of death) on the return of an Officer to duty upon the expiry of such leave. Salary and allowances becoming due during Privilege Leave will be paid in rupees in India and may be drawn monthly as they fall due.

Privilege Leave acting allowances.

20. The pay of an Officer or Covenanted European Subordinate, acting in a higher appointment or grade in consequence of the absence of another Officer or Covenanted European Subordinate on Privilege Leave, shall be, ~~after the first 30 days of such acting appointment,~~ one half of the combined substantive pay of the two appointments, subject to a limit of the minimum pay of the higher appointment, or, if he be in receipt of a personal allowance granted in consideration of long and specially good service, which combined with his substantive pay exceeds this limit, he may draw such larger amount. ~~If the acting Officer or Covenanted European Subordinate be transferred from another station, he will be allowed for~~

~~the first 30 days of such acting appointment to draw, in addition to his own substantive pay, ¾ths of the difference between such pay and the acting pay admissible after such period.~~

Recall from Privilege Leave.

21. Officers and Covenanted European Subordinates are liable to be recalled to duty before the expiry of the full period of Privilege Leave granted, and if so recalled, are not entitled to compensation on account of the expenditure incurred by them in returning to duty.

Penalties for overstaying Privilege Leave.

22. An Officer or Covenanted European Subordinate overstaying Privilege Leave will forfeit all pay and allowances for the excess period, which, if more than seven days, will render him liable to loss of appointment.

V. SPECIAL LEAVE.

Special Leave on half pay.

23. The Agent may at any time grant to an Officer or Covenanted European Subordinate Special Leave of absence on urgent private affairs, on half his substantive pay for one or more periods not exceeding a total of six months during his service. When granted in instalments, six years' active service must intervene between the grants of leave under this Rule. This leave may not be combined with Furlough or Sick Leave, but may be taken in combination with Privilege Leave, in which case the combined leave must be for six months.

Special Leave without pay.

24. Leave without pay may be given at any time, at the discretion of the Agent, when no other leave is due to an Officer or Covenanted European Subordinate. It may not be granted in combination with other leave except Privilege Leave; but it may be granted in *continuation* of other leave when special circumstances render it necessary.

VI. LANGUAGE LEAVE.

Language Leave.

25. Leave in India, on full pay up to a maximum of three months in all may be granted by the Agent to any Officer or Covenanted European Subordinate, who is required by the Company's rules to pass in any vernacular language. This leave may be taken in instalments and in combination with Privilege Leave, provided that the combined leave is not less than six months.

SECTION II.—LEAVE TO UNCOVENANTED SUBORDINATES.

I. PRIVILEGE LEAVE.

Privilege Leave for thirty days.

26. Heads of Departments may grant to their Uncovenanted Subordinates who can be conveniently spared thirty days Privilege Leave on full pay after eleven months continuous active service.

Privilege Leave for more than thirty days.

27. Privilege Leave in excess of thirty days may be accumulated at the rate of one day for every further 24 days continuous active service, up to a limit of sixty days after thirty four months of such service, but no Privilege Leave can be earned by service while two months of such leave are due.

Service required between grants of Privilege Leave.

28. Privilege Leave may be taken in instalments, and the balance credited in the computation of Privilege Leave due at a subsequent date, but an interval of not less than six months continuous active service is required between the return of an Uncovenanted Subordinate from Privilege Leave and the grant to him of further Privilege Leave.

Privilege Leave not to be combined with any other leave.

29. Privilege Leave will not be combined with, or allowed in extension of, any other leave whatsoever.

Salary during Privilege Leave to be paid only on return to duty, otherwise to be forfeited.

30. The salary of an Uncovenanted Subordinate on Privilege Leave will only be paid to him, on his return to duty within the period of the leave granted to him, and should he not so return, he shall forfeit his claim to receive any pay during his absence on leave.

Acting allowances inadmissible during Privilege Leave except to Drivers acting for Foremen for more than 14 days.

31. No acting allowance will be granted to a Subordinate acting for another on Privilege Leave, except to a Driver acting in a place of a Foreman who is absent on Privilege Leave for more than fourteen days, who will be granted an acting allowance at the rate of fifty rupees per mensem, subject to such allowance not increasing the pay of the acting employé above the substantive pay of the Foreman for whom he is acting.

II.—SICK LEAVE.

Heads of Departments to grant Sick Leave.

32. Heads of Departments may grant to their Uncovenanted Subordinates absent from duty on account of sickness, duty certified by competent medical authority, *full pay* during such absences for a total period not exceeding 30 days in all in each year of service.

Sick Leave allowances after one month not to exceed half pay.

33. For absences extending beyond 30 days full pay may be allowed for the first 30 days and *half pay* for a further period not exceeding 60 days in all in any one year. For any absences beyond 90 days no pay shall be allowed.

to exceed half pay.

found necessary to employ a substitute and one be not procurable for the remaining moiety of the absentee's salary, the absentee will receive only the difference between the amount paid to the substitute and the salary of his appointment.

III.—SPECIAL LEAVE.

Heads of Departments to grant Special Leave.

34 ~~35~~. Special Leave without pay or allowances may, in case of necessity and when no other leave is admissible, be granted, as under, by a Head of Department to Uncovenanted Subordinates with not less than two years' service.

Special Leave scale.

Under 5 years' service	...	...	... 15 days.
Over 5 years' service	...	...	... 3 months.

Special Leave not to be combined with other leave.

35 ~~36~~. This leave shall not be combined with, or taken in extension of, any other leave.

Special Leave not to be counted as service.

36 ~~37~~. Time spent on Special Leave shall not count as service.

SECTION III.—APPLICATION OF SECTION I TO UNCOVENANTED SUBORDINATES.

Extension of the Covenanted European Subordinates Leave Rules to Uncovenanted Subordinates.

37 ~~38~~. Uncovenanted Subordinates not being Asiatics, Armenians, Goanese, or West Indians of Negro descent, and of not less than ten years' approved service may, with the special sanction of the Board of Directors, be admitted to the benefits of the rules in Section I, governing the grant of leave to Officers and Covenanted European Subordinates.

SECTION IV.—LEAVE TO MENIALS.

Definition of menial staff in the Company's service on or before 30th June 1896.

38 ~~39~~. Menials are monthly paid employes of the following classes :—

Binders,	Peons,
Greasers,	Pointsmen,
Lampmen,	Porters,
Lascars,	Pressmen,
Lifters,	Ticket Counters,
	Watchmen and skilled labourers drawing salaries of Rs. 20 per mensem and under,

and provided that they were in the service of the Company on June 30th, 1896 may be granted the following privileges :—

Leave permissible after 15 years' service.

(*a*) when they have rendered 15 years' (or more) continuous service :—

(1) fourteen days' casual leave in each calendar year.

(2) authorised holidays, when their services can be spared.

(3) 30 days' leave on half pay on Medical Certificate.

Leave permissible before 15 years' service.

(*b*) before they have rendered 15 years' continuous service :—

(4) ten days' casual leave in each calendar year.

(5) authorised holidays, when their services can be spared.

(6) 30 days' leave on half pay on Medical Certificate.

Definition of menial staff in the Company's service after 30th June, 1896.

39 ~~40.~~ Menials, who enter the Company's service *after* 30th June, 1896, as monthly paid employes in the following capacities :—

Binders,	Pointsmen,
Lampmen,	Porters,
Lascars,	Fressmen,
Peons,	Ticket Counters,

Watchmen and skilled labourers drawing salaries of Rs. 20 per mensem and under may be granted the privileges enumerated in Rule ~~39~~ 38 (*b*).

Leave to be granted according to Rule ~~39~~ 38 (*b*).

Leave to menials not otherwise specified.

40 ~~41.~~ No leave (except as provided for in Rule ~~43~~ 42) may be granted to menials *not* specified in the foregoing rules. Heads of Departments may however permit such employès to absent themselves for a few days at a time, provided a substitute is furnished or on stoppage of pay.

Leave allowances to be granted under Rules ~~39~~ 38 & ~~40~~ 39.

Leave not to be claimed as a right.

41 ~~42.~~ The leave granted under Rules ~~39~~ 38 and ~~40~~ 39 [*except that granted under* ~~39~~ 38 (*a*) (3) and (*b*) (6)] will be on full pay, but no further absence from duty than therein specified can be allowed (except as provided for in Rule ~~43~~ 42) unless a substitute is furnished or except on stoppage of pay. *It is distinctly to be understood that leave cannot be claimed as a right*, and that it is only to be granted when the exigencies of the service permit.

Special cases of sickness.

42 ~~43.~~ In cases of absence from duty duly certified by the Superintending Physician as resulting from:—

(*a*) injury contracted in the performance of duty,

(*b*) sickness due to *unusual* exposure while on duty,

(*c*) sickness due to service in an *exceptionally* unhealthy district leave may be granted to all classes of menials to the following extent during each calendar year :—

Scale of leave and allowances.

one month on *full pay*
two months on *half pay*.

Modification of Rule 43 by Rule ~~39~~ and *vice versa*. 38

43 ~~44.~~ Leave taken under Rule 43 cancels eligibility for leave under Rule ~~39~~ 38 (*a*) (3) and (*b*) (6), and if leave has already been taken during the same year under Rule ~~39~~ 38 (*a*) (3) and (*b*) (6), the amount admissible under Rule ~~43~~ 42 must be correspondingly reduced.

Superintending Physician to specify rule under which he recommends leave.

44 ~~45.~~ The Superintending Physician, in recommending leave, *should specify under what Rule* it should be given.

SECTION V.—GENERAL CONDITIONS.

Limit of Furlough, Sick Leave and Special Leave.

45 ~~46.~~ The total amount of Furlough, Sick Leave and Special Leave with allowances, which may be granted to an Officer or Covenanted European Subordinate, is limited to six years.

Commencement and termination of leave.

46 ~~47.~~ The first day of leave granted under these Rules, or of return to duty is :—

(*a*) If charge be handed over or received not later than 12 noon, that day.

(*b*) If charge be handed over or received after 12 noon, the next day.

Making over and receiving charge.

47 ~~48.~~ If a Sunday or gazetted holiday immediately precedes the first day of leave, charge will be made over on the afternoon of the last working day, and if a Sunday or gazetted holiday immediately follows the last day of leave, charge will be resumed on the forenoon of the next working day.

Neither Furlough nor Privilege Leave to be claimed as a right.

48 ~~49.~~ Neither Furlough nor Privilege Leave can be claimed as a right and such leave will only be granted when in the opinion of the Agent it can be given without detriment to the service of the Company.

Preparation and submisson of leave applications under Section I.

49. Applications for leave under Section I hereof must be addressed officially through the usual channel to the Head of the Department, who, if the applicant can be spared will forward the application to the Chief Auditor for certification of the leave. After enfacement, the Chief Auditor will forward the applications of Officers to the Agent and return the applications of Covenanted European Subordinates to their respective Head of Department by whom the leave may then be granted. When submitting an Officer's application for leave, the Head of Department will always record how it is proposed to carry out the absentee's work.

Authority for grant of leave under Sections II and IV and procedure.

50. Applications for leave under Sections II and IV hereof may be granted by Officers not below the rank of a District Officer, and monthly returns of the same, countersigned by Heads of Departments, must be sent, in Form No. G. 57. F., to the Chief Auditor by the 15th of the month following that in which the leave is granted.

of Europe to obtain Agent's sanction to return to duty.

obtained prior to return to duty.

Employes on Sick leave to obtain medical certificates of fitness.

52. An Employé, before resuming duty on return from Sick Leave, must obtain a certificate of fitness for work from the Company's Medical Officer in London, if the employé is returning from Europe, and from the Superintending Physician, if the employe is returning from elsewhere than Europe.

Leave with allowances to count as service in granting increases.

53. Absence on any leave with allowances counts as service in granting increases of pay.

Penalties for absence without leave.

54. Except as provided in Rule 22, absence without leave (either in India or elsewhere) will involve loss of salary and render the absentee liable to loss of appointment.

Leave, except in case of illness not to have retrospective effect.

55. No leave of absence shall have retrospective effect except in case of illness attested by medical certificate.

Sick Leave only admissible to employe under notice.

56. No leave shall be granted to any employé of the Company (except Sick Leave) during the six months previous to the date on which, under notice given to him, his service will terminate.

Payment of Furlough and Sick Leave allowances.

57. Furlough and Sick Leave allowances will be paid monthly as they become due, in the following manner :—

(*a*) Employés who are entitled under their Agreements with the Company to payment of these allowances at the agreed rate of exchange of 1 s. 11 d. per rupee will be paid in England by the Board at that rate.

(*b*) Employés who are drawing exchange compensation allowance will be paid their Furlough and Sick Leave allowances in India, or the same may, at their option, be remitted to them in Europe or the Colonies at current rates of exchange.

Duties of employes on leave to be performed by existing staff.

59 ~~58~~. The duties of employes on leave under these regulations will be performed whenever possible by the existing staff in India. An Officer or Covenanted European Subordinate acting in place of another of a higher grade who is absent on Furlough, Sick or Special Leave, will be entitled to draw one-half of the combined substantive pay of the two appointments, subject to a limit of the minimum pay of the higher appointment, or, if he be in receipt of a personal allowance granted in consideration of long and specially good service, which combined with his substantive pay exceeds this limit, he may draw such larger amount.

Acting allowances.

Acting allowances of employe in more than one appointment to be subject to special orders.

60 ~~59~~. In the event of one employé acting in two or more appointments the allowance to be drawn shall be subject to special orders.

Promotion of employes on leave.

61 60. An employe absent on any leave with allowance may be promoted, but if such promotion be from class to class, no increase of pay or allowance shall be drawn by him until his return to duty.

Home payment.

62 ~~61~~. English family payments may be continued during Privilege Leave, but they cease when the employe draws his Furlough and Sick Leave pay and allowance in sterling.

Travelling expenses of employes going on or returning from leave.

63 ~~62~~. Excepting in the case of those entitled to free passages under their agreements, and as provided for in Rule 5, all travelling expenses of employes going on leave or returning to duty must be defrayed by the employes themselves.

Period from which these rules have effect.

64 ~~63~~. These Leave Rules shall be operative from the actual date of service of each employe.

AGENT'S OFFICE,
TRICHINOPOLY,
18th February 1904.

A. D. G. SHELLEY,
MAJOR, R. E.,
Agent.

South Indian Railway Company, Limited.

No. 374 dated London, 190 6, to the Agent.

SOUTH INDIAN RAILWAY.

ACCOMPANIMENT TO THE AGENT'S LETTER

No. AE 1294/12 k') 32

DATED 21-1-1907.

Hoe & Co., Trichy.—7-2-06—1,000.

LEAVE RULES.

8. After discussion with you the Directors approve of the alterations in the Leave Rules as submitted, a copy of which as amended is enclosed. If it be necessary to obtain the sanction of Government to these minor alterations will you be good enough to apply for it. Printed copies of the new Rules should be sent here for the use of this office, and to prevent confusion with the various Rules hitherto in use it will be desirable that on the face of the document there should be the date and authority for the sanction.

AGENT'S OFFICE,
TRICHINOPOLY,
21 January 1907.

Accompaniment to the Agent's Letter
No. ..... of ..... 190 .

(True Extract.)

for Agent.

HOE & CO., TRICHY—14-1-05—1,000.

South Indian Railway Co., Ld.

LEAVE REGULATIONS.

As sanctioned by the Board in paragraph 8 of their letter No. 374 of November 23rd, 1906.

SECTION I.—LEAVE TO OFFICERS AND COVENANTED EUROPEAN SUBORDINATES.

I.—Furlough.

Active service.

1. Active service, for the purpose of calculating the Furlough due, includes, besides time spent on duty in India, Privilege Leave, Language Leave, and also short absences from duty on Sick Leave, or otherwise, when no deduction from pay is made, but excludes every other kind of leave.

Agent authorized to grant Furlough.

2. The Agent may grant to any Officer or Covenanted European Subordinate of the Company, who has not less than seven years' active service, Furlough according to the following scale :—

First Furlough.

(*a*) A first Furlough, after not less than seven years' active service, for a period not exceeding one-fourth of his active service, up to a limit of two years, less any Sick Leave or Special Leave with allowances which he may have already had.

Subsequent Furlough.

(*b*) Subsequent Furlough, up to a limit of two years, after three years' further continuous service, at the rate of one-fourth of his active service, less any Furlough, Sick Leave or Special Leave with allowances which he may have already had.

Extension of Furlough on Medical Certificate.

(*c*) Furlough may be extended on medical certificate to not more than three years.

Extension of Furlough.

3. When only a portion of the Furlough due is taken by an Officer or Covenanted European Subordinate on leave in Europe, the balance, up to a limit of two years, may be granted by the Board, who may extend the Furlough, if due, on medical certificate up to a limit of three years. When Furlough is taken elsewhere than in Europe, the power to grant leave under this Rule is vested in the Agent.

Furlough taken in instalments.

4. The whole amount of Furlough at the credit of an Officer or Covenanted European Subordinate need not be taken, but any portion thereof may be taken as an instalment, and the balance credited in the computation of the amount of Furlough due at any subsequent date.

The balance of leave of an Officer or Covenanted European Subordinate, who, by permission of the Board, returns to duty before the expiry of Furlough granted to him, will be carried to his credit in the computation of future leave.

Recall from Furlough.

5. When an Officer or Covenanted European Subordinate absent on Furlough is recalled to duty before the expiration of such leave, he may take the balance of the Furlough and Privilege Leave at his credit as soon as he can be spared from duty. The time occupied in returning to duty, as also the time spent on the return voyage to Europe if the leave be resumed within a year from the date on which he can be spared, is counted as active service, but the Officer or Covenanted European Subordinate, until he rejoins his appointment, is only entitled to Furlough pay and allowances under Rule 8, and if recalled from Europe or the Colonies, to a passage to India at the cost of the Railway and to Travelling Allowance from the port of debarkation in India to the station to which he is recalled, or, if he be recalled from leave in India, to Travelling Allowance from the place at which the order of recall reaches him.

Service between grants of Furlough.

6. Except as provided in Rule 5, an interval of three years of continuous service must elapse from the date of the expiration of the last Furlough or Sick Leave and the grant of any subsequent Furlough.

Furlough combined with Privilege Leave.

7. Furlough may be taken in combination with Privilege Leave, but the total period for which Privilege Leave and Furlough may be taken in combination shall not be less than six months nor more than 24 months at any one time. The allowance for the period of Privilege Leave to be full pay and allowances, and for the remainder of the period of total leave, Furlough pay and allowances, under Rule 8.

Furlough pay and allowances.

8. With the proviso that pay during Furlough shall not exceed £1,000 per annum, an Officer or Covenanted European Subordinate on Furlough will be allowed one-half, and if extended beyond two years on medical certificate, for the period in excess of two years, one-fourth the substantive pay of his appointment and of his personal allowance, paid as stated in Rule 57 hereof.

II.—Sick Leave.

Sick Leave applied for out of Europe.

9. The Agent may grant to an Officer or Covenanted European Subordinate who has rendered three years' continuous active service, Sick Leave for a period not exceeding two years, and may grant extensions of such Sick Leave, if taken elsewhere than in Europe, to three years on medical certificate. He may also grant Sick Leave for a period not exceeding one year to an Officer or Covenanted European Subordinate who has not rendered three years' continuous active service. The grant of Sick Leave or extension thereof is contingent on the production of a certificate from the Company's Superintending Physician or other Medical Practitioner approved by the Agent. The certifying Officer must state that he is of opinion that Sick Leave or extension of Sick Leave for a certain period is necessary, and that at the end of such

period the Officer or Covenanted European Subordinate will probably be fit to resume his duties. The Agent, in granting the leave or extension of leave, must satisfy himself that the sickness has not been caused by the misconduct of the Officer or Covenanted European Subordinate.

Sick Leave applied for in Europe.

10. When applied for in Europe, the Sick Leave or extension thereof admissible under Rule 9 will be granted by the Board of Directors on such medical certificate as it may approve.

Sick Leave combined with Privilege Leave.

11. Sick Leave may be taken in combination with Privilege Leave, but the total period of combined leave is limited to two years, and must not be less than six months. The allowance for the period of Privilege Leave to be according to Rule 14 and for the remainder of the period of total leave, Sick Leave pay and allowances under Rule 12.

Sick Leave pay and allowances.

12. With the proviso that pay during Sick Leave shall not exceed £1,000 per annum, an Officer or Covenanted European Subordinate on Sick Leave will be allowed one-half, and if the leave be extended beyond two years, one-fourth the substantive pay of his appointment and of his personal allowance, paid as stated in Rule 57 hereof.

III.—Short Periods of Absence on Account of Sickness.

Short absences on account of sickness.

13. No deduction of pay need be made for short periods of absence of an Officer or Covenanted European Subordinate actually laid up by sickness to the extent of sixty days in each calendar year. Any absence beyond this in any calendar year must be treated as Privilege Leave, if such leave be due; or as Sick Leave proper, or as a combination of the two; and any continuous absence exceeding sixty days must be so treated. Absence on full pay in the case of sickness counts as duty for the purpose of Privilege Leave.

IV.—Privilege Leave.

Privilege Leave pay and allowances and authority for granting the same.

14. The Agent may grant to an Officer or Covenanted European Subordinate who has rendered not less than eleven months' uninterrupted duty Privilege Leave on full pay and allowances, if any, for a period calculated at the rate of one calendar month for every complete eleven calendar months, and one day for every complete eleven days, of the time during which such Officer or Covenanted European Subordinate has served without interruption of duty, provided that no one period of Privilege Leave may exceed three calendar months and that no Privilege Leave can be earned by service while three months of such leave is due. Interruption of duty means absence on Furlough, Sick Leave, Special Leave and any absence treated as leave without pay. Absence on Privilege Leave, though not counting as duty, is not an interruption of duty for the purpose of earning Privilege Leave.

Interval between return from Privilege Leave of over six weeks taken by itself and the grant of Furlough.

15. An interval of not less than eighteen months must elapse between the return to duty from Privilege Leave of over six weeks in duration when taken by itself and departure on Furlough.

Service required between grant of Privilege and other leave.

16. Subject to Rule 15 hereof, a service of not less than six months is necessary between the date of return to duty from Privilege Leave and the grant of Furlough or any further Privilege Leave.

Privilege Leave may be combined with Furlough, Sick Leave or Special Leave.

17. Privilege Leave may be taken in combination with Furlough, Sick Leave or Special Leave, and, when it is so taken, the interval of six months required by Rule 16 shall not apply.

Declaration to accompany application for Privilege Leave.

18. Application for Privilege Leave uncombined with any other leave must be accompanied by a declaration that the applicant intends to return to duty and will not retire within a period of three months of his return.

Payment of Privilege Leave pay and allowances.

19. The right to receive pay and allowances for the time spent on Privilege Leave, when not combined with other leave, is contingent (except in the case of death) on the return of an Officer to duty upon the expiry of such leave. Salary and allowances becoming due during Privilege Leave will be paid in rupees in India and may be drawn monthly as they fall due.

Privilege Leave acting allowances.

20. The pay of an Officer or Covenanted European Subordinate, acting in a higher appointment or grade in consequence of the absence of another Officer or Covenanted European Subordinate on Privilege Leave, shall be one-half of the combined substantive pay of the two appointments, subject to a limit of the minimum pay of the higher appointment, or, if he be in receipt of a personal allowance granted in consideration of long and specially good service, which combined with his substantive pay exceeds this limit, he may draw such larger amount.

Recall from Privilege Leave.

21. Officers and Covenanted European Subordinates are liable to be recalled to duty before the expiry of the full period of Privilege Leave granted, and, if so recalled, are not entitled to compensation on account of the expenditure incurred by them in returning to duty.

Penalties for overstaying Privilege Leave.

22. An Officer or Covenanted European Subordinate overstaying Privilege Leave will forfeit all pay and allowances for the excess period, which, if more than seven days, will render him liable to loss of appointment

V.—Special Leave.

Special Leave on half pay.

23. The Agent may at any time grant to an Officer or Covenanted European Subordinate Special Leave of absence on urgent private affairs, on half his substantive pay for one or more periods not exceeding a total of six months during his service. When granted in instalments, six years' active service must intervene between the grants of leave under this Rule. This leave may not be combined with Furlough or Sick Leave, but may be taken in combination with Privilege Leave, in which case the combined leave must be for six months.

Special Leave without pay.

24. Leave without pay may be given at any time, at the discretion of the Agent, when no other leave is due to an Officer or Covenanted European Subordinate. It may not be granted in combination with other leave except Privilege Leave; but it may be granted in *continuation* of other leave when special circumstances render it necessary.

VI.—Language Leave.

Language Leave.

25. Leave in India, on full pay up to a maximum of three months in all may be granted by the Agent to any Officer or Covenanted European Subordinate, who is required by the Company's rules to pass in any vernacular language. This leave may be taken in instalments and in combination with Privilege Leave, provided that the combined leave is not less than six months.

SECTION II.—LEAVE TO UNCOVENANTED SUBORDINATES.

I.—Privilege Leave.

Privilege Leave for thirty days.

26. Heads of Departments may grant to their Uncovenanted Subordinates who can be conveniently spared thirty days' Privilege Leave on full pay after eleven months' continuous active service.

Privilege Leave for more than thirty days.

27. Privilege Leave in excess of thirty days may be accumulated at the rate of one day for every further 24 days' continuous active service, up to a limit of sixty days after thirty-four months of such service, but no Privilege Leave can be earned by service while two months of such leave are due.

Service required between grants of Privilege Leave.

28. Privilege Leave may be taken in instalments, and the balance credited in the computation of Privilege Leave due at a subsequent date, but an interval of not less than six months' continuous active service is required between the return of an Uncovenanted Subordinate from Privilege Leave and the grant to him of further Privilege Leave.

Privilege Leave not to be combined with any other leave.

29. Privilege Leave will not be combined with, or allowed in extension of, any other leave whatsoever.

Salary during Privilege Leave to be paid only on return to duty, otherwise to be forfeited.

30. The salary of an Uncovenanted Subordinate on Privilege Leave will only be paid to him on his return to duty within the period of the leave granted to him, and should he not so return, he shall forfeit his claim to receive any pay during his absence on leave.

Acting allowances inadmissible during Privilege Leave except to Drivers acting for Foremen for more than 14 days.

31. No acting allowance will be granted to a Subordinate acting for another on Privilege Leave, except to a Driver acting in a place of a Foreman who is absent on Privilege Leave for more than fourteen days, who will be granted an acting allowance at the rate of fifty rupees per mensem, subject to such allowance not increasing the pay of the acting employé above the substantive pay of the Foreman for whom he is acting.

II.—Sick Leave.

Heads of Departments to grant Sick Leave

32. Heads of Departments may grant to their Uncovenanted Subordinates absent from duty on account of sickness, duly certified by competent medical authority, *full pay* during such absences for a total period not exceeding 30 days in all in each year of service.

Sick Leave allowances after one month not to exceed half pay.

33. For absences extending beyond 30 days full pay may be allowed for the first 30 days and *half pay* for a further period not exceeding 60 days in all in any one year. For any absences beyond 90 days no pay shall be allowed.

III.—Special Leave.

Heads of Departments to grant Special Leave.

34. Special Leave without pay or allowances may, in case of necessity and when no other leave is admissible, be granted, as under, by a Head of Department to Uncovenanted Subordinates with not less than two years' service.

Special Leave scale.

Under 5 years' service	15 days.
Over 5 years' service	3 months.

Special Leave not to be combined with other leave.

35. This leave shall not be combined with, or taken in extension of, any other leave.

Special Leave not to be counted as service.

36. Time spent on Special Leave shall not count as service.

SECTION III.—APPLICATION OF SECTION I TO UNCOVENANTED SUBORDINATES.

Extension of the Covenanted European Subordinates Leave Rules to Uncovenanted Subordinates.

37. Uncovenanted Subordinates not being Asiatics, Armenians, Goanese or West Indians of Negro descent, and of not less than ten years' approved service may, with the special sanction of the Board of Directors, be admitted to the benefits of the rules in Section I governing the grant of leave to Officers and Covenanted European Subordinates.

SECTION IV.—LEAVE TO MENIALS.

Definition of menial staff in the Company's service on or before 30th June 1896.

38. Menials are monthly paid employès of the following classes:—

Binders	Peons
Greasers	Pointsmen
Lampmen	Porters
Lascars	Pressmen
Lifters	Ticket Counters
	Watchmen and skilled labourers drawing salaries of Rs. 20 per mensem and under,

and provided that they were in the service of the Company on June 30th, 1896, may be granted the following privileges:—

Leave permissible after 15 years' service.

(*a*) when they have rendered 15 years' (or more) continuous service:—

(1) fourteen days' casual leave in each calendar year

(2) authorized holidays, when their services can be spared

(3) 30 days' leave on half pay on medical certificate

Leave permissible before 15 years' service.

(*b*) before they have rendered 15 years' continuous service:—

(4) ten days' casual leave in each calendar year

(5) authorized holidays, when their services can be spared

(6) 30 days' leave on half pay on medical certificate.

Definition of menial staff in the Company's service after 30th June, 1896.

39. Menials who enter the Company's service *after* 30th June, 1896, as monthly paid employes in the following capacities:—

Binders	Pointsmen
Lampmen	Porters
Lascars	Pressmen
Peons	Ticket Counters
	Watchmen and skilled labourers drawing salaries of Rs. 20 per mensem

Leave to be granted according to Rule 38 (*b*)

and under may be granted the privileges enumerated in Rule 38 (*b*).

Leave to menials not otherwise specified.

40. No leave (except as provided for in Rule 42) may be granted to menials *not* specified in the foregoing rules. Heads of Departments may however permit such employés to absent themselves for a few days at a time, provided a substitute is furnished or on stoppage of pay.

Leave allowances to be granted under Rules 38 and 39.

41. The leave granted under Rules 38 and 39 [*except that granted under* 38 (*a*) (3) and (*b*) (6)] will be on full pay, but no further absence from duty than therein specified can be allowed (except as provided for in Rule 42) unless a substitute is furnished or except on stoppage of pay. *It is distinctly to be understood that leave cannot be claimed as a right*, and that it is only to be granted when the exigencies of the service permit.

Leave not to be claimed as a right.

Special cases of sickness.

42. In cases of absence from duty duly certified by the Superintending Physician as resulting from—

(*a*) injury contracted in the performance of duty

(*b*) sickness due to *unusual* exposure while on duty

(*c*) sickness due to service in an *exceptionally* unhealthy district

Scale of leave and allowances.

leave may be granted to all classes of menials to the following extent during each calendar year :—

one month on *full pay*
two months on *half pay*.

Modification of Rule 42 by Rule 38 and *vice versa*.

43. Leave taken under Rule 42 cancels eligibility for leave under Rule 38 (*a*) (3) and (*b*) (6), and if leave has already been taken during the same year under Rule 38 (*a*) (3) and (*b*) (6), the amount admissible under Rule 42 must be correspondingly reduced.

Superintending Physician to specify rule under which he recommends leave.

44. The Superintending Physician, in recommending leave, *should specify under what Rule* it should be given.

SECTION V.—GENERAL CONDITIONS.

Limit of Furlough, Sick Leave and Special Leave.

45. The total amount of Furlough, Sick Leave and Special Leave with allowances, which may be granted to an Officer or Covenanted European Subordinate, is limited to six years.

Commencement and termination of leave.

46. The first day of leave granted under these Rules, or of return to duty, is—

(*a*) If charge be handed over or received not later than 12 noon, that day.

(*b*) If charge be handed over or received after 12 noon the next day.

Making over and receiving charge.

47. If a Sunday or gazetted holiday immediately precedes the first day of leave, charge will be made over on the afternoon of the last working day, and if a Sunday or gazetted holiday immediately follows the last day of leave, charge will be resumed on the forenoon of the next working day.

Neither Furlough nor Privilege Leave to be claimed as a right.

48. Neither Furlough nor Privilege Leave can be claimed as a right, and such leave will only be granted when in the opinion of the Agent it can be given without detriment to the service of the Company.

Preparation and submission of leave applications under Section I.

49. Applications for leave under Section I hereof must be addressed officially through the usual channel to the Head of the Department, who, if the applicant can be spared, will forward the application to the Chief Auditor for certification of the leave. After enfacement, the Chief Auditor will forward the applications of Officers to the Agent and return the applications of Covenanted European Subordinates to their respective Head of Department by whom the leave may then be granted.

When submitting an Officer's application for leave, the Head of Department will always record how it is proposed to carry out the absentee's work.

Authority for grant of leave under Sections II and IV and procedure.

50. Applications for leave under Sections II and IV hereof may be granted by Officers not below the rank of a District Officer, and monthly returns of the same, countersigned by Heads of Departments, must be sent, in Form No. G. 57. F., to the Chief Auditor by the 15th of the month following that in which the leave is granted.

Employes on leave in England to report arrival and, if on Furlough or Sick Leave to obtain Board's sanction before returning to India.

Employes on Furlough or Sick Leave out of Europe to obtain Agent's sanction to return to duty.

51. All employés visiting England on leave are immediately after arrival to report themselves either personally or by letter to the Managing Director at the Head Office of the Company in London; and when they are on Furlough or Sick Leave, they are further required to obtain the Board's permission to their return to India. The application for permission to return to duty must be delivered at the Company's London Office at least three months prior to the expiration of Furlough or Sick Leave, unless shorter notice is specially permitted by the Board. In case of Furlough or Sick Leave spent out of Europe, the Agent's permission must be obtained prior to return to duty.

Employes on Sick Leave to obtain medical certificates of fitness.

52. An employé, before resuming duty on return from Sick Leave, must obtain a certificate of fitness for work from the Company's Medical Officer in London, if the employè is returning from Europe, and from the Superintending Physician, if the employè is returning from elsewhere than Europe.

Leave with allowances to count as service in granting increases.

53. Absence on any leave with allowances counts as service in granting increases of pay.

Penalties for absence without leave.

54. Except as provided in Rule 22, absence without leave (either in India or elsewhere) will involve loss of salary and render the absentee liable to loss of appointment.

Leave, except in case of illness not to have retrospective effect.

55. No leave of absence shall have retrospective effect except in case of illness attested by medical certificate.

Sick Leave only admissible to employe under notice.

56. No leave shall be granted to any employè of the Company (except Sick Leave) during the six months previous to the date on which, under notice given to him, his services will terminate.

Payment of Furlough and Sick Leave allowances.

57. Furlough and Sick Leave allowances will be paid monthly as they become due, in the following manner :—

(*a*) Employés who are entitled under their Agreements with the Company to payment of these allowances at the agreed rate of exchange of 1*s*. 11*d*. per rupee will be paid in England by the Board at that rate.

(*b*) Employés who are drawing exchange compensation allowance will be paid their Furlough and Sick Leave allowances in India, or the same may, at their option, be remitted to them in Europe or the Colonies at current rates of exchange.

(*c*) Employés who are in receipt of percentage increases of salary in lieu of exchange compensation allowance will, when they are on leave in Europe or the Colonies, be paid their Furlough and Sick Leave allowances, less such percentage increase, at the exchange of 1*s*. 6*d*. per rupee.

(*d*) All other employés who are on Furlough or Sick Leave in Europe or the Colonies will be paid their allowances at the exchange of 1*s*. 6*d*. per rupee.

Payment of allowances during Furlough or Sick Leave.

58. Employés absent on Furlough or Sick Leave may draw their pay and allowances monthly as they become due upon their engaging to refund the money if, without the prior sanction of the Board of Directors, they retire from the Company's service before returning to duty. This sanction will generally be withheld, unless at the time of applying for leave an employé notifies his desire to retire on its expiration.

Duties of Employes on leave to be performed by existing staff.

Acting allowances.

59. The duties of employés on leave under these regulations will be performed whenever possible by the existing staff in India. An Officer or Covenanted European Subordinate acting in place of another of a higher grade who is absent on Furlough, Sick or Special Leave, will be entitled to draw one-half of the combined substantive pay of the two appointments, subject to a limit of the minimum pay of the higher appointment, or, if he be in receipt of a personal allowance granted in consideration of long and specially good service, which combined with his substantive pay exceeds this limit, he may draw such larger amount.

Acting allowances of employé in more than one appointment to be subject to special orders.

60. In the event of one employé acting in two or more appointments, the allowance to be drawn shall be subject to special orders.

Promotion of employes on leave.

61. An employé absent on any leave with allowance may be promoted, but if such promotion be from class to class, no increase of pay or allowance shall be drawn by him until his return to duty.

Home payment.

62. English family payments may be continued during Privilege Leave, but they cease when the employé draws his Furlough and Sick Leave pay and allowance in sterling.

Travelling expences of employes going on or returning from leave.

63. Excepting in the case of those entitled to free passages under their agreements, and as provided for in Rule 5, all travelling expenses of employés going on leave or returning to duty must be defrayed by the employés themselves.

Period from which these rules have effect.

64. These Leave Rules shall be operative from the actual date of service of each employé.

AGENT'S OFFICE,
TRICHINOPOLY,
January, 1907.

Agent.

Form No. 1.
2,000—20-6-06.

OFFICE OF THE CONSULTING ENGINEER FOR RAILWAYS,

Madras, 12th February 1907.

No. 275/R.

From

THE CONSULTING ENGINEER FOR RAILWAYS,

Madras,

Reminders.

To

The Agent
South Indian Railway.

SIR,

Reply No. A.E. 1294/1281/55 flag 3 *Dated* 9.3.07

With reference to your letter No A.E. 1294/1216/32 dt 21st January 1907, forwarding the amended leave Rules of the South Indian Railway, I have the honour to enclose herewith a Copy of extract from a note by the Examiner Guaranteed Railway Accounts dt 29th January 1907 and to request that rules 2(c), 20, 32, to 36 and new rule 57 may be revised in the light of the Examiner's note and that the orders relating to the grant of leave to temporary employés may be enclosed in them. With these modifications the leave Rules may be brought into force with effect from the 1st January 1907.

Enclosures. One

Cw. 9/2/07

for E.R.

12/2/07

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ON 15/2/07

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Extracts from the note by the Examiner, Guaranteed Railway Accounts, Madras, dated the 29th January 1907, on the Amended Leave Rules of the South Indian Railway.

Proposed Rule 2(c). Corresponds to Fundamental Rule 8. The words "in the case of an employe who has rendered three years' active service," should be inserted after the word "Furlough."

Rule 20. The proposed omissions cannot be authorised now. The question of removal of the restrictions for the first thirty days of a privilege leave vacancy has been referred by the Government of India to the Secretary of State.

Revised Rules 32 and 33. The Fundamental Rule 20 limits the grant of sick leave and leave on private affairs to non-Europeans to a maximum of three years in all in the total service of an employe. As the Company's rules are being revised, it may as well be amplified in respect of this limitation. This point appears to have been lost sight of when the rules were originally scrutinized.

New Rule 57. This rule deals with employes on leave out of India. This should be made clear. Only furlough and sick leave allowances are mentioned. Special leave allowances should be included.

Clause (a). Originally included in rule 8. No objection.

Clause (b). This requires amplification to remove ambiquity. The employes are not entitled at the cost of the Company to a remittance to Europe or the Colonies of their leave allowances at current rates of exchange. The orders on the subject are those contained in Government of India, No.2353 G., dated 26th July 1894, Special Orders Manual page 64, Chapter V, para 38.

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24

The rule should be amplified by the addition of the following words:--

"at their cost and risk. The addition allowed by the "Company should be calculated at what would be required to "remit the leave allowance at 1 sh. 6 d. the rupee, the "market rate being assumed at 1 sh. 4 d. the rupee, the "rate fixed for Exchange Compensation, whether paid to their "Agents in India or remitted to them in Europe or the "Colonies."

Clause (c). The orders on this subject are those contained in Government of India, Resolution 2633 R.E., dated 29th August 1888 (G.O.No. 1137 Railway, dated 14th September 1888). Vide Special Orders Manual page 96, Chapter VI para 66. The rule should be modified as follows for the ~~xakx~~ sake of clearness.

For the words "less such percentage increase" should be substituted "calculated on their pay exclusive of the percentage increase".

For the words "at the exchange rate of 1 sh. 6d. per rupee" should be substituted "as in clause (b)".

Clause (d). This clause may be omitted and clause (b) may be amplified so as to include clause (d), by the addition of the words "or not" after the words "Exchange Compensation Allowance".

Leave to Temporary Employes. I think this opportunity may be taken of including in the Revised Rules the rulings communicated in

S.15 Hi care 126/10 G.O.No.1583 Railway, dated 15th September 1904.

S.16 — Do — G. O. No.147 Railway, dated 18th January 1906.

C. E. R O S S,

Examiner, Guaranteed Railway Accounts,
M A D R A S.

C H E P A U K,
29th January 1907.

No. A81294/12(i)
55

South Indian Railway Co., Ld.

AGENT'S OFFICE,

Trichinopoly, 9th March 190 7.

From

The Agent,

SOUTH INDIAN RAILWAY,

To

The Consulting Engineer
for Railways,
Madras.

Sir,

With reference to your No.275/M. of the 12th February 1907, I have the honour to offer the following remarks on the Examiner's criticism and to request the approval of the Government to the rules as now revised.

Rule 2(c). As furlough is under no circumstances permissible to employes who have not rendered 3 years active service, the interpolation suggested by the Examiner seems superfluous.

Rule 20. The removal of the restriction on the grant of acting allowances for the first 30 days of privilege leave has been sanctioned for Government servants, as a standing order has been issued cancelling Article 99 of the Civil Service Regulations.

Rules 32 & 33. The Company never have had any limit and I do not think it would be politic to take away a privilege such as this.

Rule 57. The rule may be revised as shown below:-

Furlough, Special and Sick Leave allowances will be paid as they become due as follows:-

(a) When drawn in India.

Employes will be paid their leave allowances monthly in Indian currency.

(b) When drawn out of India.

(i) Employes who are entitled under their agreements with the Company to payment of these allowances at the agreed rate of exchange of 1.11 s.d per rupee will be paid in England by the Board at that rate.

(b) Employes, who are in receipt of percentage increases of salary in lieu of exchange compensation allowance, will be paid their allowances calculated on their pay exclusive of the percentage increase at the exchange of 1.6 s.d per rupee.

(iii) All other employes will be paid their leave allowances at the exchange of 1.6 s.d per rupee.

2 In regard to the suggestion that the Leave Rules of temporary employes should be included in the revised rules, I could not add to the rules approved of by my Board without a further reference to them, and to save delay I propose making the reference after the rules have been adopted.

I have the honour to be,

Sir,

Your most obedient servant,

Agent.

From

The Agent,
South Indian Railway,
Trichinopoly,

To

The Consulting Engineer
for Railways,
Madras.

Dated

Received

No.

Enclosure.

Form No. 6.
800—20-6-06.

27.

OFFICE OF THE CONSULTING ENGINEER FOR RAILWA

Madras, the 6th April 1907.

No. 693 m

From

MR. G. A. ANDERSON,

CONSULTING ENGINEER FOR RAILWAYS,

Madras,

To

THE AGENT,

SOUTH INDIAN RAILWAY.

SIR,

With reference to your letter No. A.E. 1294/12(i)-55, dated 9th March 1907 regarding the Revised Leave Rules for the S.I.R. I have the honour to offer the following remarks:—

(1) Rule 2 (c). Fundamental Rule 6 (corresponding to Company's rule 2(b) requires only 3 years' continuous service. Fundamental Rule 8 (corresponding to Company's rule 2(c) requires 3 years' active service. It is not correct to state that under no circumstances is furlough permissible to an employé who has not rendered 3 years' active service. Rule 2(b) corresponding to Fundamental Rule 6—requires only 3 years' continuous service—not active service, for the grant of second or subsequent furlough. Special leave is included in the term "continuous service" but not in the "active service". Please see your letter No. 961 dated 12th July 1905 to your Board paragraph 5 on this point. The interpolation should therefore be made to accord with Fundamental Rule 8.

Enclosures.

(2) Rule 20. The modification of the Civil Service Regulations was not sufficient authority for altering Fundamental Rule 18 A accordingly. The Government of India thought it necessary to go up to the Secretary of State. The rule as modified by the Company may now stand as the Fundamental Rule 18 A has since been revised by the Secretary of State—G.O. No. 483 Railway, dated 18th March 1907.

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28

(3) Rules 32 & 33. If it is desired to retain the infringement of Fundamental Rule 20 in respect of the maximum limit of 3 years a ~~ref~~ reference to the Railway Board will be necessary. Can you kindly state how many cases there have been in which the maximum has been exceeded.

(4) Rule 57. The principles and conditions governing payment of leave allowances to employès have it seems been lost sight of in the amendments to the Examiner's suggestion. Your attention is invited to the orders of 1894 and 1898 quoted in the note dated 29th January 1907 accompanying my former letter No 275-M dy 12-2-07.

h22 of.

The headings "(a) when drawn in India" and "(b) when drawn out of India" as proposed by you are inappropriate. The orders are that the leave allowances must be drawn in India and remitted by the Agent, at the cost and risk of the employè concerned or be paid at the employe's option to his agents in India. The only exceptions to the rule are the cases of a few officers who are specially privileged under their covenants to draw their leave allowances in England at 1s.11d., the Rupee--these are referred to in your proposed amended rule 57(b)(i). I believe all these officers have retired and will cease connection on the expiry of their present leave, and if so, the rule 57(b)(i) may be omitted altogether.

Again, the condition to be fulfilled before an employe can get the benefit of the favourable rate of exchange of 1s.6d. the rupee, is that he should be on long leave out of India and if this condition is fulfilled, he gets the benefit even though his leave allowance is drawn in India i.e., paid to the employe's Agents or Bankers, who may or may not remit it from India.

For the abovementioned reasons, the heading "when drawn out of India" for the amended rules 57(b)(ii) and (iii) is inappropriate.

(5) With regard to the proposed ~~amended~~ amended rule 57(a), the occasions on which the Company's officers spend their long leave (Furlough, Sick leave and Special leave) in India are very rare. In such a case, the leave allowance to be paid is:

(i)

(i) One half of pay, plus Exchange Compensation (if the employe is in receipt of it) on the one-half only,

(ii) in the case of an employe in receipt of an increase in lieu of Exchange Compensation, one half of the pay inclusive of the increase i.e., one half of the increased rate of pay.

The proposed amended rule 57(a) is therefore defective.

(6) On the other hand the amendments suggested by the Government Examiner bring out all the essential conditions clearly, viz.,

(i) that the leave should be long leave out of India

(ii) that the leave allowances are to be remitted at the cost and risk of the employe.

(iii) the leave allowances are supplemented by an addition to enable the employe to get the benefit of 1s.6d. rate but the market rate should be assumed to be what the Government assume for Exchange Compensation purposes,

and in order that the rules may be clear and free from ambiguity I would recommend the adoption of these suggestions.

(7) With reference to para 2 of your letter, in which you state that you have no power to add to the rules approved of by your Board without a further reference to them, your Board's prior approval does not seem necessary seeing that it was on their motion that Government have sanctioned the rulings.

(8) Rule 8. It has been since noticed that the words "the rate of" have been omitted, in view of the arguments based on those words by the Home Board against certain methods proposed by the Chief Auditor of applying the maximum limit of £.1,000 a year — vide para 3 of Home Board's letter No.368 dated 8th June 1906 and subsequent correspondence with the Home Board. Will you kindly explain how the limit is intended to be applied in future, for the first 11 months of a year and in the twelfth month, in a case like that of Mr. F.F.Smith referred to in the correspondence.

(9) Rule 57. In the absence of any statement by the Home Board in para 8 of their letter No.374 dated 23rd November 1906 of the discussions between the Home Board and the Agent on the several "minor"

alterations in the leave rules or the reasons for them, will you kindly explain how it is intended to regulate the leave allowances of officers who are in receipt of the new scales of pay introduced consequent on the abolition of Exchange Compensation Allowance on the South Indian Railway, 3 or 4 years ago. It is understood that the existing practice down to this date is to allow such officers bare one-half of the new rate of pay and nothing more and if the intention is to change the existing practice — the Government Examiner understands from the Chief Auditor that it is so — the Home Board's approval and the sanction of Government would be necessary and you should obtain clear instructions from the Home Board in modification of their previous views and attitude in the matter, vide

Agent's letter No.880 dated 23rd December 1903, para.7

Home Board's letter No.324, dated 5th February 1904, para 2, page 194.

Agent's letter No.893 dated 23rd March 1904, para 5.

Home Board's letter No.332, dated 24th June 1904, para 6(a).

Agent's letter No.992, dated 14th February 1906, para 16

Home Board's letter No.363 dated 16th March 1906, para 8.

and place them before Government for their orders.

I have &c.

Sd/- T.4/07

E.R.

Counter initialled

Cl 3/4

CR

3/4/07

Despatched on 6/4/07

INDEXED.

ON 8/4/07

WN.

31

No. A.E.1294/12(i)
64

South Indian Railway Co., Ld.

AGENT'S OFFICE,

Trichinopoly, 11th April 190 7

CONSULTING ENGINEER FOR RAILWAYS
RECEIVED
12 APR 190
C. No. 2165
MADRAS.

From

The Agent,

SOUTH INDIAN RAILWAY,

To

The Consulting Engineer

for Railways,

Madras.

Sir,

p27 f.

In reply to your 693 M of 6th April 1907, I have the honor to offer the following remarks:-

Rule 2 (c). If the interpretation placed on the rules by the Government Examiner is correct, Rules 6 and 8 of the Fundamental rules are in conflict or Rule 8 would be meaningless in the case of officers who had taken furlough after 3 years continuous and not after 3 years active service. The Fundamental Rules are clearly drawn up in general terms and I do not think that the rule as drafted by us is in conflict with the spirit of the Fundamental Rules. It does not seem to me that correspondence of 1905 in regard to rules then in force can in any way affect rules which it is proposed to introduce now, and the only question which seems to be relevant is whether the rule proposed is authorised by the Fundamental Rules. My contention is that it is.

Rules 32 and 33. I could not tell you without a great deal of labour how often the maximum of 3 years has been exceeded and it is quite possible that it would very rarely be exceeded. But the mere imposition of a condition in rules already regarded as not over liberal would be seized hold of as a grievance. The existing

From

The Agent,

SOUTH INDIAN RAILWAY,

To

The Consulting Engineer

for Railways,

Madras.

Sir,

In reply to your 803 M of 6th April 1907, I have the honor to offer the following remarks:-

Rule 2 (c). If the interpretation placed on the rules by the Government Examiner is correct Rules 8 and 9 of the Fundamental Rules are in conflict or Rule 8 would be meaningless in the case of officers who had taken furlough after 3 years continuous and not after 3 years active service. The Fundamental Rules are clearly drawn up in general terms and I do not think that the rule as drafted by us is in conflict with the spirit of the Fundamental Rules. It does not seem to me that correspondence of 1905 in regard to rules then in force can in any way affect rules which it is proposed to introduce now, and the only question which seems to be relevant is whether the rule proposed is authorised by the Fundamental Rules. My contention is that it is.

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Dated

Received } 190 .

No.

Enclosure.

32

rules were sanctioned by Government and as they have already approved of them it is not clear why they should be asked to approve again.

Rule 57. The draft submitted was strictly in accordance with the rules which have from time to time been sanctioned by the Government. Correspondence which passed between the Agent and the Board in times past can have no bearing on rules which it is now proposed to adopt and of which they have approved. The interpretation placed on the word "drawn" is so strained that it seems necessary to alter the word "drawn" to "leave is spent". There is nothing in Rule 57(a) as proposed to say what an officer's leave allowances are to be. These allowances are governed by other rules and it does not seem to me necessary that rules regarding them should be introduced into this rule. The rules only deal with the payment of allowances and there does not appear to be any reason why we should be required to impose harsher conditions on our officers than Government impose on their own or than other railways impose on theirs.

2. In regard to your paras 8 and 9 the relevancy of the Government Examiner's questions is not apparent. It seems to me that it will be time enough to raise these questions when the rules have been introduced and our interpretation of them is in conflict with that of the Government Audit Officers.

3. In conclusion I would point out that the draft rules sent you do not go outside the Fundamental Leave Rules in any particular and I beg therefore that the Rules which my Board have approved may receive the sanction of Government subject to the verbal alterations which I have asked should be made as a consequence of this correspondence.

I have the honor to be,
Sir,
Your most obedient servant,

Agent.

33

South Indian Railway Co., Ld.

AGENT'S OFFICE,

No. A.E.1294/12(i)/68

Trichinopoly, 22nd April 1907.

CONSULTING ENGINEER FOR RAILWAYS
RECEIVED
23 APR 1907
C. No. 2385
MADRAS.

From

The Agent,

SOUTH INDIAN RAILWAY,

To

The Consulting Engineer
for Railways,
Madras.

Sir,

Pr sent Works
on 17/4/07
Secretl Only
A/c forer

In continuation of my No A.E.1294/12(i)/64 of the 31.4

11th April I have the honor to send you a revised proof of

the proposed Leave Rules with section 57 altered as proposed

in my letter under reference and section 59 amplified as desired

in your No 738 M of the 11th April 1907.

I have the honor to be,

Sir,

Your most obedient servant,

File with D,

CR
17/4

Agent.

One enclosure.

Fdy No action has to be taken on
this, we are objecting to Rule 57
Secretariat
29/4

O
24/4/07

From

The Agent,

South Indian Railway,

Trichinopoly,

To

The Consulting Engineer

for Railways,

Madras.

Dated

Received } 190 .

No.

Enclosure.

34

South Indian Railway Co., Ld.

LEAVE REGULATIONS.

As sanctioned by the Board in paragraph 8 of their letter No. 374 of November 23rd, 1906.

SECTION I.—LEAVE TO OFFICERS AND COVENANTED EUROPEAN SUBORDINATES.

I.—FURLOUGH.

Active service.

1. Active service, for the purpose of calculating the Furlough due includes, besides time spent on duty in India, Privilege Leave, Language Leave and also short absences from duty on Sick Leave, or otherwise, when no deduction from pay is made, but excludes every other kind of leave.

Agent authorized to grant Furlough.

2. The Agent may grant to any Officer or Covenanted European Subordinate of the Company, who has not less than seven years' active service, Furlough according to the following scale :—

First Furlough.

(*a*) A first Furlough, after not less than seven years' active service, for a period not exceeding one-fourth of his active service, up to a limit of two years, less any Sick Leave or Special Leave with allowances which he may have already had.

Subsequent Furlough.

(*b*) Subsequent Furlough, up to a limit of two years, after 3 years' further continuous service, at the rate of one-fourth of his active service less any Furlough, Sick Leave or Special Leave with allowances which he may have already had.

Extension of Furlough on Medical Certificate

(*c*) Furlough may be extended on medical certificate to not more than three years.

Extension of Furlough.

3. When only a portion of the Furlough due is taken by an Officer or Covenanted European Subordinate on leave in Europe, the balance, up to a limit of two years, may be granted by the Board who may extend the Furlough, if due, on medical certificate up to a limit of three years. When Furlough is taken elsewhere than in Europe, the power to grant leave under this Rule is vested in the Agent.

Furlough taken in instalments.

4. The whole amount of Furlough at the credit of an Officer or Covenanted European Subordinate need not be taken, but any portion thereof may be taken as an instalment, and the balance credited in the computation of the amount of Furlough due at any subsequent date. The balance of leave of an Officer or Covenanted European Subordinate, who, by permission of the Board, returns to duty before the expiry of Furlough granted to him, will be carried to his credit in the computation of future leave.

Recall from Furlough.

5. When an Officer or Covenanted European Subordinate absent on Furlough is recalled to duty before the expiration of such leave, he may take the balance of the Furlough and Privilege Leave at his credit as soon as he can

be spared from duty. The time occupied in returning to duty, as also the time spent on the return voyage to Europe if the leave be resumed within a year from the date on which he can be spared, is counted as active service, but the Officer or Covenanted European Subordinate, until he rejoins his appointment, is only entitled to Furlough pay and allowances, under Rule 8, and if recalled from Europe or the Colonies, to a passage to India at the cost of the Railway and to Travelling Allowance from the port of debarkation in India to the station to which he is recalled, or, if he be recalled from leave in India, to Travelling Allowance from the place at which the order of recall reaches him.

Service between grants of Furlough.

6. Except as provided in Rule 5, an interval of three years of continuous service must elapse from the date of the expiration of the last Furlough or Sick Leave and the grant of any subsequent Furlough.

Furlough combined with Privilege Leave.

7. Furlough may be taken in combination with Privilege Leave, but the total period for which Privilege Leave and Furlough may be taken in combination shall not be less than six months nor more than 24 months at any one time. The allowance for the period of Privilege Leave to be full pay and allowances, and for the remainder of the period of total leave, Furlough pay and allowances, under Rule 8.

Furlough pay and allowances.

8. With the proviso that pay during Furlough shall not exceed £ 1,000 per annum, an Officer or Covenanted European Subordinate on Furlough will be allowed one-half, and if extended beyond two years on medical certificate, for the period in excess of two years, one-fourth the substantive pay of his appointment and of his personal allowance, paid as stated in Rule 57 hereof.

II.—SICK LEAVE.

Sick Leave applied for out of Europe.

9. The Agent may grant to an Officer or Covenanted European Subordinate who has rendered three years' continuous active service, Sick Leave for a period not exceeding two years, and may grant extensions of such Sick Leave, if taken elsewhere than in Europe, to three years on medical certificate. He may also grant Sick Leave for a period not exceeding one year to an Officer or Covenanted European Subordinate who has not rendered three years' continuous active service. The grant of Sick Leave or extension thereof is contingent on the production of a certificate from the Company's Superintending Physician or other Medical Practitioner approved by the Agent. The certifying Officer must state that he is of opinion that Sick Leave or extension of Sick Leave for a certain period is necessary and that at the end of such period the Officer or Covenanted European Subordinate will probably be fit to resume his duties. The Agent, in granting the leave or extension of leave, must satisfy himself that the sickness has not been caused by the misconduct of the Officer or Covenanted European Subordinate.

Sick Leave applied for in Europe.

10. When applied for in Europe, the Sick Leave or extension thereof admissible under Rule 9 will be granted by the Board of Directors on such medical certificate as it may approve.

Sick Leave combined with Privilege Leave

11. Sick Leave may be taken in combination with Privilege Leave, but the total period of combined leave is limited to two years, and must not be less than six months. The allowance for the period of Privilege Leave to be according to Rule 14 and for the remainder of the period of total leave, Sick Leave pay and allowances under Rule 12.

Sick Leave pay and allowances.

12. With the proviso that pay during Sick Leave shall not exceed £1,000 per annum, an Officer or Covenanted European Subordinate on Sick Leave will be allowed one-half, and if the leave be extended beyond two years, one-fourth the substantive pay of his appointment and of his personal allowance, paid as stated in Rule 57 hereof.

III.—SHORT PERIODS OF ABSENCE ON ACCOUNT OF SICKNESS.

Short absences on account of sickness.

13. No deduction of pay need be made for short periods of absence of an Officer or Covenanted European Subordinate actually laid up by sickness, to the extent of sixty days in each calendar year. Any absence beyond this in any calendar year must be treated as Privilege Leave, if such leave be due; or as Sick Leave proper, or as a combination of the two; and any continuous absence exceeding sixty days must be so treated. Absence on full pay in the case of sickness counts as duty for the purpose of Privilege Leave.

IV.—PRIVILEGE LEAVE.

Privilege Leave pay and allowances and authority for granting the same.

14. The Agent may grant to an Officer or Covenanted European Subordinate, who has rendered not less than eleven months' uninterrupted duty Privilege Leave on full pay and allowances, if any, for a period calculated at the rate of one calendar month for every complete eleven calendar months, and one day for every complete eleven days, of the time during which such Officer or Covenanted European Subordinate has served without interruption of duty, provided that no one period of Privilege Leave may exceed three calendar months and that no Privilege Leave can be earned by service while three months of such leave is due. Interruption of duty means absence on Furlough, Sick Leave, Special Leave and any absence treated as leave without pay. Absence on Privilege Leave, though not counting as duty, is not an interruption of duty for the purpose of earning Privilege Leave.

Interval between return from Privilege Leave of over six weeks taken by itself and the grant of Furlough.

15. An interval of not less than eighteen months must elapse between the return to duty from Privilege Leave of over six weeks in duration when taken by itself and departure on Furlough.

Service required between grant of Privilege and other Leave.

16. Subject to Rule 15 hereof, a service of not less than six months is necessary between the date of return to duty from Privilege Leave and the grant of Furlough or any further Privilege Leave.

Privilege Leave may be combined with Furlough, Sick Leave or Special Leave.

17. Privilege Leave may be taken in combination with Furlough, Sick Leave or Special Leave, and, when it is so taken, the interval of six months required by Rule 16 shall not apply.

Declaration to accompany application for PrivilegeLeave.

18. Application for Privilege Leave uncombined with any other leave must be accompanied by a declaration that the applicant intends to return to duty and will not retire within a period of three months of his return.

Payment of Privilege Leave pay and allowances.

19. The right to receive pay and allowances for the time spent on Privilege Leave, when not combined with other leave, is contingent (except in the case of death) on the return of an Officer to duty upon the expiry of such leave. Salary and allowances becoming due during Privilege Leave will be paid in rupees in India and may be drawn monthly as they fall due.

Privilege Leave, acting allowances.

20. The pay of an Officer or Covenanted European Subordinate acting in a higher appointment or grade in consequence of the absence of another Officer or Covenanted European Subordinate on Privilege Leave, shall be one half of the combined substantive pay of the two appointments, subject to a limit of the minimum pay of the higher appointment, or, if he be in receipt of a personal allowance granted in consideration of long and specially good service, which combined with his substantive pay exceeds this limit he may draw such larger amount.

Recall from PrivilegeLeave.

21. Officers and Covenanted European Subordinates are liable to be recalled to duty before the expiry of the full period of Privilege Leave granted, and if so recalled, are not entitled to compensation on account of the expenditure incurred by them in returning to duty.

Penalties for over-staying Privilege Leave.

22. An Officer or Covenanted European Subordinate over-staying Privilege Leave will forfeit all pay and allowances for the excess period, which, if more than seven days, will render him liable to loss of appointment.

V.—SPECIAL LEAVE.

Special Leave on half pay.

23. The Agent may at any time grant to an Officer or Covenanted European Subordinate Special Leave of absence on urgent private affairs, on half his substantive pay for one or more periods not exceeding a total of six months during his service. When granted in instalments, six years' active service must intervene between the grants of leave under this Rule. This leave may not be combined with Furlough or Sick Leave, but may be taken in combination with Privilege Leave, in which case the combined leave must be for six months.

Special Leave without pay.

24. Leave without pay may be given at any time, at the discretion of the Agent, when no other leave is due to an Officer or Covenanted European Subordinate. It may not be granted in combination with other leave except Privilege Leave; but it may be granted in *continuation* of other leave when special circumstances render it necessary.

VI.—LANGUAGE LEAVE.

Language Leave.

25. Leave in India, on full pay up to a maximum of three months in all may be granted by the Agent to any Officer or Covenanted European Subordinate, who is required by the Company's rules to pass in any vernacular language. This leave may be taken in instalments and in combination with Privilege Leave, provided that the combined leave is not less than six months.

SECTION II.—LEAVE TO UNCOVENANTED SUBORDINATES.

I.—PRIVILEGE LEAVE.

Privilege Leave for thirty days.

26. Heads of Departments may grant to their Uncovenanted Subordinates who can be conveniently spared thirty days' Privilege Leave on full pay after eleven months' continuous active service.

Privilege Leave for more than thirty days.

27. Privilege Leave in excess of thirty days may be accumulated at the rate of one day for every further 24 days' continuous active service, up to a limit of sixty days after thirty-four months of such service, but no Privilege Leave can be earned by service while two months of such leave are due.

Service required between grants of Privilege Leave.

28. Privilege Leave may be taken in instalments, and the balance credited in the computation of Privilege Leave due at a subsequent date, but an intervel of not less than six months' continuous active service is required between the return of an Uncovenanted Subordinate from Privilege Leave and the grant to him of further Privilege Leave.

Privilege Leave not to be combined with any other leave.

29. Privilege Leave will not be combined with, or allowed in extension of, any other leave whatsoever.

Salary during Privilege Leave to be paid only on return to duty, otherwise to be forfeited.

30. The salary of an Uncovenanted Subordinate on Privilege Leave will only be paid to him, on his return to duty within the period of the leave granted to him, and should he not so return, he shall forfeit his claim to receive any pay during his absence on leave.

Acting allowances inadmissible during Privilege Leave except to Drivers acting for Foremen for more than 14 days.

31. No acting allowance will be granted to a Subordinate acting for another on Privilege Leave, except to a Driver acting in a place of a Foreman who is absent on Privilege Leave for more than fourteen days, who will be granted an acting allowance at the rate of fifty rupees per mensem, subject to such allowance not increasing the pay of the acting employé above the substantive pay of the Foreman for whom he is acting.

II.—SICK LEAVE.

Heads of Departments to grant Sick Leave.

32. Heads of Departments may grant to their Uncovenanted Subordinates absent from duty on account of sickness, duly certified by competent medical authority, *full pay* during such absences for a total period not exceeding 30 days in all in each year of service.

Sick Leave allowances after one month not to exceed half pay.

33. For absences extending beyond 30 days full pay may be allowed for the first 30 days and *half pay* for a further period not exceeding 60 days in all in any one year. For any absences beyond 90 days no pay shall be allowed.

III.—SPECIAL LEAVE.

Heads of Departments to grant Special Leave.

34. Special Leave without pay or allowances may, in case of necessity and when no other leave is admissible, be granted, as under, by a Head of Department to Uncovenanted Subordinates with not less than two years' service.

Special Leave scale.

Under 5 years' service	15 days.
Over 5 years' service	3 months.

Special Leave not to be combined with other leave.

35. This leave shall not be combined with, or taken in extension of, any other leave.

Special Leave not to be counted as service.

36. Time spent on Special Leave shall not count as service.

SECTION III.—APPLICATION OF SECTION I TO UNCOVENANTED SUBORDINATES.

Extension of the Covenanted European Subordinates Leave Rules to Uncovenanted Subordinates.

37. Uncovenanted Subordinates not being Asiatics, Armenians, Goanese, or West Indians of Negro descent, and of not less than ten years' approved service may, with the special sanction of the Board of Directors, be admitted to the benefits of the rules in Section I, governing the grant of leave to Officers and Covenanted European Subordinates.

SECTION IV.—LEAVE TO MENIALS.

Definition of menial staff in the Company's service on or before 30th June 1896.

38. Menials are monthly paid employees of the following classes :—

Binders,	Peons,
Greasers,	Pointsmen,
Lampmen,	Porters,
Lascars,	Pressmen,
Lifters,	Ticket Counters,

Watchmen and skilled labourers drawing salaries of Rs. 20 per mensem and under,

and provided that they were in the service of the Company on June 30th, 1896 may be granted the following privileges :—

Leave permissible after 15 years' service.

(*a*) when they have rendered 15 years' (or more) continuous service :—

(1) fourteen days' casual leave in each calendar year,
(2) authorised holidays, when their services can be spared,
(3) 30 days' leave on half pay on Medical Certificate.

Leave permissible before 15 years' service.

(*b*) before they have rendered 15 years' continuous service :—

(4) ten days' casual leave in each calendar year,
(5) authorised holidays, when their services can be spared,
(6) 30 days' leave on half pay on Medical Certificate.

Definition of menial staff in the Company's service after 30th June, 1896.

39. Menials, who enter the Company's service *after* 30th June, 1896, as monthly paid employés in the following capacities :—

Binders, Pointsmen,
Lampmen, Porters,
Lascars, Fressmen,
Peons, Ticket Counters,
Watchmen and skilled labourers drawing salaries of Rs. 20 per mensem and under

Leave to be granted according to Rule 38 (*b*).

may be granted the privileges enumerated in Rule 38 (*b*).

Leave to menials not otherwise specified.

40. No leave (except as provided for in Rule 42) may be granted to menials *not* specified in the foregoing rules. Heads of Departments may however permit such employès to absent themselves for a few days at a time, provided a substitute is furnished or on stoppage of pay.

Leave allowances to be granted under Rules 38 & 39.

41. The leave granted under Rules 38 and 39 [*except that granted under* 38 (*a*) (3) and (*b*) (6)] will be on full pay, but no further absence from duty than therein specified can be allowed (except as provided for in Rule 42) unless a substitute is furnished or except on stoppage of pay. *It is distinctly to be understood that leave cannot be claimed as a right*, and that it is only to be granted when the exigencies of the service permit.

Leave not to be claimed as a right.

Special cases of sickness.

42. In cases of absence from duty duly certified by the Superintending Physician as resulting from:—

(*a*) injury contracted in the performance of duty,

(*b*) sickness due to *unusual* exposure while on duty,

(*c*) sickness due to service in an *exceptionally* unhealthy district leave

Scale of leave and allowances.

may be granted to all classes of menials to the following extent during each calendar year :—

one month on *full pay*,
two months on *half pay*.

Modification of Rule 42 by Rule 38 and *vice versa*.

43. Leave taken under Rule 42 cancels eligibility for leave under Rule 38 (*a*) (3) and (*b*) (6), and if leave has already been taken during the same year under Rule 38 (*a*) (3) and (*b*) (6), the amount admissible under Rule 42 must be correspondingly reduced.

Superintending Physician to specify rule under which he recommends leave.

44. The Superintending Physician, in recommending leave, *should specify under what Rule* it should be given.

SECTION V.—GENERAL CONDITIONS.

Limit of Furlough, Sick Leave and Special Leave.

45. The total amount of Furlough, Sick Leave and Special Leave with allowances, which may be granted to an Officer or Covenanted European Subordinate, is limited to six years.

Commencement and termination of leave.

46. The first day of leave granted under these Rules, or of return to duty is :—

(*a*) If charge be handed over or received not later than 12 noon, that day.

(*b*) If charge be handed over or received after 12 noon, the next day.

Making over and receiving charge.

47. If a Sunday or gazetted holiday immediately precedes the first day of leave, charge will be made over on the afternoon of the last working day, and if a Sunday or gazetted holiday immediately follows the last day of leave, charge will be resumed on the forenoon of the next working day.

Neither Furlough nor Privilege Leave to be claimed as a right.

48. Neither Furlough nor Privilege Leave can be claimed as a right and such leave will only be granted when in the opinion of the Agent it can be given without detriment to the service of the Company.

Preparation and submission of leave applications under Section I.

49. Applications for leave under Section I hereof must be addressed officially through the usual channel to the Head of the Departments, who, if the applicant can be spared, will forward the application to the Chief Auditor for certification of the leave. After enfacement, the Chief Auditor will forward the applications of Officers to the Agent and return the applications of Covenanted European Subordinates to their respective Head of Department by whom the leave may then be granted. When submitting an Officer's application for leave, the Head of Department will always record how it is proposed to carry out the absentee's work.

Authority for grant of leave under Sections II and IV and procedure.

50. Applications for leave under Sections II and IV hereof may be granted by Officers not below the rank of a District Officer, and monthly returns of the same, countersigned by Heads of Departments must be sent, in Form No. G. 57. F., to the Chief Auditor by the 15th of the month following that in which the leave is granted.

Employès on leave in England to report arrival and, if on Furlough or Sick Leave, to obtain Board's sanction before returning to India.

Employés on Furlough or Sick Leave out of Europe to obtain Agent's sanction to return to duty.

51. All employés visiting England on leave are immediately after arrival to report themselves either personally or by letter to the Managing Director at the Head Office of the Company in London; and when they are on Furlough or Sick Leave, they are further required to obtain the Board's permission to their return to India. The application for permission to return to duty must be delivered at the Company's London Office at least three months prior to the expiration of Furlough or Sick Leave unless shorter notice is specially permitted by the Board. In case of Furlough or Sick Leave spent out of Europe, the Agent's permission must be obtained prior to return to duty.

Employés on Sick Leave to obtain Medical certificates of fitness.

52. An Employé, before resuming duty on return from Sick Leave, must obtain a certificate of fitness for work from the Company's Medical Officer in London, if the employé is returning from Europe, and from the Superintending Physician, if the employé is returning from elsewhere than Europe.

Leave with allowances to count as service in granting increases.

53. Absence on any leave with allowances counts as service in granting increases of pay.

Penalties for absence without leave.

54. Except as provided in Rule 22, absence without leave (either in India or elsewhere) will involve loss of salary and render the absentee liable to loss of appointment.

Leave, except in case of illness not to have retrospective effect.

55. No leave of absence shall have retrospective effect except in case of illness attested by Medical certificate.

Sick Leave only admissible to employe under notice.

56. No leave shall be granted to any employé of the Company (except Sick Leave) during the six months previous to the date on which, under notice given to him, his services will terminate.

Payment of Furlough & sick leave allowances

57. Furlough, Special and Sick Leave allowances will be paid as they become due as follows :—

(*a*) *When leave is spent in India.*

Employés will be paid their leave allowances monthly in Indian currency.

41

(b) *When leave is spent out of India.*

(i) Employés who are entitled under their Agreements with the Company to payment of these allowances, at the agreed rate of exchange of 1s. 11d. per rupee will be paid in England by the Board at that rate.

(ii) Employés, who are in receipt of percentage increases of salary in lieu of exchange compensation allowance, will be paid their allowances calculated on their pay exclusive of the percentage increase at the exchange of 1s. 6d. per rupee.

(iii) All other employes will be paid their leave allowances at the exchange of 1s. 6d. per rupee.

Payment of allowances during Furlough or Sick Leave.

58. Employés absent on Furlough or Sick Leave may draw their pay and allowances monthly as they become due upon their engaging to refund the money if, without the prior sanction of the Board of Directors, they retire from the Company's service before returning to duty. This sanction will generally be withheld, unless at the time of applying for leave an employé notifies his desire to retire on its expiration.

Duties of employés on Leave to be performed by existing staff.

Acting allowances.

59. (a) The duties of employés on leave under these regulations will be performed whenever possible by the existing staff in India. An Officer or Covenanted European Subordinate acting in place of another of a higher grade who is absent on Furlough, Sick or Special Leave, will be entitled to draw one-half of the combined substantive pay of the two appointments, subject to a limit of the minimum pay of the higher appointment, or, if he be in receipt of a personal allowance granted in consideration of long and specially good service, which combined with his substantive pay exceeds this limit, he may draw such larger amount.

(b) Any uncovenanted subordinate appointed to act in a superior grade appointment that is, as an officer may with the sanction of the Agent be permitted to draw the same allowances as is admissible to covenanted subordinates while acting in a similar capacity.

Acting allowances of employé in more than one appointment to be subject to special orders.

60. In the event of one employé acting in two or more appointments the allowance to be drawn shall be subject to special orders.

Promotion of employés on leave.

61. An employé absent on any leave with allowance may be promoted, but if such promotion be from class to class, no increase of pay or allowance shall be drawn by him until his return to duty.

Home payment.

62. English family payments may be continued during Privilege Leave, but they cease when the employé draws his Furlough and Sick Leave pay and allowance in sterling.

Travelling expenses of employés going on or returnig from leave.

63. Excepting in the case of those entitled to free passages under their Agreements, and as provided for in Rule 5, all travelling expenses of employès going on leave or returning to duty must be defrayed by the employés themselves.

Period from which these rules have effect.

64. These Leave Rules shall be operative from the actual date of service of each employè.

AGENT'S OFFICE,
TRICHINOPOLY,
18th April, 1907.

NEVILLE PRIESTLEY,
Agent.

42

OFFICE OF THE CONSULTING ENGINEER FOR RAILWAYS.

Madras, 2nd May 1907.

No. 41/C

From

THE CONSULTING ENGINEER FOR RAILWAYS,

MADRAS.

Reminders.

To

THE AGENT,

SOUTH INDIAN RAILWAY.

SIR,

Reply No. A.E. 1294/12(i)/h *Dated* 6.5.07

With reference to your letter No. A.E. 1294/12(1)/64 dt 11th April 1907, I have the honour to reply as follows:— ₹ 31 C

Rule 2(C)

The interpretation placed on the rule by the Govt. Examiner is in my opinion correct. Fundamental Rule 8 means that an officer who has taken furlough or sick leave after 3 years continuous service, and not after 3 years active service, is not entitled to have his furlough or sick leave extended on medical certificate. In other words, an officer may be given furlough after 3 years continuous service

Enclosures.

under Fundamental Rule 6, but if the period of 3 years continuous service is less than 3 years active service then, under Rule 8, he is not entitled to have the furlough extended on medical certificate. Rule 2(c), as it stands is not authorised by the Fundamental Rules and should be altered to conform with Rule 8 of Mysore rules

2. Rules 32 and 33. — These rules clearly infringe Fundamental Rule 20. It does not appear that the enforcement of the three years limit imposed by the Fundamental Rules would result in any appreciable hardships to the Staff, and unless you can see your way to make the required addition to the rules I have no alternative but to bring the infringement to the notice of the Ry. Board.

3. Rule 57. — No doubt Rule 57 deals with the payment of leave allowances, but the payments should be made at the rate and cost of the employee, and in the manner laid down in

G.of I. Reso. 2633 R.E. dated 29-8-98 (G.O. no. 1137 Ry, dt. 14-9-98). -flag O

G. of I. no. 2353 G, dt. 26-7-94. (S.O.M., page 64, Chap. V, para. 38)

in the marginally noted orders of the Govt of India which have already been pointed out to you. If you consider that the existing orders impose harsher conditions on the servants of your Company than are customary on other railways, the proper course is for your Home Board to represent the matter to Govt. separately.

The rule as now drafted by you admits of the conversion of the leave allowance at 1/6d to the rupee, and the obtaining of a draft for the sterling amount thus calculated and debiting the actual cost to the Railway. This procedure is in accordance with the existing orders only when the market rate of the day is exactly 15 rupees to £1 sterling. I consider that the rule as drafted or as amended by the Company is not permissible; it should be modified as shown in the Govt. Examiner's note that accompanied

p 22/c my letter no. 275 M dt. 12/2/07.

4. With reference to the second paragraph of your letter, I have the following remarks to make:—

Company's Rule 8. The wording of the Company's new rule corresponds to Fundamental Rule 10, as regards the limit of £ 1000 a year, and may therefore stand. The correct method of applying the limit has been referred to the Accountant General, P.W.D, and his reply will be communicated to you on receipt.

Company's Rule 57. The existing practice of not allowing any addition for remittance to the leave allowance of officers who are in receipt of the new rates of pay should continue. If the intention is to change it, then it is not merely a "verbal" or "minor" alteration and the action to be taken is as indicated in my letter No. 693 M dtd. the 1st April 1907. p 27 6

5. ~~To conclude~~, I am unable, in the terms given above, to accept your view that the Company's rules 2(c), 32 and 33 do not infringe Fundamental Rules. My objection to Rule 57 is that it is not in accordance with existing orders. 29/4/07 29/4/07

No. A.E.1294/12(1)/72

South Indian Railway Co., Ld.

AGENT'S OFFICE,

Trichinopoly, 6th May 1907.

From

The Agent,

SOUTH INDIAN RAILWAY,

CONSULTING ENGINEER FOR RAILWAYS
RECEIVED
8 - MAY 1907
G. No. 1294
MADRAS.

To

The Consulting Engineer

for Railways,

Madras.

Ootacamund.

Sir,

I have the honour to acknowledge the receipt of your letter No.41/0 of the 2nd May 1907 and to request that the papers may be laid before the Railway Board for their orders. p 42 4

I have the honour to be,

Sir,

Your most obedient servant,

Agent.

Form No. 2 R.

47

GOVERNMENT OF MADRAS.

From

Mr.

Secretary to the Government of Madras,

P. W. D., Railways,

To

The SECRETARY to the RAILWAY BOARD,

No. 897 Ry dated 30-5-07

Sir,

With reference to this Government's letter No.592 Railway dated 23-3-04 forwarding six copies of the new leave rules of the South Indian Railway Company, I am directed to forward herewith a proof copy of the leave rules revised up to date and to refer the following points for the orders of the Railway Board, at the instance of the Agent, South Indian Railway.

(i) Company's new rule 2(c) regarding extension of furlough to not more than 3 years. As this rule infringes Fundamental rule 8, the Agent was asked to insert the words "in the case of an employe who has rendered three years' active service" after the word "Furlough". The Agent does not agree and states "the fundamental rules are clearly drawn up in "general terms and I do not think that the rule as drafted is "in conflict with the spirit of the fundamental rules".

(ii) Company's rules 32 and 33. These rules infringe Fundamental rule 20 as the maximum limit of 3 years in total service for leave on half pay is not imposed. The infringement was, through an oversight, not brought to the notice of the G of I in this Government's letter No.1265 Railway dated 4-7-03. The enforcement of the three years' limit would not result in any appreciable hardship to the staff. The Agent was asked to stat

From

The Agent,

South Indian Railway,

Trichinopoly,

To

The Consulting Engineer

for Railways,

Madras.

Dated

Received 190 .

No.

Enclosure.

state how many cases there have been in which the maximum has been exceeded. He replied:--

"I could not tell you without a great deal of labo
"how often the maximum of 3 years has been exceeded and
"it is quite possible that it would very rarely be excee
"-ed. But the mere imposition of a condition in rules
"already regarded as not over liberal would be seized
"hold of as a grievance. The existing rules we r e
"sanctioned by Government and as they have already ap-
"proved of them, it is not clear why they should be ask-
"ed to approve again".

(iii) Rule 57 regarding payment of leave allowances. The following conditions are imposed in G of I, P.W.D., Resolution No. 2353 G, dated 26-7-94.

Copy of S.O.M. pointed

(a) The leave allowances, if to be remitted abroad, should be remitted by the Agent <u>at the cost and risk</u> of the employe.

(b) <u>The market rate</u>, for the purpose of making the required addition for remitting at the privileged rate of 1sh.6d., should be assumed to be what the Government assume for Exchange Compensation purposes, viz., £.1 = Rs.15/- (at present), the difference between the actual market rate of the day and Rs.15 per £. being borne by the employe.

The Agent has no intention of applying these conditions. He states that there does not appear to be any reason why the Company should be required to impose harsher conditions on their officers than Government impose on their own or

than

than other Railways impose on theirs.

I have etc.

Chm 22/5/07

D.R.

L.B. 1895

Offg: C.R.

WE 17.5.07

D.R.

Proof copy of the Lease Rules referred to.

Published on 30/5/07.

NOTES.

Form No. 7 R.
2,000—17-11-06. A.

50 PUBLIC WORKS DEPARTMENT, RAILWAYS.

EXAMINER
Regr. No. 81
23 JAN 1907
Enclosures
RAILWAY ACCOUNTS, M.A.

Receipt No.500.

From the Agent, S.I.Ry.

No. A.E. 1294/12(i)/32 dt 21.1.07.

Subject:- Forwarding copies of the amended Leave Rules and requesting sanction to the introduction of the same from 1st January 1907.

No 175 Rlys. 23-1-07

To CR

For favour of check

CAW 23/1/07

For ER dtd 23/1

23/1/07

E.R.

Sly 3

The Agent's letter is a reply to E.R's letter dated 22-8-06, asking him to report what alterations have been made in the Leave Rules since the receipt of the rules printed with G.O.No.591 Ry.,dated 29-3-04. A now sends two copies of rules. One showing the alterations in red print and the other embodying the alterations.

Sly 8

Rule 2(b) In the rules as originally framed by the Company (printed with G.O.No.591 Ry.,dated 23-3-04) there are the words "after 3 years further continuous active service". The word "active" has since been omitted on the authority of Home Board's letter No.354 dated 27-10-05, para 8. There is no objection as the condition is not imposed in Fundamental Rule 6.

Sly 2

Proposed Rule 2(c). Corresponds to Fundamental Rule 8. The words "in the case of an employe who has rendered three years' active service", should be inserted after the word "Furlough".

Sly 8

Sly 8

23.1.04

Sly 2

Rule 6

Rule 6. The word "active" has been omitted as in rule 2(b). No objection.

Revised Rules 8 & 12. Correspond to Fundamental rule 10. No objection. Please see note against Company's rule 57, to which a reference is given in this rule.

Rule 9. This rule imposes by the use of the word "active" a condition which is not imposed by the Fundamental rule 7. This was pointed out to the Company in C.R's note forwarded with E.R's letter No.425/0 Mis: dated 15-7-06. As no alteration has been made by the Company in the rule, it is presumed that the Home Board have no intention of removing the restriction which is not imposed by the Fundamental Rule 7.

Rule 20. The proposed omissions cannot be authorised now. The question of removal of the restrictions for the first thirty days of a privilege leave vacancy has been referred by the G of I to the Secretary of State -- Railway Board's letter No.R.E.1073/8, dated 19-12-06 may be communicated to A.

Revised Rules 26 to 28. Unobjectionable. They are within the limits of Fundamental Rules 14 & 15.

Revised Rules 32 & 33. Correspond to Fundamental Rule 20. The grant of full pay for the first 30 days of sick leave is in infringement of the Fundamental Rule. This was specially brought to the notice of the G of I, in paras 2 & 3 of this Government's letter No.1265 Ry., dated 4-7-03, and was not objected to by the G of I -- see G.O.No.1686 Ry.,dated 7-9-03. There is therefore no objection.

Further, the Fundamental Rule 20 limits the grant of sick leave and leave on private affairs to non-

Europeans

Europeans to a maximum of three years in all in the total service of an employe. As the Company's rules are being revised, it may as well be amplified in respect of this limitation. This point appears to have been lost sight of when the rules were originally scrutinized.

Revised Rule. Old No.50, New No.49. } Purely administrative.
New Rule 50. } No objection.

New rule 57. This rule deals with employes on leave out of India. This should be made clear. Only furlough and sick leave allowances are mentioned. Special leave allowances should be included.

Clause (a). Originally included in rule 8. No objection.

Clause (b). This requires amplification to remove ambiquity. The employes are not entitled at the cost of the Company to a remittance to Europe or the Colonies of their leave allowances at current rates of exchange. The orders on the subject are those contained in G of I, No.2353 G, dated 26-7-94 -- S.O.M.,page 64, Chap.V, para 38.

The rule should be amplified by the addition of the following words:-

"at their cost & risk. The addition allowed by the "Company should be calculated at what would be required "to remit the leave allowance at 1sh.6d. the rupee, the "market rate being assumed at 1sh.4d. the rupee, the rate "fixed for Exchange Compensation, whether paid to their "Agents in India or remitted to them in Europe or the "Colonies".

Clause (c). The orders on this subject are those contained in G of I, Reso: 2633 R.E.,dated 29-8-88 (G.O. No.1137 Ry.,dated 14-9-88). Vide S.O.M.,page 96, Chap. VI, para 66. The rule should be modified as follows for the sake of clearness.

For

For the words "less such percentage increase" should be substituted "calculated on their pay exclusive of the percentage increase".

For the words "at the exchange rate of 1sh.6d. per Rupee" should be substituted "as in clause (b)".

Clause (d). This clause may be omitted and clause (b) may be amplified so as to include clause (d), by the addition of the words "or not" after the words "Exchange Compensation Allowance".

The S.I.Ry.,Co.,have recently introduced rates of pay, inclusive of Exchange Compensation, for the superior officers and they have abolished Exchange Compensation Allowance. As these revised increased rates of pay are admittedly to cover Exchange Compensation, a question arises as to how the leave allowance of officers, who are in receipt of such increased rates of pay, should be correctly dealt with. My office is looking into the files to see whether there was any discussion on this point and if necessary, E.R.,will be addressed later on.

Leave to Temporary Employes -- I think this opportunity may be taken of including in the Revised Rules the rulings communicated in

G. O. No.1583 Ry.,dated 15-9-'04.
G. O. No. 147 Ry.,dated 18-1-'06.

Date of introduction of the revised Rules. There is no objection to the proposed date viz.,1-1-07.

A should be asked to revise the rules 2(c),20,32 to 36 and the New Rule 57 in the light of the above note and embody in them the orders relating to grant of leave to temporary employes.

C.R.

Form No. 7 R.
3,000—17-11-06. A.

PUBLIC WORKS DEPARTMENT, RAILWAYS.

54

EXAMINER * ACCOUNTS, MADRAS
Diary No. 141
9 FEB 1907

S
6.2.07.

No. 309 Rlys.
9.2.07.

Ack the M as at X of CR's note
(pay only those extracts which
affect the rules. Where required)
and of that with those underlined
the rules may be withdrawn
from the 1 June 1907.
CR to the letter and ~~extracts~~
Extracts when issue.
Gen 5/2/07

Ah

A draft letter to A, together with an extract from CR's note, is submitted. If approved it may be sent to CR for acceptance before issue.

Ah
8.2.07.

CR w/a 9/2

Ah
9/2/07

Accepted.

w/a
9
CR
Ah
9/2/07

9/2

Issue Ah
9/2/07

p 22 c.t

Action taken in letter No 275 M dated 12th February 1907 to the Agents S. Ry.

Form No. 7 R.
3,000—17-11-06. A.

55 PUBLIC WORKS DEPARTMENT, RAILWAYS.

Receipt No 1512 dy 11th March 1907
From Agent, S.I.Ry
No A.E.1294/1264/55 dy 9.3.07

571 Rou
16.3.07

EXAMINER * RAILWAY ACCOUNTS, MADRAS. * Regr. No. 287 18 MAR 1907 Enclosures

20.

C.R. with reference to his remarks dated 29.1.07

13/3/07 for S.R.

E.R.

With reference to A's remarks on C.R's note dated 29-1-07, I have to explain as follows:--

2. Rule 2 (c). ~~The Agent considers the interpolation of the words "in the case of an employe who has rendered three years' active service" is superfluous. But the words are included in Fundamental Rule 8. The words are not superfluous.~~ Fundamental Rule 6 (corresponding to Company's rule 2(b)) requires only 3 years' continuous service. Fundamental Rule 8 (corresponding to Company's rule 2(c)) requires 3 years' active service. ~~The Agent~~ It is not correct ~~in stating~~ to state that under no circumstances is furlough permissible to an employe who has not rendered 3 years' active service. Rule 2(b) -- corresponding to Fundamental rule 6 -- requires only 3 years' continuous service -- not active service, for the grant of second or subsequent furlough. Special leave is included in the term "continuous service" but not in the "active service". ~~The Agent should be referred~~ Attention is invited to his letter No.961 dated 12-7-05 to ~~his Home~~ Board para: 5 on this point. The interpolation should therefore be made to accord with Fundamental rule 8, ~~as indicated by C.R.~~

3.

Form No. 7 R.
3,000—17-11-06. A.

56 PUBLIC WORKS DEPARTMENT, RAILWAYS.

3. Rule 20. This may now stand as modified by the Company as the Fundamental Rule 18 A has since been revised by the Secretary of State -- Vide G.O.No.483 Ry., dated 18-3-07. The Agent's remarks are made on the presumption that as Fundamental Rule 18 A was originally based on C.S.R., the modification of the C.S.R., is a sufficient authority to alter Fundamental Rule 18 A accordingly. It is not so. The G of I, thought it necessary to go up to the Secretary of State. It is desirable that this should be explained to the Agent, so that he may understand that rules in C.S.R., are not to be borrowed as a matter of course.

4. Rules 32 & 33. The infringement of Fundamental rule 20 in respect of the maximum limit of 3 years requires a reference to the Railway Board for orders. The Agent may be asked to state how many cases there have been in which the maximum has been exceeded. As stated already, through an oversight, this office has not pointed out specifically the infringement in respect of the limit and the point was therefore not raised in this Government's letter No.1265 Ry., dated 4-7-03.

5. Rule 57. I am afraid the principles and conditions governing payment of leave allowances to employes have been lost sight of by the Agent, in framing his amendments, in preference to adopting our suggestions. His attention should be invited to the orders of 1894 and 1898 quoted in C.R's note dated 29-1-07.

The headings "(a) when drawn in India" and "(b) when drawn out of India" as proposed by A are quite inappropriate. The orders are that the leave allowances must be drawn in India and remitted by the Agent, at the cost and risk of the employe concerned or paid at the employe's

employe's option to his Agents in India. The only exceptions to the rule are the cases of a few officers who are specially privileged under their covenants to draw their leave allowances in England at 1s.11d., the Rupee -- these are referred to in ~~Agent's~~ their unrepealed amended rule 57(b)(i). I believe all these officers have retired and will cease connection on the expiry of their present leave and if so, the rule 57(b)(i) may be omitted altogether.

Again, the condition to be fulfilled before an employe can get the benefit of the favourable rate of exchange of 1s.6d., the rupee is that he should be on long leave out of India and if this condition is fulfilled, he gets the benefit even though his leave allowance is drawn in India i.e., paid to the employe's Agents or Bankers, who may or may not remit it from India.

For the abovementioned reasons, the heading "when drawn out of India" for the amended rules 57(b)(ii) and (iii) is inappropriate.

6. ~~Turning now to the~~ With regard to the amended rule 57(a), the occasions on which the Company's officers spend their long leave (Furlough, Sick leave and special leave) in India are very rare. In such a case, the leave allowance to be paid is:

(i) One half of pay, plus Exchange Compensation (if the employe is in receipt of it) on the one-half only,

(ii) in the case of an employe in receipt of an increase in lieu of Exchange Compensation, one half of the pay inclusive of the

the increase i.e.,one half of the increased rate of pay.

~~It will thus be seen that~~ the amended rule 57 (a) is defective.

7. The amendments suggested by ~~C.R.~~, bring out all essential conditions clearly, viz.,

(i) that the leave should be long leave out of India.

(ii) that the leave allowances are to be remitted at the cost and risk of the employe.

(iii) The leave allowances are supplemented by an addition to enable the employe to get the benefit of 1s.6d., rate, but the market rate should be assumed to be what the Government assume for Exchange Compensation purposes,

and if the rules ~~are to~~ be clear and free from ambiguity ~~the best course for the Agent would be to adopt C.R's suggestions.~~

8. With reference to para 2 of ~~Agent's~~ letter, in which ~~he~~ states ~~he has~~ no power to add to the rules without reference to ~~his Home Board~~, ~~those which~~ have ~~been proposed by the Home Board and approved by~~ the ~~G of I or the Railway Board~~, I have to point out that he himself in the same letter has proposed additions and amendments to rule 57 which have no such authority. Remembering that the present correspondence arose out of a request from E.R. -- see his letter No.678/O Mis: dated 22-8-06 -- to report, for communication to the Railway Board, all alterations made in the leave rules since March 1904, I do not see why Home Board's approval is

is required to include the rulings approved by Government on the motion of the Home Board. A copy of the Leave Rules thus completed may be sent to the Home Board.

9. So far, the remarks of the Agent have been disposed of. I have now to bring to the notice of Government the manifest inconvenience and difficulties caused by the Company to the Government Controlling Staff -- which is a very limited one -- by placing before them for approval or scrutiny amendments, without a word of explanation as to their why and wherefore. We had enough of these difficulties in connection with the Madras Railway Leave Rules. In the absence of explanations, one has to pry into intentions in order to take precautions against the possibility of a wrong interpretation of rules, as explained below.

10. Company's rules 8 and 12, corresponding to rule 10 of the Fundamental Rule. As regards the maximum limit for leave allowance, the Fundamental Rule reads "Subject to the maximum of £.1,000/- a year". The Company's rules originally read "with the proviso that no furlough (Sick leave) pay shall exceed the rate of £.1,000/- per annum". Now the amended rules read "with the proviso that the pay during Furlough/Sick leave shall not exceed £.1000/- per annum".

At first sight there does not appear to be any real difference between the three readings, but on closer observance it is evident that much importance was attached to the words "the rate of" in the Company's original rules. The alteration in wording, is, I have since discovered to be very intentional and the

Agent

Agent should have referred us to the undermentioned correspondence:--

Home Board's letter No.368 dated 8-6-06, para 3.

A's letter to Home Board No.1011 dated 27-6-06, para 9.

Home Board's letter No.371 dated 3-8-06, para 5.

A's letter to Home Board No.1019 dated 22-8-06, para 9.

The words "the rate of" have been omitted in view of the objections correctly raised by the Home Board in their letter No.368 dated 8-6-06 to the Chief Auditor's proposals and methods. The objections were based on the words "the rate of". In their letter 368 dated 8-6-06 para 3 - the Home Board wished to know the Government reading of the rule, but no reference appears to have been made to us. At the present stage I will not trouble E.R., on this point. I am referring the matter to the Accountant General, P.W.D., as to what is the correct method of applying the limit.

11. Company's ~~Rule~~ amended rule 57. Here again, we are not informed of the intentions of the Agent. The new rule at first sight reads as if conveying a mere explanation of the existing procedure or practice. As stated in my previous note dated 29-1-07, I have been in correspondence with the Chief Auditor of the Company and discovered that the intention is to bring under the term "all other employes", officers who are in receipt of increased rates of pay, consequent on the abolition of Exchange Compensation Allowance by the S.I.Ry.,Co. The new rates of pay were introduced 3 or 4 years ago and up to this date, the actual practice of the Company has been to allow the officers the bare one-half of their new rate of pay and nothing more.

12. The Agent placed before us the Revised set of rules, and referred us to para 8 of Home Board's letter No.374 dated 23-11-06. All that we see in it is the following words.

"After discussion with you, the Directors
"approve of the alterations in the leave rules as
"submitted" etc.

We are in the dark as to what the discussions were or as to the why and wherefore of the several amendments, but it is seen from the marginally noted correspondence that the question as how the leave allowances of officers on new scales of pay should be regulated, was referred to the Home Board more than once and every time it was put before them, the Home Board's reply was practically to the effect that the officers on new rates of pay should receive the bare one-half of their pay and they were inclined only to make exceptions in any case, where there was hardship. The Agent should have referred us to the correspondence and explained that the Home Board have since changed their views, if that is a fact. He has not done so.

A's letter 880 D/23-12-03, para 7.
Home Board's letter 324 D/5-2-04, para 2, page 194.
A's letter No.893 D/23-3-04, para 5.
Home Board's No.332 D/24-6-04, para 6(a)
A's letter No.992 D/14-2-06, para 16.
Home Board's letter 363 D/16-3-06, para 8.

13. On receipt of the Revised set of leave rules now before us, I addressed the Chief Auditor on the subject of rule 57. Had he replied to me that this was one of the rules fully discussed by the Home Board with the Agent and that the Home Board had changed their previous attitude in the matter, that would have been something for us to act upon. He at first attempted to make C.R., believe that the Home Board's letter of 5-2-04 admits of the interpretation which is now sought to be placed

on

on the term "All other employes" in the new rule 57. I at once pointed out that it did not bear the interpretation, as evidenced by the Agent's subsequent letter No. 893 dated 23-3-04, para 5.

14. The position taken up by the Chief Auditor having thus become untenable, he stated in reply that he had shown C.R's letter to the Agent and that officer desired him to say that the question related to matters which should more properly form the subject of reference to the Agent by the Consulting Engineer, if the latter supported C.R's views. It was for the very purpose of referring to and advising E.R.,on the point in doubt, that I address-ed Chief Auditor in order to ascertain the authority for his interpretation, which I take it to be the Agent's also. The Chief Auditor, however, failed to convince me that the interpretation bore the stamp of authority from his Home Board and the reply given in consultation with the Agent was such as to raise further doubts in the matter. He has not replied to me on some other points nor furnished me with information I wanted bearing on the question.

15. What is required now is a communication from the Home Board clearly stating that, in modification of their previous views and attitude, the Home Board desire that officers on new rates of pay should have their leave allowances calculated on the increased rates of pay and allowed, in addition, the required sum to enable them to get the benefit of 1sh.6d.,rate. The Agent should be informed that a change in the existing practice cannot be allowed until his Home Board's orders are obtained and sanctioned by Government.

16. It is not for us, until the Home Board have clearly expressed

expressed their views, to enter into any discussion or to express an opinion as to the equity etc.,of the existing practice or the proposed method. We have not the full correspondence on the subject of the abolition of E.C.A.,on S.I.Ry.,that passed between the responsible officers and in all these matters, Government have, in considering the proposals, to give the weight which is due to any proposal coming from the Home Board. It will therefore be premature to express an opinion as to whether we should allow the concession or not.

17. To sum up.

(i) Rule 2(c) -- The interpolation is necessary and should be made.

(ii) The amended rule 20 may stand, but Agent should be informed as desired in para 3.

(iii) Rules 8 & 12. The Agent should have referred us to the correspondence quoted in para 10 and explained the alteration of the wording.

(iv) Rule 32 & 33. The infringement as to the maximum limit requires the orders of the Railway Board, but before addressing the Railway Board A may be asked to state the number of cases that went beyond the limit.

(v) Rule 57. A should be instructed to adopt C.R's suggestions and asked to obtain clear instructions from the Home Board, regarding officers on new rates of pay, consequent on the abolition of E.C.A. He should have referred us to the previous correspondence and explained the intentions of the new rule.

(vi) Rulings regarding Leave to Temporary Employes may be included, without reference

to

Form No. 7 R.
3,000—17-11-06. A.

PUBLIC WORKS DEPARTMENT, RAILWAYS.

54

to the Home Board, as it was on their motion that the Government have sanctioned the rulings.

C.R.

ER

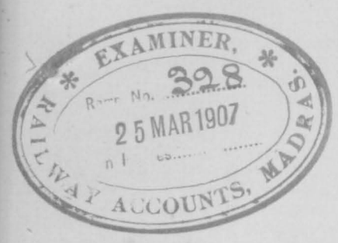
Reply letter A part as in Mr Pirt & paras 1 & 2 CW note as amended by me Para 3 of CW note is not very clear & hardly follows his argument there. Perhaps if my proposed para in this regard is misquoted CW can kindly amplify it

2/ The rest of CW note appears to deal with details discussed already. But as Mr CW wants done is that stated in para 15 of his note CW kindly add letter asking briefly what he wants

Form No. 7 R.
3,000—17-11-06. A.

65 PUBLIC WORKS DEPARTMENT, RAILWAYS.

639 Rem
25.3.07



In this connection and my obly
d.o. would Sllr 24/3/07

CR

E.R.

Para 1 of E.R's note. Para 8 as drafted by E.R., will do very well. What was meant by my note was to bring to the notice of E.R., for his information that while on the one hand the Agent stated that he could not add to the rules as now approved by the Home Board, without a further reference to them, on the other hand he himself proposed alterations and amendments to rule 57, without the Home Board's consent.

Para 2 of E.R's note. The following may be added to the draft, as paras 9 and 10.

9. Rule 8. It has been since noticed that the words "the rate of" have been omitted, in view of the arguments based on those words by the Home Board against certain methods proposed by the Chief Auditor of applying the maximum limit of £.1,000 a year -- vide para 3 of Home Board's letter No.368 dated 8-6-06 and subsequent correspondence with the Home Board. Will you kindly explain how the limit is intended to be applied in future, for the first 11 months of a year and in the twelfth month, in a case like that of Mr. F.F.Smith referred to in the correspondence.

page 11 ref.

10. Rule 57. In the absence of any statement by the Home Board in para 8 of their letter No.374 dated 23-11-0 of the discussions between the Home Board and the Agent on the several "minor" alterations in the leave rules or the reasons for them, will you kindly explain how it is intended to regulate the leave allowances of officers who are in receipt of the new scales of pay introduced conse-

quent

consequent on the abolition of Exchange Compensation Allowance on the S.I.Ry., 3 or 4 years ago. It is understood that the existing practice down to this date is to allow such officers bare one-half of the new rate of pay and nothing more and if the intention is to change the existing practice -- the Government Examiner understands from the Chief Auditor that it is so -- the Home Board's approval and the sanction of Government would be necessary and you should obtain clear instructions from the Home Board in modification of their previous views and attitude in the matter, - Vide

Agent's letter No.800 dated 23-12-03, para 7.

Home Board's letter No.324 dated 5-2-04, para 2, page 194.

Agent's letter No.893 dated 23-3-04, para 5.

Home Board's letter No.332 dated 24-6-04, para 6(a).

Agent's letter No.992 dated 14-2-06, para 16.

Home Board's letter No.363 dated 16-3-06, para 8.

and place them before Government for their orders.

C.R.

ER

CR

Form No. 7 R.
2,001—17-11-06. A.

PUBLIC WORKS DEPARTMENT, RAILWAYS.

6

Draft- subd
CR
3.4.07

To C.R.

697 Row
3.4.07

Counter initialled.
wf 4
3
CR
Mon
5/4/07

3/4

EXAMINER. RAILWAY ACCTS. MADRAS
351
3 APR 1907

Draft & fair submitted.
Bme
Mon 5/4/07

TUN.
6/4/07

Action taken in letter No. 693. 2m dated 6/4/07 to A.

K3104

EXAMINER. RAILWAY ACCTS. MADRAS
392
15 APR 1907

Receipt No 2165
From the Agent, South Indian Ry
No A.E. ~~xx~~ 1294/$\frac{12(i)}{64}$ dt 11.4.07

wf 4
15/4

783 Row
15.4.07

Submitted that the Agent's letter may be referred to CR for remarks.

Ale
13.4.

WF
15/4/07
TUN
15/4/07

C.R

E.R.

Company's rule 2(c). There is nothing in conflict in Fundamental rules 6 and 8, and Fundamental rule 8 is not meaningless. If an officer had taken (second or subsequent) furlough under Fundamental rule 6 after 3 year

years' continuous service and if he had not 3 years' active service, then he cannot get the extension referred to in Fundamental rule 8.

The Company's rule 2(c) therefore infringes Fundamental rule 8 and ~~cannot be allowed to stand as it is~~ the words unless the words "in the case of an employé who has rendered three years' active service" ~~are~~ should be inserted after the word "Furlough".

- Company's rules 32 and 33. ~~We distinctly told A~~ As already indicated the Agent that the point that these rules infringed Fundamental rule 20, was lost sight of when the rules were originally scrutinized by us. The infringement was not brought to the notice of the G of I and ~~therefore~~ consequently was not objected to by them. ~~It should now be brought to the notice of the Railway Board.~~

Company's new rule 57. No doubt the rule 57 deals with payment of leave allowances, but the payments are to be made in the manner, and at the risk and cost of the employé as laid down in the following orders of the G of I which have already been pointed out to ~~the Agent~~ you. If ~~the Agent~~ you consider that the existing orders impose harsher conditions on S.I.Ry., Company's officers than elsewhere, the proper course is for the Home Board to represent the matter to Government separately. In any case, the objects and reasons for the alterations should have been explained to us in his first letter.

Flag O

G of I, Reso:2633 R.E, dated 29-8-98 (G.O.No.1137 Ry, dated 14-9-98).

Put up

G of I, No.2353 G, dated 26-7-94 (S.O.M., Page 64, Chap.V, para 38).

The rule as now drafted by the Company will admit of the conversion of the leave allowance at 1sh.6d., per rupee and

and the obtaining of a draft for the sterling amount thus calculated and debiting the actual cost to the Railway. This would not be in accordance with the existing orders, whenever the market rate of the day is not exactly £.1 = Rs.15/-. The rule as drafted or as amended by the Company cannot be allowed. It should be modified as shown in C.R's note dated 29-1-07.

Para 2 of A's letter. The calls for information made in paras 8 and 9 of E.R's letter dated 6-4-07 are relevant, in as much as the Government Examiner has already ascertained by correspondence with the Chief Auditor of the Company, that the omission of the words "the rate of" from rule 8 was intentional and that it is the intention of the new rule 57 that officers who are in receipt of new rates of pay (Exchange compensation abolished) should be included in the term"all other employes" There cannot be two opinions that it is better to settle the meaning or an interpretation of a rule now than to introduce an ambiguous rule which will probably lead to subsequent disputes as to its correct interpretation or intention. The Agent may be informed as follows:--

Company's rule 8. The wording of the Company's new rule corresponds to Fundamental rule 10, as regards the limit of £.1000 a year, and is therefore allowed to stand. The correct method of applying the limit has been referred by the Government Examiner to the Accountant General, P.W.D., and his reply will be communicated on receipt.

Company's rule 57. The existing practice of not allowing any addition for remittance to the leave allow-

ance

allowance of officers who are in receipt of the new rates of pay should continue. If the intention is to change it, then it is not mere a "verbal" or "minor" alteration and the action to be taken is as indicated in E.R's letter dated 6-4-07.

p27 c.f.

Para 3 of A's letter. Company's rules 2(c),32 and 33 do infringe Fundamental rules. Rule 57 is not in accordance with the existing orders.

C.R.

E.R. 17.4.

We must admit all quibbles and stick exactly to what we are entitled to which is "suppression of rules" and any endeavour of phrasing will by liberty to change this can again and draft to the A. only on these lines. Any ask all irrelevant matter [illegible] 19/4/07

D 17/4/07

Form No. 7 R.
000—8-3-07.

71 PUBLIC WORKS DEPARTMENT, RAILWAYS.

Draft put up.

Cen
29/4/07

ER

Thanks Done
Secy 29/4/07

£426 Action taken in letter No. 41/6 dated 2nd May 1907 to A.

£464 Receipt No. 2662
from the Agent S.I.Ry
No AE.1294/12(i)/7204 6.5.07

ER Cen 8/5/07

But down the matter of the
actual benefit in distribution
Agents. must be ascertained
and submit SWy Board
for orders - CM Gen hope issue
Cen 9/5/07

I think that recent orders affect rule 57
regarding pay of officers on leave being made by
the Company at their own visits. A letter came
from the Ry. Board a day a two ago - Put up
please -
Cen
9/5/07

Please see GO No 809 Ry
dy 11th may 1907.
Hag HH
CR 14/5

Form No. 7 R. A.
1000—8-3-07.

72 PUBLIC WORKS DEPARTMENT, RAILWAYS.

I see, the G O does not affect the question of the method of paying furlough a sick leave but it has some bearing on the case. Before addressing the Ry. Board I should like CR to see the case again. If he will kindly give me briefly the actual points which must be referred I shall be obliged.

CRW
13/5/07

CR

521
15 MAY 1907
MADRAS

No. 1024. Rlys
15/5/07.

14/5/07

E.R.

The actual points on which there is disagreement between us and the Agent are:--

(i) Company's new rule 2(c) infringes Fundamental Rule 8. Agent does not think so.

(ii) Company's rule 8. The method of applying the maximum limit of £.1000 per annum is a subject of controversy. The intention with which the Company omitted the words "the rate of" is not correct -- Vide letter No. 451 E, dated 10-5-07 from A.G.,P.W.D.,a copy of which is sent herewith together with a copy of the letter to which it is a reply.

(iii) Company's rules 32 & 33 infringe Fundamental Rule 20. Agent admits this but as the rules were not objected to by Government hitherto, he does not see why objection should now be taken.

(iv) Rule 57 regarding Payment of leave allowances. The conditions imposed in G of I,P.W.D., Resolution

Form No. 7 R. A.
5 000—8-3-07.

PUBLIC WORKS DEPARTMENT, RAILWAYS.

73 24

Resolution No.2353 G, dated 26-7-94 (S.O.N page 64,Chap:V,para:38) are not embodied i the rule nor has the Agent ~~has the~~ any intention o applying the conditions.

(v) Company's rule 57(b)(iii). "All other employes" It is the intention of the Agent and the Chief Auditor to bring under the term "All other employes", officers who are in receipt of new rates of pay consequent on th abolition of the Exchange Compensation. Th Home Board hitherto hold that theseOfficer should receive their leave allowances at the market rate i.e.,1sh.4d. the rupee and not at the privileged rate of 1sh.6d the rupee. It is by no means clear whether th Home Board have now deliberately modified their previous orders. The Agent and the Chief Auditor are unable to satisfy us on this point and their replies are evasive.

2. Points (i)(iii) and (iv) -- These are embodied in the accompanying draft letter to the Railway Board, which I trust, will meet the case.

Points (ii) or (v) -- Further information is required from the Agent before any reference can be made to the Railway Board -- The required information is asked for in the accompanying draft to A. The draft to the Railway Board need not be delayed. If a further reference has to go, it would be regarding the new rates of pay, a matter some what outside the leave rules, and a separate reference can be made.

Enclo:
1.Letter from A.G.,P.W.D.
2.Letter to A.G.,P.W.D.
3.Draft letter to the Ry.Bd.
4.Draft letter to A.

43
15
C.R.
18/5/07 11.5.07

Letter from - The Accountant General, P.W.D.

To - The Examiner, Guaranteed Railway Accounts, Madras.

Dated - 10th May 1907.

No. 451-E.

I have the honour to acknowledge receipt of your letter No.1008, dated the 11th April 1907, forwarding for my opinion certain correspondence regarding the manner in which the maximum limit of £.1000 a year laid down in rule 8 of the South Indian Railway Leave Rules and in Fundamental Leave Rule 10 should be applied.

2. In my opinion there is no doubt whatever that "£.1000 a year", whether qualified or not in the case of any particular Railway by the words "at the rate of", means and must mean in the case of monthly salaried servants allowances calculated at £.1000/12 per mensem. That is the constitution and practice of our own rules and consequently the intention of the Fundamental Leave Rules which were based on those of the Civil Service Regulations.

3. I am therefore of opinion that the South Indian Railway Company's interpretation of rule 8 of their Leave Rules as lately amended is incorrect, and that, if the Company are not prepared to reconsider the matter, the case should be referred through the usual channel for the orders of the Railway Board.

True copy

Chief Auditor
Office of the Accountant General
Madras

Letter from - The Examiner, Guaranteed Railway Accts, Madras.

To - The Accountant-General, Public Works Department.

Dated 11th April 1907.

No. 0/1008.

Fundamental Leave Rule 10.

Method of applying the maximum limit of £. 1000 a year.

I have the honour to refer you to the marginally noted correspondence between the Home Board of the South Indian Railway Company and their Agent regarding the method of applying the maximum limit of £.1000 a year laid down in Fundamental Leave Rule 10 for Furlough and sick leave allowance of officers.

A's letter 998, D/28-3-06, para 9.
Home Board's letter 368 D/8-6-06, para 3.
A's letter 1011 D/27-6-06, para 9.
Home Board's letter 371 D/3-8-06, para 5.
A's letter 1019 D/22-8-06, para 9.

2. I would invite particular attention to the Home Board's letter 368 dated 8-6-06, para 3.

3. The Fundamental Leave Rule reads "subject to a maximum of £.1000 a year". The S.I.Ry.,Co's rule reads "with the proviso that no furlough pay shall exceed the rate of £.1000 per annum" and the wording has now been altered to "with the proviso that pay during Furlough shall not exceed £.1000 per annum". The words "the rate of" have been intentionally omitted, but the altered wording conforms to the Fundamental Rule.

4. The importance which the Home Board attached to the words "the rate of" can best be seen by a perusal of their letter dated 8-6-06, to which particular attention is invited in para 2 above. The case is further explained below.

below. It is that of Mr. F. F. Smith an officer who is entitled, under his covenant, to draw his leave allowance in England at the rate of 1sh.11d.,the rupee. He proceeded on 21 months' furlough from 1-1-06. His pay on that date was Rs.1,700 per mensem. An increment of Rs.100 was due to him on 1-7-06. Under the Company's rules an officer is allowed, while on long leave, the benefit of an increment.

His leave allowance from 1st January to 30th June 1906 calculated under rules was Rs.1700/2 at 1sh.11d. = £.81-9-2 per mensem and from 1st July 1907 Rs.1800/2 at 1sh.11d = £.86-5-0 per mensem, both subject to a maximum limit of £.1000 per annum. Several methods of applying the maximum limit are discussed in the correspondence quoted in para 1 of this letter.

5. Method No.I. For the first year or 12 months the officer's leave allowance amounted to 6×£.81-9-2 + 6×£.86-5-0 = £.1006-5-0. This was subject to the limit of £.1000 a year. The Chief Auditor of the Company proposed that the officer should be paid at $\frac{£.1000}{12}$ = £.83-6-8 per mensem, irrespective of the fact that his actual leave allowance for the first 6 months was only £.81-9-2 per mensem. The Home Board very properly threw out the proposal and remarked "Suppose Mr.Smith died on 30th June. How would a payment of more than £.81-9-2 per month to that date be justified?" -- Vide Board's letter No.368 dated 8-6-06 para 3.

6. Method No.II. The Chief Auditor was of opinion that if the rule was intended to limit an officer's furlough allowance to £.1000/12 for any one month, solely with reference to the allowance of that month, it should

should have been so stated in the rule. He would therefore apply the £.1000 limit to a complete year. For periods less than or in excess of a complete year he would apply the limit proportionately and not for each month independently i.e.,at end of nth month, the maximum limit would be n/12 of £.1000. Accordingly he proposed the payment of leave allowances as follows -- Vide Agent's letter No.1019 dated 22-8-06, para 9.

	Limit			Payment				Limit			Payment			Payments at end of the month		
				£	s	d					£	s	d/0	£	s	d
							Brought forward				488	15	0			
1st Month	83	6	8	81	9	2	7th Month	583	6	8	86	5	0	575	0	0
2nd Month	166	13	4	81	9	2	8th Month	666	13	4	86	5	0	661	5	0
3rd Month	250	0	0	81	9	2	9th Month	750	0	0	86	5	0	747	10	0
4th Month	333	6	8	81	9	2	10th Month	833	6	8	85	16	8	833	6	8
5th Month	416	13	4	81	9	2	11th Month	916	13	4	83	6	8	916	13	4
6th Month	500	0	0	81	9	2	12th Month	1000	0	0	83	6	8	1000	0	0
Carried our	£			488	15	0					1000	0	0			

The Home Board threw out this proposal also, as is evident from the fact that they have not acted on the Agent's letter dated 22-8-06, the reasons apparently being those given in their letter dated 8-6-06, viz., "Company's rule appears to be clear on the point that the "rate of £.1000 a year must not be exceeded and that rate "is £.83-6-8 per month" and that the half pay cannot be raised beyond that limit of £.83-6-8 in order to make up a total of £.1000 in a year -- E.g.,for the 7th,8th, 9th and 10th months, the proposed monthly payment was in excess of £.83-6-8, although within the actual leave allowance calculated under rule viz.,£.86-5-0 per mensem. Here the arguments of the Board against that of the Chief Auditor were based on the words "the rate of" in their

their own rule.

7. Method No.III. Subsequently, the Home Board applied the monthly limit to the first 11 months independently for each month and in the 12th month the ann limit of £.1000 a year, which is the only limit sanctioned in the Fundamental Rule. This action of the Home Boar is contrary to their opinion expressed previously, viz that the half pay cannot be raised beyond the monthly maximum limit of £.83-6-8 in order to make up a total of £.1000 a year and that opinion was solely based on the words "the rate of" in their own rule. It was in November last there was a discussion between the Agent and the Home Board -- Vide para 8 of Home Board's lett No.374 dated 23-11-06 -- and the omission of the words "the rate of" was the result. The Home Board applied the yearly limit in the 12th month, and this was subsequent to the date on which they have decided to omit the words. The actual payment was:--

For the first 6 months at £.81-9-2 per mensem the actual allowance which is within the maximum of £.1000/12 £.83-6-8	6×£.81- 9-2=£.488-15-
For the next 5 months, a t the maximum limit of £.83-6-8 per mensem, the actual allowance otherwise admissible being £.86-5-0 per mensem-----	5×£.83- 6-8 £=416-13-
For the 12th month, the balance of £.94-11-8 to make up £.1000 a year, against the actual allowance for the month of only £.86-5-0 ----------	1×£.94-11-8=£. 94-11-
	£.1000- 0-

It will thus be seen that in the twelfth month, the monthly maximum limit is exceeded, but not the yearly limit.

8. Had the Home Board decided to omit the words "the rate of" at an earlier date i.e.,before the 1st July 1906 there is no doubt that they would have adopted method No.II.

9. Method No.IV. The Chief Auditor proposed, originally,that for the remaining 9 months of the 21 month's furlough, the maximum monthly limit of £.83-6-8 may be exceeded and payment of the actual leave allowance at £.86-5-0 per mensem may be paid because for the 9 months the officer would draw 9×£.86-5-0=£.776-5-0 which is within £.1000 in a year. The Home Board would not agree. They said that if the Chief Auditor be correct, there would be no rate limit and the Company's rule would have no meaning -- Home Board's letter No.368 dated 8-6-06, para 3. The words "the rate of" on which all this contention was based are no more in the rule.

The Chief Auditor's proposal was however not tenable but the Home Board have paid for January 1907 and February 1907 only £.83-6-8 and this means that some limit would be applied but it is not clear whether the Home Board's decision is that a monthly limit should be applied independently or a proportionate limit to end of each month, as in method II. The point at issue does not however affect Mr. Smith's case for the reamining 9 months, as there will be no change in his calculated leave allowance of £.86-5-0 per mensem, which is subject to the limit of £.1000 a year.

10. The present position is that Government cannot object to the omission of the words "the rate of",because the rule as altered conforms to the Fundamental Rule. But it is, in my opinion, necessary to advise the Company as

to

to how the maximum limit of £.1000 a year should be applied. In my opinion as the Fundamental Rule mentions only £.1000 a year, the Home Board's action in having piad £.1000 in all for the year appears reasonable, although in the twelfth month, the payment exceeded the monthly maximum limit as well as the calculated leave allowance for the month. They might have as well adopted method No.II, according to which the officer would still be paid £.1000 for the year, but neither the monthly allowance of £.86-5-0 would have been exceeded nor the proportionate maximum limit to end of the month, viz.,n/12 of £.1000. I, therefore, beg to enquire whether I am correct or whether the intention of Government is to apply a monthly maximum limit of £.$\frac{1000}{12}$ independently in which case Mr. Smith should not get £.11-5-0. He should get only £.988-15-0 for the year.

Madras
18.5.07

True copy

Chief accts
Office of the Exr Govt Hyderabad
Madras

Form No. 7 R.
5,000—8-3-07. A.

PUBLIC WORKS DEPARTMENT, RAILWAYS.

RW/460/07

(R has put the case clearly and concisely.
Issue the drafts to Ry. Board & A.

Ans
22/5/07

Fair copies submitted.

Dal
28/5

Issue
June 30/5/07

p47 Ct

Action taken in letter No 897 Ry dated 30th May 1907 to the Railway Board

p50 Ct

and also in letter No. 138/6 dated 30th May 1907 to the Agents. I Rys.