Revenue Department.

Minutes of Consultations.

14th September 1858

Book No 1 and 2

Order No 12197 8th September 185

No. 1. Read the following letter from J. L. LUSHINGTON, Esq., Acting Civil Auditor; to T. PYCROFT, Esq., Chief Secretary to Government, dated Fort Saint George, 29th July 1858, No. 167.

SIR,

Leave of absence under the absentee rules, has been granted* to P. T. Chittambalum Moodelliar, Acting Indexer, Revenue Department Government Office, without obtaining from this office a report on Chittambalum's application; I have to enquire whether any exemption from the rule has been made in favor of the subordinates of the Government Office. The Chief Engineer has also granted† leave of absence to Mr. W. Grant, Uncovenanted Assistant in the Central Office, without the report of this office as prescribed in the orders of Government No. 837, 17th July 1856, Public Department and No. 558, 26th March 1857, P. W.

* *Gaz. of the 9th instant.*

† *Gaz. of the 26th Jan. last.*

I would take this occasion to state, that the Chief Engineer grants privilege leave under the absentee rules to Uncovenanted Officers in the Department of Public Works, without referring their applications to this office for report by G. O. G. 3d February 1857, and Extract Minutes of Consultation No. 159 of 28th January 1858; that functionary is invested with powers to grant such leave, but no mention is made in those orders, as to whether the Civil Auditor should report on these applications for leave; but though nothing is expressly stated, I am of opinion that it was intended that privilege leave granted to Uncovenanted Officers in the Department of Public Works, like all other kind of leave, should be submitted for the report of the Civil Auditor.

The importance which by the recent orders of the Supreme Government is attached to leaves of absence to the Uncovenanted Service, renders it expedient that this point should be decided, and that responsibility should be attached to some officer to repress any abuse of the indulgence granted.

I have the honor to request therefore, that you will obtain and communicate to me the orders of Government on the subject.

No. 2. ORDER THEREON, No. 1219; dated 8th September 1858.

Para. 1. In this letter, the Acting Civil Auditor brings to notice that leave has been granted to Uncovenanted Servants in the Government office, and in the Central office of the Public Works Department, without the report of the Audit office prescribed by the orders of the 17th July 1856, and 26th March 1857; and that privilege leave is likewise granted to Uncovenanted Officers in the Public Works Department without such reference. As regards the latter department he adds, that no orders exist as to whether the Civil Auditor is to report upon them, but he is of opinion that like all other leave it should be reported upon by his office. Considering the importance attached by the Supreme Government as to leaves of absence to Uncovenanted Servants, he is desirous that this point should be decided, in order that responsibility may be attached to some officer to repress any abuse of the indulgence granted,

2. In the rules for regulating leave of absence and acting allowances to Public Officers in India "not in the Covenanted Service of the East India Company," notified in the resolution of the Government of India dated 22d February 1856 to be applicable to all Uncovenanted Officers in the receipt of salaries of 100 Rupees a month and upwards, it is stated that leave to officers receiving their appointments direct from Government will be granted by the Government; but in respect of all other officers, it will be optional with the Government to delegate to Heads of Offices or Departments power to act upon the rules without special reference to higher authority.

3. As regards the first class of officers, the Civil Auditor's Manual Chapter III. para. 25, requires applications from Uncovenanted Officers appointed directly by Government "to be forwarded through the Civil Auditor," who will submit them to Government with his report. The Notification of the 23d March 1855, quoted as the authority for this mode of procedure, refers however to applications for leave from Members of the Civil Service. Again, in describing the minor duties of the Audit Department it is stated that "all applications for leave of absence, whether "on private affairs or sick certificate, from officers in the Covenanted and Uncovenanted Ser- "vices, &c., are submitted to the Civil Auditor for report as to the eligibility of the applicant "under Regulation to the leave solicited."

Gazette, page 388.

4. In respect of Officers not receiving their appointments from Government, the Governor in Council has delegated to the following heads of offices power to act upon the Rules. The Court of Sudr Udalut, the Board of Revenue, the Director of Public Instruction, the Accountant General, and the Consulting Engineer for Railways have each been empowered to grant leave of absence on private affairs and on Medical Certificate to the extent of six months to persons affected by the rules, subject to the conditions that the leave is granted after a report by the Civil Auditor, and is notified in the Gazette

Jud. Ex.	*Mins. Cons.*	17*th April* 1856,	*No.* 381.
Rev.	*do.*	26*th May* ,,	,, 534.
Pub.	*do.*	6*th June* ,,	,, 657.
Do.	*do.*	19*th Augt.* ,,	,, 985.
Fin. R.	*do.*	18*th Dec.* ,,	,, 607.

Public Ex. Mins. Cons. 17*th July* 1856, *No.* 837.

5. The several Secretaries to Government have been empowered to grant leave on private affairs and on Medical Certificate to the Uncovenanted Officers in their Departments without limit as to period, on the like conditions of a report from the Civil Auditor and notification afterwards in the Gazette.

6. The Collectors of Revenue have been vested with authority to give leave on private affairs and on Medical Certficate to the extent of six months to Uncovenanted Servants below the rank of Hoozoor Sheristadars, *but without* the conditions of the report of the Civil Auditor and notification in the Gazette. And in like manner the power to give leave without those conditions to Uncovenanted Servants was delegated to the Mint Committee.

Revenue Extract Minutes Consultation 2d July 1856, *No.* 674.

Public Consultation 16*th June* 1857, *No.* 794.

7. Since the promulgation of the Uncovenanted Service rules which were notified to apply to all officers on the receipt of 100 Rupees a month and upwards, it has been resolved by the Government of India on the dates noted in the margin that heads of offices and Departments shall furnish to the Civil Auditor and Military Auditor General monthly Returns shewing the leave of absence granted under the above rules to those Uncovenanted Servants whose leave might not have been notified in the Gazette. And again onthe 6th February 1857* it has been ruled by the same authority, that in granting sick or private affairs leave to Uncovenanted Servants whose salaries are less than 100 Rupees, heads of offices shall be guided by the spirit of the uncovenanted service rules, and that all cases of leave so granted shall be reported to the Civil Auditor and Military Auditor General.

25th July 1856 *in Extract Minutes Consultation 12th September* 1856, *No.* 978.

9th Novr. 1857 *in Extract Minutes Consultation 21st December* 1857, *No.* 2352.

30th April 1858 *in Extract Minutes Consultation 19th June* 1858, *No.* 1160.

* *Page* 342 *of Gazette of* 1857.

P. W. Not. 27th January 1857.

8. In the Public Works Department the Notification of the 27th January 1857 empowers the Chief Engineer to grant one month's privilege leave to all the departmental officers, and requires leave in excess of that period to be granted to the Military classes according to the rules applicable to Military Officers in Civil employ, and to other classes according to the rules of the Uncovenanted Service.

P. W. Ex. Min. Cons. 26th March 1857, *No.* 558.

9. In Extract Minutes Consultation 26th March 1857, No. 558, the Government delegated to the Chief Engineer the power to grant leave of absence on Medical Certificate and on private affairs to the extent of six months to the Uncovenanted Servants employed in the Central office affected by the rules, and required the leave to be granted after a report by the Civil Auditor, and to be notified in the Gazette.

P. W. Ex. Mins. Cons. 1st June 1857, *No.* 1036.

10. In reply to a reference from the Military Auditor General enquiring whether applications for leave from Warrant and Non-Commissioned Officers and Soldiers in Civil employ were to be reported upon by him, the Government observed that they had in several instances laid it down as a rule, that no leave can be granted to their servants of the superior grade (Covenanted or Uncovenanted, Civil or Military,) before their applications had been reported upon by the proper audit department, and they saw no reason to make any exception in favor of the officers alluded to by the Auditor General. In cases in which leave can be granted only by Government, the applications, they said, should be submitted through the Audit Department to avoid delay. This rule, they added, was necessary, as it was requisite that Government should ascertain from the authority constituted and recognized for the purpose, that leave applied for by any of their servants might be granted under the rules which had been laid down.

11. It appears from the foregoing that the authorized course is as follows:

First. "As respects servants receiving salaries of 100 Rupees and upwards." Applications for leave from officers appointed by Government are referred in the first instance to the Civil Auditor for report, and the leave granted is notified in the Gazette; and the same course is pursued under special orders in respect of applications from Uncovenanted Servants not appointed by Government employed in the Revenue, Judicial, and Account Departments, and Departments under the Government Secretariat, as well as from Uncovenanted Servants employed under the Director of Public Instruction and Consulting Engineer for Railways. The exceptions to this mode of proceeding are to be found in the orders delegating to Collectors and to the Mint Committee power to grant leave to their subordinates without report of Civil Auditor or publication in the Gazette.

Secondly. As respects servants receiving salaries below 100 Rupees no specific orders obtained.

Thirdly. As regards the Public Works Department no special orders obtain beyond that of the 26th March 1857 relating to the servants of the Central Office, and the general one of the 1st June 1857 as regards servants in that Department generally. This order has not been communicated to the officer of Audit and the Civil Auditor assumes in consequence, that no orders exist requiring his Office to report on applications from parties employed in the Public Works Department.

12. With reference to the remark that privilege leave in the Public Works Department like all other kinds of leave should be sent to the Civil Auditor for report in the first instance, the Government remark that the Public Works Establishment at its full complement numbers 1024 individuals, all of whom are appointed by Government and the appointments notified in the Gazette. Of the whole number 154 receive salaries of 100 Rupees and upward, and 870 receive below 100 Rupees, and they apprehend that if applications from this department were to be referred in every case for report, it will involve an amount of labor for which the office of Audit may not be prepared. It should moreover be remarked that under late orders* from the Government of India statements of leaves of every description granted to Uncovenanted servants drawing more than 10 Rupees a month are to be furnished monthly to the Civil Auditor who consequently has means of check which he did not before possess.

* *9th November* 1857, *No.* 764.
30th April 1858, ,, 2590.

13. Considering the importance stated to be attached by the Supreme Government to leaves of absence to the Uncovenanted Service, and considering the desirableness of a uniformity of practice, the Governor in Council requests that Mr. Lushington will apply to the Auditors in Bengal and Bombay, the N. W. Provinces and the Punjab and ascertain and report to Government the rules and practice which prevail at those Presidencies in respect of

applications for leave of absence from Uncovenanted Servants of every description and in all Departments of the State, whether appointed by Government or not, and whether receiving above or below a monthly salary of 100 Rupees, specifying by what authorities such leaves are granted, and under what conditions as regards report by the Civil Auditor and publication in the Gazette or any other.

14. Pending the receipt of this information applications for leave to Uncovenanted Servants in the Government office drawing more than 100 Rupees a month to be granted under Extract Minutes Consultation 17th July 1856, No. 837, and applications from Uncovenanted Servants on the same scale of pay to be granted by the Chief Engineer under Extract Minutes Consultation 26th March 1857, will, as therein ordered, be forwarded for the report of the Civil Auditor in the first instance. As regards leave applied for under Extract Minutes Consultation 28th January 1858, and that granted under Extract Minutes of Consultation 27th January 1857, p. 8, the general rule of the 1st June 1857, which will now be communicated to the office of Audit, will apply.

(Signed) T. PYCROFT,
Chief Secretary.

R. D. 31

No. 1219

Extract from the Minutes of Consultation
Under date the 8th ~~of August~~ September 1858.

Read the following letter
from the Acting Civil Auditor

(Here enter 29th July 1858 No. 167)

R. Y. In this letter, the Acting Civil Auditor brings to notice that leave has been granted to Uncovenanted Servants in the Government Office, and in the Central Office of the Public Works Department, without the report of the Audit Office prescribed by the orders of the 17th July 1856, and 26th March 1857; and that privilege leave is likewise granted to uncovenanted Officers in the Public Works Dept.

without

without such reference. As regards the latter department he adds that no orders exist as to whether the Civil Auditor is to report upon them, but he is of opinion that like all other leave it should be reported upon by his office. Considering the importance attached by the Supreme Government as to leaves of absence to Uncovenanted Servants, he is desirous that this point should be decided, in order, that responsibility may be attached to some officer to repress any abuse of the indulgence granted.

2 In the Rules for regulating leave of absence and acting allowances to Public officers in India" not in the Covenanted Service of the East

East India Governing, notified in the resolution of the Government of India dated 22nd February 1856 to be applicable to all uncovenanted officers on the receipt of salaries of 100 Rupees a month and upwards, it is stated that leave to officers receiving their appointments direct from the Government will be granted by the Government; but in respect of all other officers it will be optional with the Government to delegate to Heads of Offices or departments power to act upon the Rules without special reference to higher authority.

3 As regards the first class of officers, the Civil Auditors' Manual Chap. III para 25 requires applications from Uncovenanted officers appointed

appointed directly by Govt "to be forwarded through the Civil Auditor," who will submit them to Government with his report. The Notification of the 23rd March 1858 quoted as the authority for this mode of procedure, refers however to applications for leave from Members of the Civil Service. Again in describing the Minor duties of the Audit department it is stated that "all applications for leave of absence, whether on private affairs or sick certificate, from officers in the Covenanted & Uncovenanted Services &c are submitted to the Civil Auditor for report as to the eligibility of the applicant under Regulation to the leave solicited."

Now because it was enacted by Resolution of 22 Feb 1858 - Vide Gazette pages 388.

There

~~There does not however appear to be any positive order requiring applications for leave from Uncovenanted Servants appointed by Govt to be forwarded to the Civil Auditor for report, though by analogy, the regulations of the Civil Service seem to have been applied to the Uncovenanted Services.~~

4 In respect of Officers not receiving their appointments from Government. the Governor in Council has delegated to the following Heads of Offices ~~under him~~ power to act upon the Rules. The Court of Sudr Adalut the Board of Revenue, the Director of Public Instruction, the Accountant General and the Consulting Engr for Railways ~~and the Chief Engineer~~ ~~in respect to the Central~~ Office

~~Fin Dy: No: 6 - 17th April 1856 Nos 381~~
~~Rev Do 26th Augt " 534.~~
~~Pub Do 8th June " 657.~~
~~Do Do 19th Augt " 985~~
~~Fin R. Do 18th December " 607~~
~~Pub Do Do 25th March 1859 " 226~~

~~Office~~ have each been em-
=powered to grant leave of
absence on private affairs
and on Medical Certificate
to the extent of Six Months
to persons affected by the
Rules, subject to the Condi-
=tions that the leaves are
granted after a report by
the Civil Auditor, and are
notified in the Gazette.

2d The several Secretaries
to Government have been
empowered to grant leaves
on private affairs and on
Medical Certificate to the
Uncovenanted Officers in their
Departments without limit as
to period, on the like Condi-
=tions of a report from the
Civil Auditor and Notifica-
=tion afterwards in the Gazette.

Pub: Cons: 16th June 1857 No 794.

Pub: Ep: M: 6: 17th July 1856 No 827.

25th July 1856 in Ep: M: 6: 12th Sept 56, 19 Oct 8.
9th Nov 2d 1857 in Do. 21st Dec 57 n 2352
30th April 1858 Do. 19th June 58 n 1160.

6 The Collectors of Rev:
have been vested with authority
to

Rev: Ep: M: 6: 2d July 1856 No 674.

to give leave on private affairs
and on Medical Certificate to
the extent of Six Months
to Uncovenanted Servants below
the rank of Hoozoor Sheristadars
but without the Conditions
of the report of the Civil
Auditor and notification in
the Gazette. And in like
manner the Power to give
leave without those Condi-
=tions to Uncovenanted Servants was
delegated to the Mint
Committee.

7 Since the promulga-
=tion of the Uncovenanted
Service Rules which were
notified to apply to all
Officers on the receipt of 100 Rs
a Month and upwards, it
has been resolved by the
Government of India on the
dates noted in the Margin that
Heads of Offices and Depart-
=ments shall furnish to the

Civil

civil auditor and Military
auditor General Monthly
Returns shewing the leave
of absence granted under the
above Rules to those uncove:
=nanted Servants whose leave
might not have been noti:
=fied in the Gazette. And
again on the 6th February
1857 it has been ruled by the
same authority, that in
granting sick or private
affairs leave to uncovenanted
Servants whose Salaries are
less than 100 Rupees, Heads
of Officer shall be guided
by the Spirit of the Uncove:
=nanted Service Rules, and
that all cases of leave so
granted shall be reported
to the Civil auditor and
Military Auditor General.

8 In the Public Works
Department the Notification
of

Wd find clear when leave
& Pol. Gazette meant to be
published in Gazette

page 342 of Gazette of 1857.

P. Co. Nov. 27 Jany 57.

P. Co. Nov. 27th Jany 57

B

Sect X. 28.

Nothing said about
dispensing with leave Rules
and publication in Gazette

7 1/2

of the 27th January 1857 empowers
the Chief Engineer to grant one
months privilege leave to all
the departmental officers, and
requires leave in excess of
that period to be granted to the
Military classes according to
the Rules applicable to Military
officers in Civil employ and
to other classes according to
the rules of the Uncovenanted
Service.

9 In Extract Minutes
Consultation 26th March 1857
No. 558 the Government delegated
to the Chief Engineer the power
to grant leave of absence on
Medical certificate and on
private affairs to the extent
of Six Months to the Uncove:
=nanted Servants employed
in the Central Office attached
by the Rules, and required the
leave to be granted after a/cs

P. Co. Ltr 26 March 1857 No 558.

reports

report by the Civil Auditor and to be notified in the Gazette.

10 In reply to a reference from the Military Auditor General enquiring whether applications for leave from Warrant and non Commissioned Officers and Soldiers in Civil employ were to be reported upon by him, the Government observed that they had in several instances laid it down as a rule, that no leave can be granted to their Servants of the superior grade (Covenanted or Uncovenanted, Civil or Military) before their applications had been reported upon by the proper audit department, and they have no reason to make

any

P. Co. Sw. 1 June 1887 No 1036.

any exception in favor of the Officers alluded to by the Auditor General. In cases in which leave can be granted only by Government, the applications, they said, should be submitted through the audit department to avoid delay. This rule, they added, was necessary, as it was requisite that Government should ascertain from the authority constituted and recognized for the purpose, that leave applied for by any of their Servants might be granted under the rules which had been laid down.

11 It appears from the foregoing that the authorized course is as follows,

First - "As respects Servants receiving Salaries of 100 Rupees and upwards." Applications for leave from

from officers appointed by Govt.
are referred in the first instance
to the Civil Auditor for report, and
the leave granted is notified in the
Gazette; and the same course is
pursued under special orders in
respect of applications from Un-
covenanted Servants not appointed
by Government employed in the
Revenue, Judicial, and Account
departments, and departments under
the Government Secretariat, as as
well as from Uncovenanted Servants
employed under the Director of
Public instruction & Consulting
Engineer for Railways. The excep-
tions to this mode of proceeding
are to be found in the orders delegat-
ing to Collectors and to the Mint
Committee power to grant leave
to their subordinates without report of
Civil Auditor or publication in the Gazette.

Secondly As respects Servants receiving
Salaries below 100 Rupees no Speci-
fic orders obtain.

Thirdly

Thirdly As regards the Public Works
Department no special orders
obtain beyond that of the
26th March 1857 relating to the
Servants of the Central Office,
and the General one of the
1st June 1857 as regards Servants
of the ~~Superior grades~~ generally. This
order has not been communi-
cated to the officer of audit
and the Civil Auditor assumes
in consequence that no orders
exist requiring his office to
report on applications from
parties employed in the Public
Works Department.

12 With reference to the
remark that privilege leave
in the Public Works Department
like all other Kinds of leave
should be sent to the Civil
Auditor for report in the
first instance, the Government
remark that the Public Works

Establishment

Establishment at its full complement numbers 1024 individuals, all of whom are appointed by Government and the appointments notified in the Gazette. Of the whole number 154 receive Salaries of 100 Rupees and upwards and 870 receive below 100 Rupees, and they apprehend that if applications from this department were to be referred in every case for report, it will involve an amount of labor for which the office of audit may not be prepared. It should moreover be remarked that under late orders from the Govt of India statements of leaves of every description granted to uncovenanted servants drawing more 100 Rs a month are to be furnished monthly to the Civil Auditor who consequently has means of check which he did not before possess. ⊛ 4 Nov 57 & 30 Oct 58 No 2550.

13 Considering the importance stated to be attached by the Supreme Government to leaves of absence to the Uncovenanted Service, and considering the desirableness of a uniformity of practice, the Governor in Council requests that Mr Lushington will apply to the auditors in Bengal and Bombay, the N.W. Provinces and the Punjab and ascertain and report to Government the rules and practice which prevail at those Presidencies in respect of applications for leave of absence from Uncovenanted Servants of every description and in all departments of the State, whether appointed by Government or not, and whether receiving above or below a Monthly Salary of 100 Rupees.

14 Pending the receipt of this information applications for leave to uncovenanted Servants in the Government Offices drawing more than 100 Rupees a month to be granted under

Extract

* specifying by what authorities such leaves are granted and under what conditions as regards report by the Civil Auditor and publication in the Gazette or any other.

Extract Minutes Consultations
17th July 1856 No. 837, and on
applications from Uncove-
-nanted Servants on the re-
-same Scale of pay to be
granted by the Chief Engineer
under Extract Minutes Cons:
26th March 1857 will, as therein
ordered, be forwarded for
the report of the Civil Auditor
in the first instance. As
regards leave applied for
under Extract Minutes Cons:
28th January 1858 that granted under Extract Minutes of Cons 27th Jany 1857 & the general rule of the 1st June 1857 on which will now be Com-
-municated to the Offices of
Audit, will apply.

Copy to the Civil Audr
with S. R. C. 1st June 57 No. 1036
D. S. W.
" Mily Audr Genl
" Offg. Chief Engr
" Public Works Dept
" Military Works Dept

This draft gives a summary of the orders already passed and the expenses to be met in the other Presidencies with those on leave matters of management &c. If I own all applications for leave from Uncovenanted Officers — even those drawing more than 100 Rs a month — are to be reported on by the Civil Auditor, it will be likely to give him a good deal of trouble — and as all leave granted to servants drawing above Rs 10 per annum are to be reported monthly to him — he has means of checking irregularities and there is the less reason for requiring previous report.

27-8-58

1 Copy to the Civil Audr's Deptt 9 No.
1 — " Mily Audr Genl
10 — " Offg Chief Engrs
3 — " Pub. Dept
4 — " Mily — Dept

Revenue 1858 Departt.
Dy. to Cons: 14th Septr.

No. 1219.
Extract Instns. of Cons:
Dy 8th September 58.

c 27 Cleg Rh: Sep.

Revenue 1858 Departt.

D.G. to Govt. 14th September

No. 1219.

Extract Mins. of Govt.

D/ 8th Septr /58.

From the Offg Chief Engr 25th Septr/58

R: 225 Enclosures 5 Pieces

Requesting the Civil Auditor
to apply to the auditors in Bengal
Bombay, the North West Provinces,
& the Punjab, and ascertain and
report to Government, the rules and
practice which prevail at those
Presidencies, in respect of ap-
plication for leave of absence
for Uncovenanted Servants of
all description.

No 142.