M.R.O. 14—10,000—21-4-27

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 930 Press Mis.

623 - 924

Dated 30 Dec. 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
30th April 1862.

No. 423. Read the following Proceedings of the Madras Government in the Financial Department, dated 26th April 1862, No. 314 :—

Communicating the Proceedings of the Government of India, regarding special leave to Uncovenanted Officers. } (Vide Financial Proceedings, 26th April 1862, Nos. 93, 94.)

No. 424. ORDER THEREON, 30th April 1862, No. 930.

Ordered to be communicated to the following authorities for their information and guidance :—

Board of Revenue.
Inám Commissioner.
Director of Revenue Settlement.
Superintendent of Revenue Survey.
President of the Income Tax Commission.
Conservator of Forests.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Extract from the Proceedings of the Government of India in the Financial Department, dated 15th March 1862, No. 2,231.

Read the following papers regarding several points connected with the Absentee Rules of the Uncovenanted Service:—

Office Memorandum from the Public Works Department, No. 1,821, dated the 28th May 1861.

Endorsement to Officiating Civil Pay Master, Fort William, No. 6,747, dated the 6th June 1861.

Report from ditto, dated 13th June 1861.

Resolution passed in this Department on the 27th June 1861, No. 8,155.

Office Memorandum from Public Works Department, No. 80, dated the 7th January 1862, with enclosures.

Endorsement to Civil Pay Master, Fort William, No. 821, dated the 7th February 1862.

Memorandum from ditto, dated 15th February 1862.

RESOLUTION.—Mr. A. G. Crommelin, an Uncovenanted Officer of the Public Works Department, holding the appointment of Executive Engineer on the Baree Doab Canal, obtained leave to Europe on Medical Certificate under an Order of this Government, dated the 12th December 1858, and reported his departure from India, on the 7th March 1859. While in England, he was allowed extensions of leave by instalments for another year, which carried his leave up to the 7th March 1861. But having, with the permission of the Secretary of State, left England to return to India viâ Bombay by a Steamer of the 12th February 1861, he did not arrive in Bombay till the 15th March following, *i. e.*, eight days after the expiration of his leave. By an Order of the Government of the Punjab, dated the 25th April 1861, which was subsequently confirmed by this Government, he was appointed to officiate as Controller and Examiner of Public Works Accounts in the Punjab and he reported his arrival at Lahore on the 27th April 1861.

The Public Works Department, in reporting these circumstances in May last, enquired whether special leave on one-third allowances could be granted to Mr. Crommelin for the period occupied in travelling from Bombay to Lahore, and was informed in reply that, as Mr. Crommelin had exceeded the leave granted to him under Section V. of the Absentee Rules of the Uncovenanted Service, he was "not entitled to any special leave that would carry allowances with it."

Mr. Crommelin now enquires, whether the period between his landing at Bombay and arriving at Lahore (viz., from the 15th March to the 27th April 1861) may be allowed to count for pension, and solicits orders as to whether any retrenchment should be made in the case of Mr. Purdon, another Uncovenanted Officer of the Public Works Department in the Punjab, who, with the sanction of the Secretary of State, exceeded his sick leave for two years by two months, and was allowed special leave to rejoin his appointment for two months more, during which he received half salary.

The Public Works Department, in referring Mr. Crommelin's enquiry for consideration and orders, raises the following general questions connected with the grant of leave of absence to Uncovenanted Servants:—

1. To what allowances is an absentee entitled during the third year of sick leave?

2. What is the correct construction of the passage in the Resolution passed in this Department, on the 14th October 1857, declaring that an absentee on special leave is entitled to the rates of allowances granted under Clause 3 of Section 5 of the Absentee Rules (cited in the margin)?

"During one year of the entire period of absence under this "rule, the absentee will be subjected to a deduction of one-"half, and during the remainder, to a deduction of two-"thirds of his allowances, provided, however, that he shall "in no case draw a larger sum than Rupees 6,000 (£600) per "annum."

3. Is the permission given to an Uncovenanted Officer by the Secretary of State to return to his duty a mere formality, or does it entitle him to retain his appointment if he exceeds his leave; and in the latter case, does the excess and the time occupied in joining count towards pension?

The Civil Pay Master, Fort William, whose opinion on the subject was called for, replies in regard to the case of Mr. Crommelin, that "when an Uncovenanted Officer forfeits his ap-"pointment by overstaying his leave, he is not entitled to special leave, inasmuch as he has no

"appointment to join, consequently the period intervening between the date of Mr
"return to Bombay, and that of his assuming charge of his office at the Punjab, c
"service qualifying for pension."

With reference to the first and second questions raised by the Public Works
the Civil Pay Master reports that an absentee, during the third year of sick leave,
one-third of his salary, and during special leave to one-third or one-half; according
of his absence on sick leave shall or shall not have exceeded twelve months; a
therefore, necessary to recover from Mr. Purdon the difference between half and on
salary during the period of his special leave.

His Excellency the Governor General in Council concurs in the views of th
Master, and observes, with regard to the third point referred for consideration by
Works Department, that the question whether an Uncovenanted Servant, who has
sion of the Secretary of State to return to his duty, is entitled to retain his appointm
on the circumstances under which that permission was given. If an Officer merely a
allowed to return to his duty on a particular Steamer, without explaining that his le
pire before he can reach India, the permission of the Secretary of State (which wo
given as a matter of course) cannot be held to imply that it was intended he should
appointment contrary to the letter of the rules; but if, on the other hand, the Officer
the Secretary of State that his leave will be exceeded, it may fairly be inferred
intended that his claim to his appointment should not be forfeited, and in this case h
held to be entitled to special leave and to count such special leave as service qualifyi
sion. Every case, however, must be considered on its merits. No general ruling ca

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Ordered, that a copy of the foregoing Resolution be forwarded to the Public Wor
ment, for information and further orders, and that the original papers received from th
ment, with Memorandum, No. 80, dated the 7th January 1863, be returned, copies
in this office for record.

Ordered, also, that copies of the foregoing Resolution be forwarded, for inform
guidance, to the Departments, Governments and Officers noted below:—

Foreign, Home, Military, and Marine Departments.
Governments of Bengal, Madras, Bombay, the North-Western Provinces and th
Civil Pay Masters, Bengal, Madras, Bombay, the North-Western Provinces, and t

(A true Extract)
(Signed) C. BERNARD,
Under Secretary to the Government o

ORDER THEREON, 26th April 1863, No. 3114.
Communicated to the several Departments of the Secretariat.
(True Extract)

Chief Sec

To the Revenue Department.
" Public Works "
" Military "
" Public "
" Judicial "
" Political "
" Marine "
" Legislative "
" Educational "
" Railway "

Ext. T. O'Conor

Revenue 1862 Oct.r
Pro. of Gen.l Law
Vol. 1256.

Proceedings of the
Madras Govt. in the
Financial Dept.

Dated 26th March 1862
Recd. 28th Do.

Vol. 314.

~~Commencing~~
~~the Proceedings~~
~~of the first Sitting~~
~~& ending with those~~
~~of the last Sitting~~
~~of the Board of~~
~~Revenue~~
~~& Records of~~
~~Inspection~~

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