M.R.O. 14—18,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1969 - 1970 Press ~~Misc~~

216.318

Dated 25 - 10. 1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 25th October 1864.

No. 316. Read the following letter from W. DONALD, Esq., Chief Assistant Civil Paymaster in charge, to J. D. SIM, Esq., Secretary to Government, Revenue Department, dated Fort Saint George, 7th October 1864, No. 150 :—

SIR,

1. I have the honor, with reference to Government Order, No. 1,801,* dated the 29th ultimo, to report that I do not consider that the Serishtadar of the Dindigul Talook was entitled, under existing Rules, to the three months privilege leave granted to him from 9th May last.

* Enclosure returned.

2. The Serishtadar having applied for leave subsequent to the date† of the publication of the revised Uncovenanted Civil Service Absentee Rules, would, had it not been for the Financial Resolution of the Government of India, marginally noted, have been eligible to one month only ; but having, at the time the rules in question were issued, been entitled to accumulated leave (to the extent of two months) under the old rule, he was eligible in May last to leave for that period under the Resolution above named.

† 26th June 1863.

No 3478, dated 31st July 1863.

3. There is nothing in that Resolution to show, and it is against the spirit of the revised rules, that a servant may add service under them to service under the old, and claim cumulative leave in consequence. This Office has not allowed any uncovenanted officer leave since the publication of that resolution in excess of what he was entitled to on 23rd June 1863.

No. 317. ORDER THEREON, 25th October 1864, No. 1,969.

Miscellaneous.

1. From the papers submitted the Government gather that the Serishtadar of the Dindigul Talook last had privilege leave in October 1860, so that when the new leave rules were issued, viz., 8th June 1863, he had served thirty-one months and stood entitled to two months' leave. Subsequent to the issue of the new rules he served eleven months, thus earning one month under them.

2. The new rules do not admit as the old rules did, of the accumulation of privilege leave ; but in their Order of the 31st July 1863, No. 3,478, the Government of India determined " that uncovenanted officers who were entitled to accumulated privilege leave under the old rules, when the new rules were issued will be allowed two or three months' leave in the same manner as if the old rule still remained in force."

3. The Civil Pay Office has ruled that a servant cannot add service under the new rules to service under the old and claim cumulative leave in consequence, on the ground that " there is nothing in that resolution" (of the Government of India) " to show, and it is against the spirit of the revised rules" that such an addition is allowable.

4. The Government are unable to concur in this opinion.

5. The resolution of the Supreme Government is silent on the question, because it formed no part of the reference ; but it decided that what an officer had previously earned he should not forfeit, and the natural inference is that he should be allowed to have this in addition to whatever he could earn under the new rules. The doctrine of the Pay Office, however, entails one of two consequences, either the Serishtadar gets only one month of the two due to him—in which case, the resolution of the Government of India is set aside—or he gets no leave under the new rules though he has satisfied their requirements.

6. The Government cannot believe that the Supreme Government intended any thing so illiberal or illogical. The object of their resolution was clearly to remove the hardship of suddenly depriving officers of leave which they had fairly earned and the grant of which, it must be remembered, involves neither inconvenience nor expense to the State. In the present instance the ruling of the Civil Paymaster's office is especially harsh, inasmuch as the Sheristadar has in

reality served forty-two months and has enjoyed the three months' leave without objection being raised till the last moment. He is in fact fined a month's pay for availing himself of leave granted to him (correctly as the Government consider) by his superior; though, as he states, he would have taken only two months' leave had he known that he might incur this penalty.

7. The Government consider that an officer who has served eleven months under the new rules may add to the one month so earned any accumulated leave to which he stood entitled on the 8th June 1863, provided that the aggregate do not exceed three months (the maximum obtainable under the old rules) and the leave can be granted without inconvenience or expense to the State. As the ruling of the Pay Office will often involve serious hardship, the Government resolve to refer the question to the Government of India.

8. The Serishtadar's pay will however be passed to him as his case is one of peculiar hardship, and being in receipt of less than 100 Rupees a month the leave rules are not applicable with the same strictness to him as to officers drawing Rupees 100 and upward per mensem.

(True Extract.)

(Signed) J. D. SIM,
Secretary to Government.

To the Collector of Madura.
" the Civil Paymaster.
" the Financial Department.
" the Board of Revenue.

Exd. T. TO'Connor.

REVENUE DEPARTMENT.
FORT SAINT GEORGE,
25th October 1864.

No. 1,970.

No. 318.

From

J. D. SIM, Esq.,

Secretary to the Government of Fort Saint George,

To

The Secretary to the Government of India.

SIR,

Miscellaneous.

From the Collector of Madura, dated 22nd September 1864, No. 1,011, with one enclosure.
Order thereon, dated 29th September 1864, No. 1,801.
From the Chief Assistant Civil Paymaster in charge, dated 7th October 1864, No. 150.
Proceedings thereon, dated 25th October 1864, No. 1,969.

1. I am directed by His Excellency the Governor in Council to submit, for the consideration and orders of the Government of India, copies of the papers noted in the margin, relating to an interpretation put by the Civil Paymaster of this Presidency, on the Order of the Government of India, dated 31st July 1863, No. 3,478, regarding the grant of accumulated privilege leave to Uncovenanted Officers.

2. The case which has given rise to this reference does not come under the new Leave Rules, as the individual draws less than 100 Rupees monthly; but the Civil Paymaster's interpretation of the Resolution of the Supreme Government affects a large number of officers, and the authoritative decision of the Supreme Government is therefore desirable.

3. The Government conceive the intention of the Resolution to have been that those officers who had already earned accumulated leave under the old rules should retain that leave, *plus* whatever they could earn under the new, (provided the aggregate does not exceed the maximum period of three months) and, as privilege leave entails no expense on the State and is only granted when convenient to the Government, they strongly recommend that their more liberal and, as they believe, correct interpretation be upheld, and that a large body of deserving officers be not deprived suddenly of an indulgence which they have fairly earned, and which it will cost the State nothing to concede.

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

(Signed) J. D. SIM,
Secretary to Government.

Exd. T. O'Connor.

No. 1969.

Revenue Department

Proceedings of the Madras Government

Under date the 25th October 1861.

Read the following letter from the Chief Assistant Civil Paymaster in charge

Considers that the Sheristadar of Dindigul is not entitled to 3 months' Privilege leave for reasons given.

(Here enter 7th October 1861 No. 150)

From the papers submitted the Government gather that the Sheristadar of the Dindigul Zilaah last had privilege leave in October 1860 - so that when the new leave rules were issued viz 8th June he had served 31 months and stood entitled to 2 months' leave. Subsequent to

o the issue of the new rules be served 11 months thus earning one month under them.

The new rules do not admit as the old rules did, of the accumulation of privilege leave but in the order of the 31st July 1865 No. 3478 the Govt. of India determined "that uncovenanted officers who were entitled to accumulate privilege leave under the old rules, when the new rules were issued will be allowed two or three months leave in the same manner as if the old rule still remained in force"

The Govt.

Officer has ruled that a servant cannot add service under the new rules to service under the old and claim cumulative leave in consequence, on the ground that "there is nothing in that resolution" (of the Government of India) "to show, and it is against the spirit of the revised rules" that such an addition is allowable.

The Government are unable to concur in this opinion.

The resolution of

of the Supreme Government is silent on the question because it formed no part of the reference - but it decided that what an officer had previously earned he should not forfeit - and the natural inference is that he should be allowed to have this in addition to whatever he could earn under the new rules. The doctrine of the Pay office, however, entails one of two consequences either the Sheristadar gets only one month of the two due to him - in which case

case the resolution the Govt of India is set aside - or he gets no leave under the new rules though he has satisfied their requirements. The Govt cannot believe that the Supreme Govt intended any thing so illiberal or illogical - The object of their resolution was clearly to remove the hardship of suddenly depriving officers of leave which they had fairly earned and the grant of which, it must be remembered, involves neither inconvenience nor expence to the State - In the present instance the ruling of the Civil Paymasters office is especially harsh, inasmuch as the Sheristadar has in reality served 4 mon

months and has enjoyed the 3 months' leave without objection being raised till the last moment.- He is in fact fined a month's pay for availing himself of leave granted to him (correctly as the Govt consider) by his superior - though, as he states, he would have taken only 2 months' leave had he known that he might incur this penalty.-

The Govt consider that an officer who has served 11 months under the new rules may add to the one month so earned any accumulated leave to which he stood entitled on the 8th June 1863, provided that the aggregate do not exceed 3 months (the maximum obtainable under the old rules) and the leave can be

-out inconvenience or expence to the State:- as the ending of the day office will often involve serious hardship, the Govt resolve to refer the question to the Govt of India.-

The Sheristadar's pay will however be passed to him as his case is one of peculiar hardship, and being in receipt of less than 100 Rs a month the leave rules are not applicable with the same strictness to him as to officers drawing Rs 100 and upward per mensem.-

1 Collector of Madura with an Assistant
3 Civil Paymasters
5 Civil Depts
11 Bde Asst
1 Extra Asst to the Govt of Ceylon

Revenue 1864 Deptt.
Pro: of Govt for Octr.

No 1969.

Pro: of the Madras Govt
Dt 25th October 1864.

From the Genl Paymaster
Dt 22d October 1864 & Encl.

Referring to Govt of India for decision the Civil Paymasters interpretation in the case of the accumulated hindu leave to Uncovenanted Officers.

No 316 & 317.

Revenue Department

No 1970.

To

The Secretary to the Government of India.

Sir,

I am directed by His Excellency the Governor in Council to submit for the consideration and orders of the Government of India, copies of the papers noted in the Margin relating to an interpretation put by the Civil Paymaster of this Presidency, on the order of the Gov of

From the Collector of Tanjore Dy. Dt 22d Sept 1864 No 1011 with one enclosure

Order thereon Dt 29th Sept 1864 No 1801.

From the Chief Asst Civil Paymaster in Charge Dt 7th Oct 1864 No 156.

Pro: thereon Dt 25 October 1864 No 1969.

of India dated 31st July 1863 No. 3478 regarding the grant of accumulated privilege leave to uncovenanted officers. —

2. The case which has given rise to this reference does not come under the new Leave rules, as the individual drawsless than 100 Rs. Monthly- but the Civil Paymasters interpretation of the resolution of the Supreme Government of officers in ranges in numbers of officers - and the authoritative decision of the Supreme Govt is therefore desirable.

The

3 The Govt of ~~Court~~ ~~seems to have~~ ~~the intention of~~ ~~Govt is that the~~ ~~to have been~~ resolution ~~intended~~ that those officers who had already earned accumulated leave under the old rules should retain that leave, plus whatever they could earn under the new, provided the aggregate does not exceed the maximum period of 3 Months and, as privilege leave entails no expence on the State and is only granted when convenient to the Government they strongly recommend

recommend that their more liberal and as they believe, correct interpretation be upheld and that a large body of deserving officers be not deprived suddenly of an indulgence which they have fairly earned and which, it will cost the State nothing to concede.

Fort St. George
25th Oct 1864

Revenue 1864 Dept
Pro: of Post for Octr

No 1370

To the Secretary
to the Govt of India.
D/25 Octr /64.

From the Secretary to Govt
of India D/22 Decr /64 C.A. 3225

Submitting for
consideration and orders
copies of papers relating
to an interpretation put
by the Civil Paymaster of
this Presidency on the
order of the Govt of India,
regarding the grant of
accumulated privilege
leave to Uncovenanted Officers

No 318.