M.R.O. 14—13,000—27-6-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue—**DEPARTMENT.**

G.O. No. 1980-1981 Press ~~Mis.~~

339.248

Dated 26-10-1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 26th October 1864.

No. 339. 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, 30th September 1864, No. 146 :—

SIR,

I have the honor, with reference to Government Order, No. 1,802, dated 29th instant, to report that Mr. Banbury is not under the rules entitled to the balance of his privilege leave, and there appears to be no previous case of a Civil Servant being granted the indulgence asked for. There are however two recent instances in which the Government of India have allowed Officers, who have been recalled to public duty while on leave, the privilege of taking the unexpired portion at a future time. These are in the cases of S. Nadamoony and Major R. M. Macdonald, to whom the indulgence appears to have been promised on their being required to forego the portion of their leave. If Government are pleased to accede to Mr. Banbury's request, the permission granted will have to be confirmed by the Government of India.

Government of India, Orders No. 845, dated 11th February 1864, and 9th May 1864, No. 62, k.

No. 340. ORDER THEREON, 26th October 1864, No. 1,980.

Miscellaneous.

The Government do not consider paragraph 116A, Chapter II of the Civil Auditor's Manual applicable to this case. Mr. Banbury never sought to have his leave granted in instalments, but having been recalled by the Government while enjoying it, asks that the unexpired portion may be allowed to him at some future time when convenient to the Government.

2. The Government consider the request fair, and accordingly comply with it.

3. A reference will be made to the Supreme Government on the subject of the letter from the Financial Secretary to the Civil Paymaster, No. 13,907, dated 26th November 1861.

(Here enter No.1,981, dated 26th October 1864.)

(True Extract.)

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

To G. Banbury, Esq.
„ the Civil Paymaster.
„ the Board of Revenue.

Exd. T. O'Connor.

REVENUE DEPARTMENT.
FORT SAINT GEORGE,
26th October 1864.

No. 1,981.

No. 341.

From J. D. SIM, Esq.,
Secretary to the Government of Fort Saint George,

To *The Secretary to the Government of India.*

SIR,

Miscellaneous.

G. O. 20th October 1864, No. 29. Mis:
G. O. 26th October 1864, No. 1,980.

1. At the instance of the Civil Paymaster, I am directed to request that His Excellency the Governor General of India in Council may be moved to confirm the accompanying orders of this Government, allowing Messrs. Banbury and Chase, of the Madras Civil Service, to enjoy at some future period (when convenient to the Government) the balance of the privilege leave due to them when they were recalled to duty.

2. I am directed to take this opportunity of requesting that the ruling contained in Mr. C. H. Lushington's letter, dated 26th November 1861, No. 13,907, to the Acting Civil Paymaster, Madras, may be cancelled. This Government has full authority to grant or withhold privilege leave to their Officers, and it is anomalous that it should not also have the power of allowing an Officer who being absent on privilege leave is, before its expiry, recalled to duty for public reasons, the indulgence of enjoying the unexpired portion of that leave when it may suit its convenience to grant it. The ruling is further objectionable, as it virtually places the Government in the position either of doing an injustice to the Officer or of sacrificing the public interests to save him from injury. In fact, if the interposition of the Supreme Government in a petty matter of this kind be deemed necessary at all, the ruling should be to the contrary effect, the Officer should be declared entitled to the balance of his leave, so as to remove every ground of complaint when the local Government deems it necessary for public reasons to recall him to duty.

3. I am also to observe that no copy of the letter above referred to appears to have been sent to this Government.

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

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

Exd. S. T. Augustin.

in Charge.

No. 845.

Extract from the Proceedings of the Government of India, in the Financial Department, dt. 11th February 1864.

Read Endorsement from the Civil Paymaster, Madras, No. 26, dated 27th January 1864, forwarding for information and orders, Copies of the Proceedings of the Government of Madras, Nos. 334 and 22, dated, respectively the 26th December 1863 and 22nd January 1864 regarding the grant of privilege leave to Nadamuni Mudali, Deputy Inspector of Schools, Godavary District.

Resolution – Under the Circumstances stated in the Proceedings of the Madras Government, His Excellency the Governor General in Council Confirms, as a Special Case, the Arrangement sanctioned by the Local Government regarding the grant of privilege leave to Nadamuni Mudali.

Ordered, that Copies of the Resolution be sent to the Government, and the Civil Paymaster, Madras.

/A True Extract/

/Signed/ R. H. Hollingbery

Offg. Secretary to the Government of India.

/True Copy/

Donald

Chief Assistant

Civil Paymaster

in Charge.

No 63

To,

The Chief Secretary to the Government
of Fort Saint George

Sir,

Civil Dept.

In reply to your letter No. 365 dated 23d March 1864, I am directed to inform you that under the Circumstances stated the Governor General in Council is pleased to Confirm, as Special Case, the Sanction Accorded by the Government of Madras in permitting Major Macdonald, Inspector of Schools, 1st Division, to avail himself, at a future time of the unexpired portion of the privilege leave granted to him but from which he was recalled under the exigencies of the Public Service.

I have &c
(Sgd) E. A. Sushington
Secy to the Govt of India.

Head Quarters
Simla
The 9th May 1864

Copy forwarded to the Civil Paymaster, Madras.
For information and guidance.
Copy to the Home Department with Reference to its
Endorsement No. 2821 dated 16th April 1864.
(A True Copy)

(Signed) Thomas Pearce

Secy to the Govt of India.

Printed after Secy to the Govt of India.

(A True Copy)
P Macdonald
Chief Assistant.
Civil Paymaster.
At Madras

No. 116

FORT SAINT GEORGE,
CIVIL PAYMASTER'S OFFICE
30th September 1864

From Chief Assistant
THE CIVIL PAYMASTER, in charge
Fort Saint George.

To THE SECRETARY TO GOVERNMENT Fort Saint George
Revenue DEPARTMENT

Sir,

I have the honor with reference to Government Order No. 1802 dated 29th instant ~~1860~~, to report that Mr Stanbrough is entitled to the balance of his Privilege leave, and there appears to be no previous case of a Civil Servant having granted the indulgence asked for. There are however two recent instances in which the Government of India have allowed officers, who have been recalled from their duty while on leave, the privilege of taking the unexpired portion at a future time. These are in the cases of A. Radamoony, and Major R. M. Macdonald to whom the indulgence applied for has been granted on their being required to forego the portion of their leave, the Government of India allowed to accede to Mr Stanbrough's request; the favourable orders are awaited to be confirmed by the Government of India.

Govt. Ord. No. 2545 dated 26th Oct. 1864 granting the leave applied for.

I have the honor to be,
Sir,
Your most obedient Servant,
W. Donald
Chief Assistant
Civil Paymaster.

The Govt do not consider para 116 a - chapter II of the C. A. Manual applicable to this case - Mr. Banbury never sought to have his leave granted in instalments - but having been recalled by the Govt while enjoying it, asks that the unexpired portion may be allowed to him at some future time when convenient to the Govt -

The Govt consider the request fair, and accordingly comply with it -

A reference will be made to the Supreme Govt on the subject of the letter from the Financial Secretary

No 339 & 340 -

No 22 Oct 1864 R16

Recd 29 Sept 1864 Nos 441 & 442 Sec to the Civil Paymaster No 13907 dated 26th November 1861 -

From Lt Gov Geo Clerk 26 Oct 1864

Ref by Judge Banbury Esq Collr & Dist & Civil Paymaster Ha & Kent

Recd 1861 Oct Nov Dec
Rec'd of Govt for Oct 1/- 2585

From the Civil Paymaster -

Dated 30 Sept 1864
Recd 10 Oct 1864

No 146

From the Civil Paymaster
dated 28 Oct 1864 No 2867

Stating that Mr Banbury's Collr Estate is not entitled to himself of the balance of his privilege which term appears to be the proper case of Colonel Commandg the militia cannot be granted

Recd 1980 - 26 Oct

Withdrawn

were recalled to duty

2. I am directed to take this opportunity of requesting that the ruling contained in Mr. C. M. Lushington's letter dated 26th November 1861 No. 1390 of, to the Acting Civil Paymasters, Madras may be cancelled. This Government have full authority to grant or withhold privilege leave to their Officers, and in anomalous Charitable Institutions they should not also have the power of allowing an Officer absolute claim to absolute privilege leave, before the Officer is called to duty for public reasons, the undersigned engages the unofficial

when it may suit their convenience to grant the ruling of your then Spectable, as it actually places the Government in the position either of doing an injustice to the Officer or of forcing the public interests to suffer from injury. But in fact, the interests of the Government in a matter of this kind cannot be deemed necessary at all, the ruling should be to the effect that any officer of the Office should be declared entitled to the balance

of his Cause, so as to
Remove every ground of
Complaint, when the
Local Government deem
it ~~expedient~~ necessary for public reasons
to recall him to duty ~~I have~~
~~thought fit to~~
~~to enclose they could~~
~~do, but for the fact~~
~~that~~

3 I am also to en-
close Chaxnu copy of the
Letter above referred
to appears to have been
sent to this
Government.

I. D.S

Fort St. George
26th Oct. 1841

Revenue 1864 Deptt.
Pro: of Govt for October.

No 1981.

To
The Secretary to the
Govt of India.
Dy 26th October 1864.

Requesting that His
Excellency in Council may be
moved to confirm the orders of
this Govt allowing Messrs Bambury
and Chase, of the Madras Civil
Service, to enjoy at some future
period, when convenient to the
Govt, the balance of the privilege
leave due to them when they were
recalled to duty.

No 341.