

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1682	Press ~~Mis.~~
Dated	7-7-	1866.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
7th July 1866.*

No. 152. Read the following Proceedings of the Madras Government in the
Financial Department :—

Communicating letter from Supreme Govern-
ment, stating that, under existing rules, fur-
lough cannot be granted to Uncovenanted Ser-
vants in continuation of sick leave. } (Here enter 2nd July 1866, No. 250.)

No. 153. ORDER THEREON, 7th July 1866, No. 1,682.

Miscellaneous.

Communicated to the Revenue Board, Revenue Settle-
ment, and Survey Departments, and the Conservator of
Forests.
(True Extract.)

(Signed) J. GROSE,
Under Secretary to Government.

To the Revenue Board,
,, the Officiating Director of Revenue Settlement,
,, the Officiating Superintendent of Revenue Survey,
,, the Officiating Conservator of Forests, } with Proceedings Financial Department,
No. 250.

Exd. T. O'Connor.

No. 190.

FROM

A. J. ARBUTHNOT, Esq.,

Chief Secretary to the Government of Fort Saint George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

FINANCIAL DEPARTMENT.

SIR,

I am directed to submit, for the consideration and orders of His Excellency the Governor General of India in Council, the accompanying papers, relative to an application from an Unconvenanted Civil Servant in this Presidency for the grant of furlough in continuation of sick leave, under the Leave Rules applicable to the Service.

2. Gopala Charry, the individual above referred to, who is Cash-keeper in the Bellary Collectorate, on a salary of 125 Rupees a month, has had two years' sick leave, which expired on the 30th ultimo. He now applies for a year's furlough, in continuation of the sick leave; but the Examiner of Claims objects, on the ground that there is no provision in the Rules to meet such a case. On the contrary, he considers that Section 14 of the Leave Rules is against the leave being granted, on the ground that as that Section provides that furlough taken in India "will reckon from the date of leaving office to the date of return thereto," it is to be inferred that furlough cannot be granted to an officer already absent on other leave.

3. Gopala Charry demurs to this view. He contends that the latter part of Section 14 sufficiently explains the meaning of the first part. Furlough taken *beyond India* reckons from the *sailing of the vessel* on which the officer embarks; that taken *in India*, from the date of leaving office; and this distinction, Gopala Charry urges, refers simply to the officer being entitled to preparatory leave in the one case, and not entitled to it in the other.

4. In confirmation of this view, he further refers to the immediately following Section, 15, which prescribes that "Furlough, or leave on private affairs, cannot be taken in continuation of *Privilege Leave*." This he argues necessarily implies that furlough can be taken in continuation of *other* leave, and therefore of *sick* leave.

5. The Governor in Council is disposed to think that the view taken by the Examiner of Claims is the correct one, but as the point is one of some importance, I am instructed to refer it for the decision of the Government of India.

I have the honor to be,

Sir,

Your most obedient Servant,

FORT SAINT GEORGE,
18th May 1866.

Signed J. A. Arbuthnot
Chief Secretary.

From M. GOPALA CHARRY, Treasurer, Collectorate of Bellary, to the Secretary of Government, Revenue Department, Fort Saint George; dated Triplicane, 30th April 1866.

With reference to the accompanying Official Memorandum, from the Examiner of Claims, No. 481, of 10th April 1866, I respectfully beg to submit this my appeal for the favorable decision of Government against the presumed interpretation of the said Section 14 of the Unconvenanted Absentee Rules, which injures my rights for one year's furlough, which I claim under the following grounds:—

1. I am a servant of Government, on receipt of 125 Rupees per mensem, to whom the Absentee Rules do apply, and came down to Madras on sick leave, for treatment in the Eye Infirmary.

2. I beg to say that my sick leave, with the extensions taken, will amount to 2 years to the end of this month; and as the treatment is still going on, Dr. Smith is of opinion that I should further obtain leave, either sick or furlough, for one year.

3. By Clause 2, Section 12, of the Rules, I am fully entitled for one year's furlough, as I had neither private nor furlough leaves during my services of 15 years.

4. The Examiner of Claims infers that Section 14 seems to imply that furlough cannot be in continuation of sick leave, whereas it only speaks of preparatory or additional leaves, inasmuch as to say if furlough were taken in India it has not the indulgence of additional or preparatory leave, and therefore it should commence from the date of availing it. But if such leave is taken beyond India, it has preparatory leave to enable the Officer to embark, and therefore it should commence from the date of sailing of the vessel.

5. The question now at issue is not whether I ask my furlough to enjoy in or beyond India, which subject entirely rests with me and the Medical Officer who recommended my absence from duties is absolutely necessary for the recovery of my health, but is, can it be in continuation of sick leave. The Section 14 is only applicable when preparatory is asked in addition to the furlough. As Section 15 (which only refers to my case) clearly declares that furlough or leave on private affairs *cannot* be in continuation of *privilege* leave, it is distinctly understood that it *can* be in continuation of sick or other leaves *than* privilege, and therefore it can be supposed to be a provision in favor of its being granted in continuation of sick leave; and if Section 14 is laid down by the framers that furlough or private leaves should be by itself, as Mr. Donald appears to presume, there would be no use of Section 15 or the latter part of Section 14 itself; for furlough is given in addition to preparatory when taken beyond India, and Section 15 only *prohibits* of its being in continuation of *privilege* leave; therefore the rules do not in any way prohibit the furlough being in continuation of sick leave.

6. Moreover, furlough or private leaves are given in continuation of sick leave to my brother Officers* of the service, and no Standing Order subsequent to the promulgation of the revised absentee rules are known to exist against this indulgence.

7. Under all these circumstances, I pray that my case will meet the due consideration of Government, to cancel the Memorandum appealed against, so as to enable me to obtain the furlough now applied for.

No. 481.

OFFICIAL MEMORANDUM.

The undersigned has the honor to state that there is no provision for furlough being taken in continuation of sick leave. In fact, Section 14 seems to imply that such cannot be granted, as an Officer's furlough reckons from date of leaving office, which, if absent on sick leave, he must have done *before* furlough was granted. Further, sick leave cannot be granted for more than two years continuously, except under the orders of the Secretary of State.

OFFICE OF EXAMINER OF CLAIMS,

FORT SAINT GEORGE,

10th April 1866.

To M. Gopala Charry, Treasurer, Collectorate of Bellary,

Singaracharry street, No. 44, Triplicane, Madras.

Transferred to the Financial Department, for decision as to whether furlough can be taken by an Uncovenanted Officer, under the new rules, in extension of sick leave, wholly or partially taken.

(Signed) J. D. SIM,

Secretary to Government.

2nd May 1866.

Proceedings of the Madras Government, Financial Department, 2nd July 1866.

No. 1. Read the following letter from the Secretary to the Government of India, to the Chief Secretary to Government, Fort Saint George; dated Simla, 13th June 1866, No. 991.

I am directed to acknowledge the receipt of your letter, No. 190, of the 18th ultimo, and in reply to state that, under existing rules, furlough cannot be granted to Uncovenanted Servants in continuation of sick leave.

No. 2. ORDER THEREON, 2nd July 1866, No. 250.

Communicated to M. Gopala Charry, with reference to his letter dated the 30th April last.
(True Extract).

Acting Chief Secretary.

W-1682

To M. Gopala Charry.

To the Examiner of Claims,
Revenue Department, with No. 190 of 1866.

1 copy Letter to Prof. Rana

1 - 6/11/66 to Prof. Rana

1 - 8/11/66 to Prof. Rana

1 - 8/11/66 to Prof. Rana

with No. 190 to 250 of 1866

Exd. J. H. Burns.

10 spare copies.

Exd. J. H. Burns.

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Nov. 1900 (Mammals)
in of South for study
H. J. Gould.
Proceedings of the
Mammal Society
the 27th and 28th

March 22, 1901
Receipts of 1900

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