M.R. O. 1—30,000—16-10-28.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	3085	Press Mis.
56-55 Dated	4-12-	1868.

Not to be folded or roughly handled

No. 54. Read the following Proceedings of the Board of Revenue, dated 21st October 1868 :—

Read Proceedings of Government, dated 7th September 1868, No. 2,332.

1. Under the peculiar circumstances of this case the Board resolve to request Government to reconsider their Order.

2. Mr. Kelly informed the Acting Secretary that he had applied for the benefit of the Insolvent Act, and had obtained an Order of Protection from the Court His application to the Court was duly advertised in the *Fort St. George Gazette.*

3. In their Order of 28th October 1859, No. 2,539, Government laid it down that " every person in public employ taking the benefit of the Insolvent Act shall " *ipso facto* be suspended from the service."

4. An order was accordingly entered in the office Order Book suspending Mr. Kelly, pending the disposal, by Government, of his case.

5. In the Order above quoted, it is directed that a full report shall be made by the Head of the Office to " Government of the character required by para- " graph 4 of the Proceedings of Government in the Public Department, dated 10th " August 1857, No. 1,109," and on reference to this, it is found that the reports " are to contain an analysis of the Insolvent's Schedule, so that it may be known " whether his liabilities have arisen from *acts of extravagance or otherwise*, and that " the judgment of the Court should be at the same time distinctly given."

6. The Board would, therefore, submit that the inquiry conducted in the Civil Court, though essential as a means of enabling the Government to arrive at a conclusion, was only an item in the inquiry, and that the real cause of his suspension was the Government Order, which directs that the application to the Court shall be regarded as presumptive evidence of unfitness for employment, until the contrary shall have been proved : and that the result of the inquiry, as conducted by the Head of the Office, and adjudicated on by Government, having led to the acquittal of the accused, the ordinary rules as to pay to be drawn during the period of suspension apply.

7. The Board would not have felt justified in reopening the question, had it not been of the greatest importance to enable Mr. Kelly to start fair, instead of again involved in debt as must necessarily be the case if his pay is retrenched.

8. During his absence his work was disposed of by the office without extra cost to Government.

	RS.	A.	P.
* From 18th to 30th June 1868...	130	0	0
For July	300	0	0
From 1st to 19th August 1868.	183	13	11
	613	13	11

9. His pay for the period amounts to a sum of Rupees 613-13-11,* and the Board trust that Government will, in the exercise of their discretion, permit this amount to be drawn.

No. 55. ORDER THEREON, 4th December 1868, No. 3,035.

Miscellaneous.

Under the circumstances represented in paragraph 7 of the Board's Proceedings above recorded, the Right Honor-

able the Governor in Council is pleased to sanction, as a special case, the payment of full salary to Mr. Kelly for the period of his suspension, amounting, as set forth in paragraph 9 of the Proceedings, to Rupees 613-13-11.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.
,, Accountant General.
,, the Examiner of Claims.

Exd. F. R. Batleman.

Govt. of [illegible] Madras

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated December, 4th

Recd.

Read

G. O., 4th December 1868, No. 3,035.

DECEMBER.

Nos. 54-55.

Salary of Mr. Kelly, 2nd Uncovenanted Assistant, Revenue Board Office—Payment of full salary for the period of his suspension sanctioned, as a special case.

CIRCULAR ORDER, No. XVIII. OF 1866.

Board No. 4,448.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 29th June 1866.

The attention of all Collectors is drawn to the following Rules passed by the Government* of India, regulating the allowances of Uncovenanted Officers under suspension from office pending inquiry into their conduct, and eventually restored, and fixing the principles on which any period of such suspension can be reckoned towards pension :—

* Extract from Proceedings of Government of India, Financial Department, dated 26th September 1865, No. 2,528, published in "Fort Saint George Gazette," dated 10th October 1865, page 530.

1*st*.—Subsistence to an Uncovenanted Servant, who is suspended pending an inquiry into his conduct, should be limited, before the result of the inquiry is known, to one-fourth of his salary, unless he be an European on pay exceeding Rupees 25, in which case the subsistence is to be allowed at one-fourth of salary, to an amount not less than Rupees 25 monthly.

2*nd*.—Should the officer be re-instated, he may, at the discretion of the Local Government, or of the Head of Department to whom the Local Government may delegate such authority, be allowed full salary, if he shall have been fully acquitted; or a portion of his salary, if the result of the inquiry should be censure or admonition; but where censure or admonition is awarded, the subsistence allowance during suspension must be so adjusted, as not to involve additional charge.

3*rd*.—When the payment which the Local Government may adjudge, for the period of suspension to an officer who is re-instated, involves additional expense, it must be separately provided for.

4*th*.—An officer whose suspension is followed by dismissal, will not be allowed more than the subsistence which may be admissible to him under Rule I for the period that he was suspended.

5*th*.—The time passed under suspension, pending inquiry, is taken into account as service towards pension, in cases of re-instatement; where suspension has been adjudged as a penalty, the period is disallowed.

(A true Extract.)

(Signed) R. A. DALYELL,
Acting Secretary.

(True Copy.)

(Signed) W. SCHARLIEB,
First Assistant.

To All Collectors.

Exd J. Wright.

CIRCULAR ORDER, No. XVIII. OF 1866.

PROCEEDINGS OF THE BOARD OF REVENUE,
To All Collectors.

Dated 29th June 1866.
Despatched

Board No. 4,448.

Drawing attention to Rules passed by Government of India, regulating allowances of Uncovenanted Officers under suspension.

x Add. 25 Sept 65

-4-

Revenue Department

No.

Proceedings of the Board of Revenue
dated 21st Octobr 1868.

Read Proceedings of Government
dated 7th September 1868 No. 2332.

Under the peculiar circumstances
of this case the Board resolve to request Govern-
ment to reconsider their order.

Mr. Kelly informed the Acting
Secretary that he had applied for the benefit
of the Insolvent Act, and had obtained an order
of protection from the Court. His application
to the Court was duly advertized in the Fort St.
George Gazette.

Unusual course

In their order of 28th October 1859 No.
2539 Government laid it down that "every per-
"son in public employ taking the benefit of
"the Insolvent act shall ipso facto be suspend-
"ed from the service."

Proc 2 Nov 59

An order was accordingly entered
in the Office order book suspending Mr. Kelly
pending the disposal by Government of his case.

In the order above quoted it is
directed that a full report shall be made
by the head of the Office to "Government of the
"character required by para 4 of the Proceedings
"of

"of Government in the Public Department
"dated 10th August 1857 No 1109" and on reference
to this it is found that the reports are to contain
"an analyses of the Insolvents' schedule so that
"it may be known whether his liabilities have
"arisen from acts of extravagance or otherwise and
"that the judgment of the Court should be at
"the same time distinctly given".

The Board would therefore sub-
mit that the enquiry conducted in the Civil
Court though essential as a means of enabling
the Government to arrive at a conclusion was
only an item in the enquiry, and that the real
cause of his suspension was the Government
order which directs that the application to the
Court shall be regarded as presumptive evi-
dence of unfitness for employment until the
contrary shall have been proved: and that the
result of the enquiry as conducted by the Head
of the Office and adjudicated on by Government
having led to the acquittal of the accused the
ordinary rules as to pay to be drawn during the
period of suspension apply.

The Board would not have felt
justified in respening the question, had it
not been of the greatest importance to enable
Mr. Kelly to start fair, instead of again
involved in debt as must necessarily be the

case

sure) then phrase
is available
to the purpose the
Insolvent court-
a debtor claiming
the benefit of the
act?

- 5 -

case if his pay is retrenched.

8 During his absence his work was
disposed of by the Office without extra cost to
Government.

His pay for the period amounts to
a sum of Rupees 613-13-11 and the Board trust
that Government will in the exercise of their
discretion permit this amount to be drawn.

(A true Extract)

F Board
for Sy Secretary.

X

From 18th to 30th June 1858	130-0-0
For July	300-0-0
From 1st to 19th August 1858	183-13-11
Rupees	613-13-11

To

The Sy Secretary to Government
Revenue Department.

G Ramsbotham
Coy by C. Gommboo

1865

Memo

The orders of the Lords Comrs of the Treasy dated 26th Feby 1865 are applicable to the case of Mr Kelly, who is not a public servant, and cannot be allowed Retiring Allowance

Stanton 8/10/68

10 June 1/57 Nos 57-60 – Pub Dep
2 November 1/57 – 12-13 – – o –
18 August 1/58 – 295-296 – Rec
7 September 1/58 – 83-84 – o –
Rules of 4 Aug 26 September 1865 Under Bro
No 2528 Dis 29 June 1868 No 24648

Rev = 1868 Depart.

No. 3352.

Proceedings of the Board of Revenue

Dated 21st
Desp. 21 } October 1868.
Rec. 22nd

No
S. Rec. No 3035 – 4 Dep.

Salary of Mr Kelly, 2d Uncovenanted Assistant in Board's Office, for period during which he was suspended from Office consequent on his applying for benefit of Insolvent Act. Govern. requested to re-consider their order in regard to & to permit amount to be drawn –

For action with papers over

I continue of opinion that the orders of the Lords Comrs of 26 Feby 65 – formerly quoted by the Board, are inapplicable to the Pension of a public servant whose pecuniary embarrassments have formed subject of enquiry in an Insolvent Court. –

as to the Bds present specific request that, in view to what Mr Kelly pair, he may be allowed all his pay for the period during which, owing to his debts, he performed no public duty, I think the proposal is over liberal. I would not object to his getting a month's pay.

16 Nov.

I would return the Papers to the Board

Agd. I have no objection.
Board recommend
N.

Inv 3552

W. 3035

Dec'r

Dec'r

Under the circumstances
represented in para
7 of the Bd. Proceedings
above recorded, the Rt
Hon'ble the Sec'y in Council
is pleased the fragment
to sanction, as a special
case, the fragment of
full salary to Wm Kelly
for the period of his
suspension, amounting,
as set forth in para
9 of the Proc, to Rs 615. 12. 11

Recd
Nov
N. Apr

14 Copies Letter B/ of Revd Dec 7
6 " Asst Genl
3 " Examiner of Claims

40/4

Copy

Sir,

I am directed by the Board of Revenue, Fort William, to transmit herewith, for the information of the Hon'ble the Vice President in Council, a copy of a letter from the Collector of Bareilly, dated the 28th ultimo, with its enclosure, and to request that you will submit the same to the Hon'ble the Vice President in Council for the purpose of obtaining the sanction of the Hon'ble the Vice President in Council to the payment of the full salary to Mr. Kelly for the period of his suspension from the 1st to the 30th September 1858 inclusive.

I am, Sir,
Your most obedient Servant,
W. Muir
Secretary.

Board's Commercial Office,
Fort William, 29th Nov. 1858.

No. 3552

From W. Muir Esqr. Secy. to the Board of Revenue, Fort William, dated 29th Novr. 1858.

Forwarding with enclosure a letter from the Collector of Bareilly, dated 28th ultimo, and requesting that the same may be submitted to the Hon'ble the Vice President in Council for the purpose of obtaining the sanction of the Hon'ble the Vice President in Council to the payment of the full salary to Mr. Kelly for the period of his suspension from the 1st to the 30th September 1858 inclusive.

Recd 1st Decr.

Cui

Dabitur

25th Nov 1682 R.4 Dan