

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1012

Press
~~Mis.~~

5-6

Dated 8-7-

1970

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
8th July 1870.*

No. 5. Read the following Memorandum from the Accountant-General, Madras, to the Acting Secretary to Government, Revenue Department, dated Fort Saint George, 10th May 1870, No. 563:—

THE Accountant-General has the honour, when submitting for the orders of Government the accompanying Proceedings of the Board of Revenue, to forward the letter received from Mr. Banbury referred to by Mr. Maltby. Should Government be pleased to accept Mr. Maltby's explanation, and authorize him to amend the certificate of giving over charge in December last, the retrenchment will be withdrawn, and the privilege leave will be available. As this is not the solitary instance of an officer stating, in reply to a retrenchment, that he signed a wrong certificate, the Accountant-General has the honour to suggest, for the consideration of Government, the expediency of issuing a Notification, advising officers to satisfy themselves that a certificate is correct at the time it is signed, and that hereafter in no case will an appeal on the ground of the circumstances of that document be admitted as a plea against the action taken thereupon by the Audit Department.

(Signed) F. LUSHINGTON,
Accountant-General.

ENCLOSURE No. 1.

Proceedings of the Board of Revenue, dated 9th May 1870.

Read the following letter from the Acting Collector of Trichinopoly, to the Acting Secretary to the Board of Revenue, Madras, dated Trichinopoly, 6th May 1870, No. 101.

I HAVE the honour to forward, for the favourable consideration of the Board of Revenue, the enclosed application from my Assistant, Mr. Maltby, requesting a re-consideration of the orders refusing to grant him one month's privilege leave.

2. This refusal is grounded on an Order of the Government of India, dated the 31st October 1867, No. 3,157, and which, from the remarks of the Examiner of Claims, would seem to indicate that because Mr. Maltby had over-stayed his previous leave, he had thereby forfeited claim to other leave for continued eleven months' service. The Order in question cannot however be found on the records of this office, although careful search has been made.

3. I however beg to submit the following circumstances:—The 18th December being the third Saturday of the month was the Board's monthly holiday, there was therefore no office on that day; and the only train which runs in connection with the Madras Railway being the one leaving at 1 p.m., Mr. Maltby did not thus leave till the afternoon of that day.

4. In the certificate of giving and making over charge (and which was sent to Mr. Maltby for signature at Madras), he seems inadvertently to have entered *forenoon* instead of *afternoon*; it is to be regretted this explanation was not made at the time, but the facts of the case being such as they are, I submit that it would be hard to deprive Mr. Maltby of the leave to which he now lays claim.

ENCLOSURE No. 1.

From T. J. MALTBY, Esq., Assistant to the Collector and Magistrate of Trichinopoly, to the Acting Collector and Magistrate of Trichinopoly, dated Trichinopoly, 3rd May 1870, No. 50.

I HAVE the honour to request that you will kindly lay before the Board of Revenue the following circumstances with regard to my application for leave being rejected on the ground that I had over-stayed my leave on a previous occasion by one day.

*Proceedings of the Madras Government, Revenue Department,
8th July 1870.*

2. On the afternoon of the 18th December 1869 I quitted my district on examination leave for one month; on the afternoon of the 18th January 1870 I reported my return.
3. The Accountant-General's Department pointed out, however, that I had delivered over charge on the forenoon of the 18th December 1869, but had not resumed charge of the same until the afternoon of the 18th January 1870, thereby over-staying my leave by one day. I was accordingly declared to have forfeited one day's pay, and the amount was duly recovered under orders from the Accountant-General's Department in Madras.
4. Against this order I protested by pointing out that although I had signed by mistake as having given over charge on the forenoon of the 18th December 1869, yet that I had not virtually done so until the afternoon of that day. I accordingly requested the Accountant-General to be good enough to have the mistake rectified, and the order, mulcting me of one day's pay, rescinded.
5. This the Deputy-Accountant-General declines to do, stating as a reason, that upon a reference made to Mr. Banbury, that gentleman seems to think that I gave over charge as noted, and that I was therefore to consider myself as having over-stayed my leave.
6. As I did not see how I was to obtain any satisfaction from the Accountant-General's Department without a considerable amount of trouble, and as Mr. Banbury had quitted the district, I allowed the matter to drop without any further protest. The amount of which I had been mulcted was not large, and I was therefore fain to look upon it in the nature of a fine for not discriminating with sufficient accuracy between the words "forenoon" and "afternoon."
7. I was not, however, then aware that by tacitly submitting to the retrenchment of one day's pay I had also lost all claim to the leave which I had then earned by continuous service since the 19th April 1869. Had I been aware of any order of Government, which would apply in my case, whilst returning from examination leave, I should ere now most certainly have prayed for your interference in the matter.
8. I now, however, feel myself called upon to appeal through you to the Board of Revenue against the retrenchment made by the Accountant-General.
9. I availed myself of my leave on the afternoon of Saturday, the 18th December, and I am therefore entitled under the rules to count leave from Sunday the 19th December, *G. T.*, 20th May 1869, No. 791, Financial.
10. Under these circumstances I respectfully submit that I am entitled to the leave applied for by continuous service since the 10th April 1869.
11. I have the honour, therefore, to request that you will kindly move the Board of Revenue to direct the Accountant-General to refund to me the amount of salary, of which I have been retrenched, and to grant me the leave for which you have been good enough to recommend me.

SUBMITTED for the favourable consideration of Government through the Accountant-General.

No. 6. ORDER THEREON, 8th July 1870, No. 1,012.

Miscellaneous.

THE Accountant-General submits, for the orders of Government, papers connected with Mr. T. J. Maltby's over-staying the leave granted to him in November 1869 by one day, and his consequent forfeiture of that day's pay and of the privilege leave to which he is entitled.

2. Mr. Maltby left the district, according to the certificate furnished by him, in the forenoon of the 18th December 1869, and returned in the afternoon of 18th January 1870. The Audit Office properly stopped his pay for one day.

*Proceedings of the Madras Government, Revenue Department,
8th July 1870.*

3. Mr. Maltby explains that he entered the word *forenoon* in the certificate by mistake. Mr. Banbury, the Collector of the district at the time, states that as the train leaves for Madras about 1 P.M., it is very probable charge was given over in the forenoon, but Mr. Cadell, the Acting Collector, points out that on the 18th December the office was closed for the usual Saturday holiday, and the only train which runs in connection with the Madras Railway being the one leaving at 1 P.M., Mr. Maltby did not leave the station till the afternoon of that day. The Right Honourable the Governor in Council is therefore pleased to authorize Mr. Maltby to amend his certificate above alluded to.

4. The Accountant-General brings to notice that this is not the solitary instance of an officer stating, in reply to a retrenchment, that he signed a wrong certificate, and suggests that officers may be warned by a Notification that in no case will such a plea be admitted hereafter. The Government, however, doubt the expediency of publishing such a Notification, as officers must be permitted to correct a *bona fide* error.

(True Extract.)

(Signed) H. E. STOKES,
Under-Secretary to Government.

To the Accountant-General.
,, the Board of Revenue.
,, the Public Department.

Exd. F. R. Bantleman.

N^o 1012

Proceedings of the Madras Government
Under date the 5th July 1870 -
Read the following letter from
the Accountant General.

Reporting on Board's Proceedings
submitting for favourable consideration
letter from the Collector of Trichinopoly forward-
ing an application from his Assistant Mr.
Mallby praying for reconsideration of
G.O. declining to grant him a month's pre-
vilege leave he had applied for

H. C. 10th May 1870 N^o 563

The Accountant General
submits for the orders of Government
papers connected with Mr. J. J.
Mallby's overstaying the leave granted
to him in November 1869 by one day
and his consequent forfeiture of that
day's pay and the privilege leave
to which he is entitled.

2 Mr. Mallby left
the District according to the Cer-
tificate furnished by him in the
forenoon of the 18th December 1869
and returned in the afternoon of
18th January 1870. The Audit Office
properly stopped his pay for one
day.

3 Mr. Mallby explains
that

J. D. S.

A. J.

Govt. of 1870 Madras.

REVENUE.

THE ACCOUNTANT-GENERAL.

Ac. Ac. Ac.

Dated July, 8th.

Recd.

Ind.

G. O., 8th July 1870, No. 1012.

Mos. B. C.

Retrenchment of Assistant Collector J.
J. Mallby's pay - That order authorized to
amend his certificate.

that he entered the word forenoon
in the certificate by mistake. Mr.
Banbury, the collector of the District
at the time states that as the train
leaves for Madras about 1 P.M., it
is very probable charge was given
over in the forenoon, but Mr.
Leadell the Acting Collector points
out that on the 18th December, the
office ^{was closed} for the usual Saturday holi-
day, ~~was closed~~ and the only train
which runs in connection with
the Madras Railway being the
one leaving at 1 P.M., Mr. Malby
did not leave the station till
the afternoon of that day.
The Right Honorable the Governor
in Council is therefore pleased
to authorize Mr. Malby to
amend his certificate above
alluded to.

4 The Accountant
General brings to notice that
this is not the solitary instance
of an Officer stating in reply
to a retrenchment that he signed

a

I do not see how we
can do this consistently
with the present decision.
nor do I see how we
can deny an Officer
permission to correct
a bona fide
error. I do

6 Accountant General
14 Board of Revenue
5 Public Department

a wrong Certificate, and suggest
that Officers may be warned that in no
case will such a plea be admit-
ed hereafter. Mr. Lushington's sug-
gestion is approved and a
Notification will be published
in the Gazette to that effect.

45
4
(The suggestion of
allowing of alterations
and corrections in the
must be permitted to
avoid a bona fide error)

S. P. Hall

1841.
Retouching
the old map
of the Lake.

One

Placed in the
original state

to be shown

1841