O/D. 5,000—17-15-96.

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 947

DATED 6th March. 99

[Despatch Abstract.]

Communicating, with the remark A.G. to the Bd. of Rev.
Encl. on B.P. recommending to Govt that Despatch
Mr. Laybourn may be considered to have returned
from three months' privilege leave on the 26th Oct. 1898
and stating that Govt agrees with the
Board of Rev. that there was no intention to add
a heavy pecuniary penalty to the punishment
inflicted

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Through the Accountant-General, Madras.

Revenue (1899) Department.

CURRENT No. 1232.

6/3/99

Read B.P. (S.R.) Mis. No. 482 dy 4.2.99

" A.G's Endt. No. 650 dy 17.2.99.

From
The Secretary to the Commissioner of Salt, Abkari and Separate Revenue, Madras.

Order mis. No. 947 dy 6th March '99.

The A-G's Endorsement will be communicated to the Board of Revenue, with the request that the exact amount, for which sanction may be reported, is required, ~~should be communicated to Govt.~~ with the Board ~~of this~~ that there was no intention to add a heavy ~~penal~~ pecuniary penalty to the punishment inflicted.

670/

To

The Board of Revenue (S.R.)
(From Orders) Copy to the A-G

T.P.R.
3-3-99.
KD
4-3-99

Rec. 9-3-99.

Mis. No. 482.

Dated 4th February 1899.

Received 18/2

Registered 18/2

Enclosures —

Spare copies

SUBJECT.

Recommending to Government that Inspector Mr. Laybourn may be considered to have returned from his three months' privilege leave on the 26th October 1898 and remained on duty till the 28th idem (the date of the Government Order dispensing with his services) to enable him to draw pay for the two days and arrears of Exchange Compensation Allowance from the 1st September 1897.

BACK PAPERS.

G.O.	No.	Department.	Date.
Mis	4194	Rev	28.10.98
Mis	208	Rev	12.1.99
Pens	1187	Pension	6.10.92 (copy)

FURTHER PAPERS.

G.O.	No.	Department.	Date.
C.No. 2256	799		

PRICE 1 *pie.* 2,000 1-9-98.

ACCOUNTANT GENERAL'S OFFICE MADRAS 3 FEB 99

REVENUE BOARD OFFICE MADRAS

Proceedings of the Board of Revenue

(Separate Revenue).

Dated 4th February 189 9.

Mis.No. 482

Read petition from Mr.E.D.Laybourn, dated 22nd January 1899.

Resolution:-

under G.O. 4194 28.10.98

In Board's Proceedings Mis.No.3405, dated 26th August 1898, Mr.Laybourn, Inspector, Dindigul(now Palni) Circle,was recommended to Government for removal from service on certain charges brought against him by the Deputy Commissioner, Southern Division. At the same time,Government was requested to pass orders on his case before the expiry of his three months' privilege leave(25th October 1898). In Board's Proceedings Mis.No.4074, dated 14th October 1898,Government was reminded of the date of expiry of Mr.Laybourn's leave and was requested to communicate its orders on his case at a very early date. Ordersof Government not having been received by the 24th October 1898 the Inspector was directed by the Board not to rejoin the Dindigul Circle,pending orders of Government. In its order Mis.No.4194, dated 28th October

C.No. 4117 of 98

2

1898, Government directed that his services be dispensed with from the date of the order. In Government Order No. 86, Revenue, dated 4th January 1899, Mr. Laybourn's claim to Exchange Compensation Allowance under the new rules was admitted, and he was permitted to draw arrears of the allowance due to him up to the date from which his services were dispensed with. In accordance with this order, he presented at the Accountant-General's office a bill for the allowance due to him from the 1st September 1897. The Accountant-General disallowed the claim on the ground that, under Article 296 of the Civil Service Regulations, Mr. Laybourn was not entitled to ~~the~~ privilege leave allowances from July to October 1898, as he did not return to duty on the expiry of his leave, and that the amount of privilege leave allowance actually drawn by him (but inadmissible for the reason above stated) exceeded the amount of the Exchange Compensation Allowance admissible to him. Mr. Laybourn now represents that he was ready to return to duty on the expiry of his leave but that he was not permitted to do so and requests that the necessary orders may be passed to enable him to draw arrears of Exchange Compensation Allowance. The Board considers that Mr. Laybourn has been quite sufficiently punished by dismissal. In the circumstances set forth above, the Board therefore, it requests that he may be considered to have returned from leave on the 26th October 1898 (as he reported himself for duty on the 24th), and to have remained on duty till the 28th idem (the date of the Government Order dispensing with his services) to enable him to draw pay for these two days

28, Financial under G.O. 208 / 124.99.

491 Fin / 24.6.97.

and arrears of the Exchange Compensation Allowance. As Mr. Warner was in charge of the Dindigul Circle at the time, the pay which Mr. Laybourn may draw for these two days will be an extra cost to the State. The sanction of Government is solicited for incurring it.

(True extract.)

Acting Secretary.

7.2.98.

To the Secretary to Government, Revenue Department,
through the Accountant-General, Madras.

Accountant Genl's office

No 650 17th February 1899

Mr Laybourn was granted privilege leave for 3 months with effect from 26 July 98. As he was not allowed to return to duty pending receipt of the orders of Govt in the matter of his misconduct, his position from 26th October, the day after his leave expired to 28th October, the day on which his services were finally dispensed with, was that of an officer under suspension.

Under the provisions of article 296 Civil Service Regulations therefore his right to receive privilege leave allowances, being contingent on his return to duty on the expiry of his leave, was forfeited. In G. O. 1187 Pension dated 6th December 92, Govt expressed the opinion that article 296 was not applicable when an officer was prevented from returning to duty by reason of suspension. In the case in which that order was passed however the officer eventually did return to duty. The difference between that case and the present case is an essential difference. In this connection a reference is invited to the remarks in note 2 under article 296 regarding the principle underlying the system of granting privilege leave. The proposal that he should be considered to have been on duty from 26th to 28th is inadmissible, for

if Govt consider there are special circumstances which justify the exemption of Mr Laybourn from the operation of Article 296 Civil Service Regulations, it is open to Govt to grant such an exemption under Article 278 of Civil Account Code. For the period from 26th to 28th October Mr Laybourn may be granted subsistence allowance under Article 215 Civil Service Regulations. It may be remarked that Mr Laybourn is in a far better position than he would have been in if he had been placed under suspension at the beginning of the enquiry.

Accountant General.

To

The Secretary to Government,
Revenue Department.

468/

D 1 1,000 -7-9-98.

REVENUE DEPARTMENT.

C. No. 1232.

From The Board of Revenue (Sep. Rev.)

Mis. No. 482 Dated 4.2.99 — 189 .
A/s Endt. No. 650 of 17.2.99

FOR ORDERS.

To Secy.

Mr. Laybourn, late Inspector of Salt, Abkari and Separate Revenue, was on privilege leave till 25th October 1898. He was directed by the Board of Revenue not to rejoin his appointment and on the 28th *idem* his services were dispensed with. He claimed arrears of Exchange Compensation Allowance from 1st Septr 1897; but the Accountant-General pointed out that, as he did not return to duty on the expiry of his leave, his right to retain the privilege leave allowance was under Article 296 of the C.S.R. ~~did not apply~~ forfeited, and that the amount of such allowance exceeded the amount claimed.

2. The Board now

recommends that Mr. Laybourn may be considered to have returned to duty on X 26th Oct. 1898, to enable him to draw pay for that day and the next and also the arrears of Exchange Compensation Allowance. The A. G. points out that the proposal is inadmissible. In G.O. No. 1187, Pension, dated 6th Dec. 1892, it was ruled that Art. 296 of the C.S.R. did not apply to a somewhat analagous case. But the officer did eventually return to duty. In the A. G's opinion this fact differentiates that case from the present one.

3. The Accountant-General points out the course open to Govt, if it considers that Mr. Laybourn deserves consideration: viz—

(i) Under Art 278 (A) of the Civil Account Code, to sanction the payment of the leave allowance, amounting apparently to Rs 250 x3 or Rs 750;

(ii) and under Art. 215 of the C.S.R., to grant subsistence

being consigned to have
bourn, as having been under
suspension for the two days.

4. The Accountant-General is, it is submitted, right. But, as the Board remarks, Mr. Laybourn has been punished by dismissal from the public service, and Govt may perhaps wish to be lenient. Nor orders whether the A. G's suggestion may be accepted and communicated to the Board, with the request that the exact amount, for which sanction is required, should to be paid be intimated.

KD
28-2-99

Yes. There was no intention to add the heavy pecuniary penalty to the dismissal

MA 2.3.99

Hm.

Secy accept the Board's suggestion

S.R 2/3/99

To Secy.

Please see draft below.

G.P.K.
3.3.99.

KD
4-3-99

C 2/3/99.
Cont 3/3/99

FOR ORDERS.

When given for copying ____
When copied ____ } 189 .
When examined ____
When signed ____

READ AGAIN G.O., No. , DATED
189 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A	
LETTER OF GOVERNMENT								
STATEMENT WITH DITTO.								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

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