

1934

KENYA

1934

23068/1

C0533/444

23068/1

Terms of Service
Leave.

Previous

main file
22840/EA
Thomson

Subsequent

Reg 297	12/4
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297	

1. 127 March 54.
129
States that the suggested modification of Article 8 of 1932 with regard to leave would reduce amount of leave earned by officers who complete 9 years service during a tour whose normal tour would be 36 months, and would only allow of a maximum of 12 days extra leave to officers whose tour is deemed to be of 48 months. Considers that a modt. suggested should not be made.

See Circular
Flagged A
in 22840 CA.

Dr Thomson will have completed less than 9 years' continuous service at the end of the 36th month of his present tour. Under para 3c. of the Kenya Circular of 10/12/52 his normal tour will therefore be deemed to be 48 months.

The other doctors named will have completed more than 9 years' continuous service at the end of the 36th month of their present tours. Their normal tours will therefore be deemed to be 36 months.

The suggestion that an officer should be given 3 days' leave in respect of each month of residential service within the period of 9 years' service & 4 days' leave a month thereafter is proved to be detrimental to the officer except in the case of Dr Thomson.

See Flag B
in 22840 CA.

Dr Thomson does not suggest that he is entitled to proceed on leave at the conclusion of a 36-month's tour, but he does suggest that he is entitled to as much leave per annum as his juniors. Clearly this is not the case (as far as the regulations are concerned). The anomaly is due to the accident of Dr Thomson having

performed two short tours in the first 5 years of his service.

Unless this case is considered to be one for the grant of a special concession, which ~~is~~ is it is I see no alternative but to request the Governor to come to Thomson to be informed that the proposal he considered the matter, but that he finds no grounds for intervention.

A. J. P. [unclear]
24/4/54.

[Signature]

It is all rather complicated. It is certainly anomalous that an officer should be placed as regards the length of his tour ^{and} on the calculation of his leave, in a less favourable position than officers who are his juniors and therefore have less total service. But anomalies of this kind when new rules are introduced are bound to occur, and it is not always possible to get over them.

We cannot deal with Dr. Thomson's case as a special one because it is clear from the correspondence that there are similar cases in other Departments and that other cases may arise in the future. Moreover, the tours of officers are not always curtailed as in Dr. Thomson's case, in the public interest. Sometimes the cause is illhealth or leave on u.p.a., and in such cases there is no particular reason why a concession should be made.

Dr.

Dr. Thomson's solution would be a rule to the effect that when in any tour an officer completes nine years' service after the 36th month of the tour, he should be granted leave at the rate of four days for each completed month in that tour; in other words, although being called upon to serve the longer tour he should be given the more favourable leave ratio.

The other possibility that occurs to me is to lay down that whenever the proposal made by the S. of S. in No. 73 on 22840 E.A. is more favourable to the officer than the ^{existing} Rule, the former should be applied. That would not, of course, meet Dr. Thomson; but it would grant him a small concession.

The objections to both these suggestions are the same. They would introduce complications in the calculation of leave and in the arrangements of leave rosters, and they might have the effect of giving a concession to officers who have no particular claim to it. Both proposals must I think have been considered by the Kenya Government; the first because it was actually put forward by Dr. Thomson, and the second because it arises so obviously from the Secretary of State's despatch. The Governor says that he considers that the present regulations are as fair as possible, and while I have some sympathy with Dr. Thomson, I do not in the circumstances feel able to suggest that the Governor should be pressed any further in the matter.

[Signature]

Dr. Thomson will no doubt argue, and so on arguing. Kenya may solve it by sending him on leave early, or they may not.

There is a small anomaly & in a sense he will have
bad luck but that's all it is.

? Agree to leave the rule alone.

(a petition)

J.E.G. Flood
8-5.

G.L.F.F.
9.5.34

* See vol 72 in file 22840.E.A. a copy
of the Circular is with that document.

Rules are best left alone unless
one can see a satisfactory result of
modification: in this case we should
have 7 petitioners instead of one.

as proposed?

W.C.S.
10.5.34

I agree

P. at mel
16/5/34.

2 To Kenya, H10 (Answer) 28 MAY 1934

~~1/34~~

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P. at mel
→ 16/5/34.

2 To Kenya, H10 (1 answer) 28 MAY 1934

~~1/84~~

C. O.

23068/1/34 Kenya

Sgd 2⁴

Mr. Fleming 26/5/34
Mr. Johnston 26/5/34
Mr. Parkinson
Mr. Tomlinson

C. O.
R 28 MAY.
D 1934

28 May, 1934

Sir C. Bottomley.
Sir J. Shuckburgh.
Permt. U.S. of S.
Parly. U.S. of S.
Secretary of State.

Sir,

I have the pleasure to acknowledge the receipt of

(1) Mr. Moore's despatch No. 129 of the 12th of March regarding my suggestion that, in view of the complaint of Dr. W. S. Thomson, consideration ~~should~~ ^{might} be given to the question of amending the above provisions in Secretaries' Circular No. 48 of 1932

DRAFT.

Kenya

No. 410

Governor

(No. 73 in 32 No S.A.)

2. It is clear from the examples quoted by Mr. Moore that while the amendment suggested in my despatch No. 37 of the 17th of January would benefit a few officers it would not be in the interests of the majority. In these circumstances it is inadvisable to amend I agree that ~~no amendment of the~~ ~~terms of the Circular~~ and I shall be glad if Dr. Thomson may be informed accordingly

I have the pleasure to

(Sgd.) P. CUNLIFFE-LISTER.

FURTHER ACTION.

Copy for file
22 P40 E.A.
(Thomson)

22840

73
5



KENYA.

No. 129

GOVERNMENT HOUSE,
NAIROBI,
KENYA

17 March, 1934.

(unrecd (2))
N.P.
22840/EA
Thomson

Sir,

With reference to Lord Plymouth's despatch No.37 of the 15th January, 1934, regarding the application of Secretariat Circular No.48 of 1932, (relating) to the leave of Dr.A.G.Thomson, Medical Officer, I have the honour to inform you that the modification suggested in the despatch under reference would, in the majority of cases, reduce the amount of leave earned by officers who complete nine years' service during a tour and whose normal tour would be 36 months and would only allow of a maximum of 12 days extra leave to officers whose tour is deemed to be of 48 months duration.

The following table shows the effect of the suggested modifications:-

Officer.	Returned from last leave.	Completes 9 years service.	Normal tour.	Due for next leave.	Present Regulations.	Proposed Regulations.
A.	1.1.32	1.1.32	3 years	1.1.35	144.	144.
B.	1.1.32	1.1.33	3 "	1.1.35	144.	132
C.	1.1.32	1.1.34	3 "	1.1.35	144.	(12x3)+(24x4) 120
D.	1.1.32	1.1.35	3 "	1.1.35	144.	(24x3)+(12x4) 108
E.	1.1.32	1.1.36	4 "	1.1.36	144.	(36x3) 144.

2. Moreover, the modifications if applied to the specific medical officers referred to in Dr.Thomson's letter No.TI/8/1/33 of the 31st July, 1933, would entail an appreciable loss of leave to

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CUNLIFFEE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON S.W. the

the officers concerned except in Dr.Thomson's own case and he would gain 10 days leave as shown below.

Name.	Months Tour.	Days Leave under Circular 48.	Days Leave under proposed Regulations.
Dr.Philip	36	144	113
Dr.Wilkinson	36	144	119
Dr.Davies	36	144	116
Dr.Thomson	48	144	154
Dr.Carman	36	144	108
Dr.McFiggans	36	144	115
Dr.Ross	36	144	114
Dr.McLean	36	144	108.

The comparative table is based on the assumption that these officers are posted at healthy stations.

3. I consider that the present regulations are as fair as possible and I do not advise that any amendment on the lines suggested should be made to the Circular in question.

I have the honour to be,
Sir,
Your most obedient, humble servant,

Wm. Miller

GOVERNOR'S DEPUTY.