

1922

KENYA

C.O.

34643

2

17th July 22

GOVERNOR Mortley

Tel
240

DATE

15th July 1922

B. CIRCULATION:—

Mr.

Mr.

Mr.

Mr. Grindle

Sir H. Lambert

Sir H. Read

Sir J. Masterton Smith

Mr. Wood

Mr. Churchill

SUBJECT

RAILWAY ASIATIC STAFFLEAVE REGULATIONS

Fwds message from Railway Asiatic Union stating that new rules are considered most unfair and requesting approval be withheld, also requesting reply re leave pay and long service gratuity paid on rupee basis

Previous Paper

MINUTES

I have compared the ruler 34656/22 with the old 1909 ruler attached to 40056/07, and have noted the chief points of difference on the attached sheet (apart of course from those entailed by the deletion of reference to African staff).

The most marked differences appear the raising of the salaries which qualifies a member to the staff for leave & passage privileges. The provision for local leave, and the provision that leave out of Africa shall be reckoned between arrival in a departure from India, or between departure from arrival in Africa. This last we appear to be a substantial concession, and regards the raising of the qualifying salary the actual salaries of the Asiatic staff have of course been considerably raised.

Subsequent Paper

for
34656

But I suppose it will be necessary to wait until we get the promised memorandum showing exactly on what point the Rly Asiatic Union protest against the new rules.

The question of the issue of leave pay on a rupee basis is also mentioned in subject of a separate despatch forwarded with these P.P. It should be considered therefore in connection with the same ~~connected~~ question as regards ordinary foot and servants.

Act. Receipt of 34656/22.

Say that in view of the fact on their paper, P.P.S. proposes to await the memorial from the Rly Asiatic Union before considering the Revised Rules. And as regards the staff's leave, Q.F.C. 16th refer the favor to our dep't of 22nd Feb. on 7635/22. Say that P.P.S. has now received his dep't of 23rd June (34656/22) forwarding the report of the Ctee which was afft. to make recommendations as to the payment of Asiatic Staff on leave, that he will consider the question as regards the Rly staff also in connection with that despatch.

See on
4045-30466/22 G.P.
Date: 22-7-22.

But I suppose it will be necessary to wait until we get the promised memorial showing exactly on what point!! Rly Asiatic Union protest against the new rules

The question of the issue of leave pay on a rupee basis is also mentioned in subject of a separate despatch (forwarded ^(34673/2) with these p.p.) which should be considered thereon in connection with the same ~~connected~~ question as regards ordinances for civil servants

Act. Receipt # 34656/2

say that in view of tel. on their paper, S of S proposes to await the memorial from the Rly. Asiatic Union before considering the Revised Rules.
And S of S regards the staff & let. of Feb 26th 16th, after the favor to our dep. of 32nd Feb. on 7634/2, say that S of S has now received his despatch of 23rd from (34673/2) forwarding the rest of the letter which was addressed to make recommendations as to the payment of terminative staff or leave,
that he will consider the question as regards the Rly staff also in connection with that despatch

See ⁱⁿ 3046/2 for 9/15
Jan 7-22

UGANDA RAILWAY

Leave Rules for Asiatic Staff OF THE UGANDA RAILWAY.

Clause No.

RULES.

- I. (a) These rules shall come into force with effect from the 1st May, 1922.
- (b) Leave of absence can never be claimed as a right.
- (c) Nothing in these rules can be taken to limit the free discretion of the General Manager, or those acting under his authority, to refuse, vary or revoke leave of absence of any description at any time, or to grant it subject to any conditions he may think fit, according to the exigencies of the public service.
- (d) Every Railway servant to whom these rules apply on the date from which these rules come into force, or on appointment, must be definitely classed as an Asiatic.

II. Rules Applicable to Staff who are classed as Asiatics:—

- (a) The following rules apply to all staff who are on the Establishment Rolls and are in receipt of salaries of £.160 per mensem and over. Also to all staff not borne on the Establishment Rolls, but whose pay is chargeable to capital or revenue works, who are in receipt of salaries of £.160 per mensem and over and who have served at such salary for over 5 years continuously on the Railway.

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Leave Rules for Asiatic Staff OF THE UGANDA RAILWAY.

Clause No.

RULES.

- I. (a) These rules shall come into force with effect from the 1st May, 1922.
- (b) Leave of absence can never or claimed as a right.
- II. Nothing in these rules can be taken to limit the free discretion of the General Manager or those acting under his authority to grant any leave of absence beyond the date of 1st May, 1922, or at any time, or to grant a shorter term of leave than as may think fit according to the circumstances of the service.
- III. However, the period for which these rules apply may be shorter than which these rules come into force, or an appointment must be definitely specified as follows:
- (1) Rules Applicable to Staff who are classed as Asiatics.
- The following rules apply to all staff who are members of the Extra Class of Staff and are in receipt of salaries of Rs. 160/- per month and over. Also to classified borne on the Establishment Roll, and whose pay is chargeable to a Head Revenue Clerks, who are in receipt of salaries of Rs. 160/- per month and over and who have served at such salary for over 5 years continuously on the Railway.

UGANDA RAILWAY

Leave Rules for Asiatic Staff OF THE UGANDA RAILWAY.

Clause No.

RULES.

- I. (a) These rules shall come into force with effect from the 1st May, 1911.
 (b) Leave of absence will be granted to staff members of the Native and European Services, and to those who have been appointed to the Uganda Railway by the Government of Uganda, on the following conditions, namely:—
 (i) That the leave is applied for at least one month in advance, and is granted for a period not exceeding three months at a time, or for longer periods if approved by the General Manager, and is more than half a year in all.
 (ii) That the leave is applied for in writing, and is countersigned by the General Manager, or by the General Manager's representative, and is signed by the staff member.
 (c) Rules Applicable to Staff who are classed as Asiatics.—
 (i) The leave of absence granted to staff members of the Native and European Services, and to those who have been appointed to the Uganda Railway by the Government of Uganda, on the following conditions, namely:—
 (a) That the leave is applied for at least one month in advance, and is granted for a period not exceeding three months at a time, or for longer periods if approved by the General Manager, or by the General Manager's representative, and is signed by the staff member, who has an excepted position in the Uganda Railways, and who is serving in Uganda or in any part of the Uganda Railways.

But I suppose it will be necessary to wait until we get the promised memorial showing exactly on what points the Rly Asiatic Union protest against the new rulers.

The question of the issue of leave pay on a rupee basis is also mentioned the subject of a separate despatch forward of (34657/22) with these p.p. should be considered thereon in connection with the same question as regards ordinary for civil servants.

Act. Receipt of 34656/22.

say that in view of the fact that S.P.S. proposes to award the memorial from the Rly. Asiatic Union before considering the Revised Rules and so as regards the staff's let. of Feb 16th, refer the favor to our Act. P. of 22nd Feb. or 767/22, say that S.P.S. has now received his despatch of 25th Jan (34656/22) forwarding the report of the other which was afft. to make recommendations as to the payment of Asiatic staff on leave, that he will consider the question as regards the Rly. staff also in connection with that despatch.

See on 34653046 for G.M.
22-7-22.

UGANDA RAILWAY**Leave Rules for Asiatic Staff
OF THE
UGANDA RAILWAY.****Clause No. I.****RULES.**

- I. (a) These rules shall come into force with effect from the 1st May, 1922.
- (b) Leave of absence can never be claimed as a right.
- (c) Nothing in these rules can be taken to limit the free discretion of the General Manager, or those acting under his authority, to refuse, vary or revoke leave of absence of any description at any time, or to grant it subject to any conditions he may think fit, according to the exigencies of the public service.
- (d) Every Railway servant to whom these rules apply on the date from which these rules come into force, or on appointment, must be definitely classed as an Asiatic.

II. Rules Applicable to Staff who are classed as Asiatics:

- (a) The following rules apply to all staff who are on the Establishment Rolls and are in receipt of salaries of £160 per mensem and over. Also to all staff not borne on the Establishment Rolls, but whose pay is chargeable to capital or revenue works, who are in receipt of salaries of £160 per mensem and over and who have served at such salary for over 5 years continuously on the Railway.

UGANDA RAILWAY

Leave Rules for Asiatic Staff OF THE UGANDA RAILWAY.

Clause No.

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- (d) Every Railway servant to whom these rules apply on the date from which these rules come into force, or in appointment, must be definitely classed as an Asiatic.

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(b) The following are the five classes of leave admissible:-

- (1) Privilege leave.
- (2) Leave on Medical Certificate.
- (3) Extraordinary leave without pay.
- (4) Combined leave.
- (5) Local leave.

III. Privilege Leave:-

- (a) Leave of this kind to the extent of one calendar month for every eleven calendar months of duty may be granted by the General Manager.
- (b) Should leave of this kind not be taken during a period of twenty-two months, two months leave may be granted, and should the period without leave extend to thirty-three months, three months leave may be granted and so on. For intermediate periods one day's leave to count for every eleven days' duty.
- (c) Leave of this kind in excess of three months may be accumulated up to six months only at the discretion of the Chiefs of Divisions. No leave may be accumulated in excess of six months.
- (d) No leave of this kind can be taken unless eleven months have been spent continuously on duty.

Unexpired portions of leave of this kind can be carried forward. Thus, an employee having four months privilege leave to his credit and who takes only three months return to duty with one month still to his credit, which may be added to the next leave he takes. He cannot, however, be again granted privilege leave until he has put in at least eleven months continuous service from date of return to duty, nor can he be again granted a passage until he has completed a further tour of 33 months continuous service.

IV. Leave on Medical Certificate

- (a) Leave on Medical Certificate out of East Africa for the restoration of health may be granted at any time on the recommendation of a Medical Board sitting in Kenya or Uganda.

- (b) The total aggregate amount of leave of this kind which may be granted to an employee during his total service must not exceed two years in all and not more than six months can be granted at any one time.
- (c) For short periods of sick leave in East Africa the usual medical certificate of a Government Medical Officer is sufficient and pay for such sick leave is governed by Clause VIII.

V. Extraordinary Leave Without Pay :-

Leave of this kind may be granted by the General Manager on sufficient cause being shown.

VI. Combined Leave :

- (a) An employee taking privilege leave may in addition be granted up to three months leave on Medical Certificate on half pay, if such certificate is obtained before leaving the Colony.
- (b) An employee taking privilege leave may in addition be granted up to three months extraordinary leave without pay by the General Manager on sufficient cause being shown.
- (c) The maximum amount of such combined leave shall not exceed nine months at any one time, except with the special sanction of the General Manager.

VII. Local Leave :-

If an employee can be spared from his post and his work can be carried on in his absence by a substitute, local leave may be granted him up to 14 days once in every calendar year. The granting of such local leave is entirely at the discretion of the Chief of Division or other officer concerned. Such local leave, if not taken, cannot be accumulated nor does it come within the term 'privilege leave'.

VIII. Leave Allowances :-

- (a) The following allowances are admissible to employees on leave:-
- (1) Privilege leave.....Full salary of substantive post.
- (2) Leave on Medical Certificate.....Half the above (*vide* Clause IV).

- (b) An employee absent from duty through ill-health must produce a medical certificate to that effect signed by a Medical Officer appointed by the Government for that purpose, and if his sickness should be caused through his own fault or misconduct, or if he should absent himself from his work from any cause whatsoever without leave, he shall forfeit his salary for the number of days he is absent from duty.
- (c) As a general rule all leave on medical certificate must be taken on half pay, but the General Manager is authorised at his discretion to allow

short periods of absence on account of duly certified illness, not caused by the employee's own fault to count as service upto a maximum of three months, but should such absence exceed in the aggregate ninety days in any calendar year, or ninety days continuously, the subsequent period will count as leave on medical certificate on half pay, or at the option of the employee, as privilege leave on full pay provided that such leave is due to the employee.

IX. Passages:

- (a) Employees drawing over Rs.300 per mensem who have completed a continuous tour of service of 33 months, and are taking privilege leave to the extent of three months or over, may be granted second class return passages to Bombay or Goa.
- (b) Employees in receipt of salaries of over Rs.300 per mensem proceeding on sick leave who have less than three months privilege leave to their credit may be granted half the cost of a return passage (*vide* Clause X).
- (c) Employees proceeding on extraordinary leave without pay are not granted any passage. This ruling however does not affect the passage already granted to employees who are granted extraordinary leave in extension of privilege leave or sick leave.
- (d) Employees drawing Rs.300 or under per mensem may be granted deck return passages on the same conditions as stated in preceding paragraphs.

- (e) No matter what amount of leave is due to him, no employee can be granted a passage to India more often than once in 33 months.

X. General Conditions:-

- (a) Cash cannot be given to an employee in lieu of passage except under special sanction of the General Manager. Passages will be booked by the Chief Accountant. In the case of an employee being entitled to half passage only (*vide* Clause IX) the Chief Accountant will book the passage and recover the amount payable from the employee.
- (b) Employers on leave are prohibited from taking up any service without the previous sanction of the General Manager.
- (c) Leave out of Africa counts from the date of arrival at the port in India, and ceases the day preceding embarkation in India.
- (d) An employee exercising leave may be liable to forfeit his appointment.
- (e) Leave in Africa of any kind commences from the date of an employee taking over charge of his duties and terminates on his again taking over charge of his duties.
- (f) An employee who has earned leave during the operation of and under the Rules in force on and from the 1st January, 1907, can take such leave as may be due him under those conditions.
- (g) Leave earned under the old rules can be combined with leave earned under these rules.
- (h) If an employee resigns his appointment or is dismissed for misconduct within 12 months of his return from leave, he may be required to refund the cost of his passage from India.

- XI. Employees who are in receipt of a salary of under Rs.160 per mensem, may be granted leave not exceeding one month in any calendar year, with or without pay, at the discretion of the Chiefs of Divisions, but no ocean passages will be admissible. Such leave cannot be accumulated.

- (b) An employee absent from duty through ill-health must produce a medical certificate to that effect signed by a Medical Officer appointed by the Government for that purpose, and if his sickness should be caused through his own fault or misconduct, or if he should absent himself from his work from any cause whatsoever without leave, he shall forfeit his salary for the number of days he is absent from duty.
- (c) As a general rule all leave on medical certificate must be taken on half pay, but the General Manager is authorised at his discretion to allow

short periods of absence on account of duly certified illness not caused by the employee's own fault to count as service up to a maximum of three months, but should such absence exceed the aggregate ninety days in any calendar year, or ninety days continuously, the subsequent period will count as leave on medical certificate on half pay, or at the option of the employee, as privilege leave on full pay provided that such leave is due to the employee.

IX. Passages:-

- (a) Employees drawing over \$300 per mensem who have completed a continuous tour of service of 33 months, and are taking privilege leave to the extent of three months or over, may be granted second class return passages to Bombay or Goa.
- (b) Employees in receipt of salaries of over \$300 per mensem proceeding on sick leave who have less than three months privilege leave to their credit may be granted half the cost of a return passage (*vide Clause X*).
- (c) Employees proceeding on extraordinary leave without pay are not granted any passage. This ruling however does not affect the passages already granted to employees who are granted extraordinary leave in extension of privilege leave or sick leave.
- (d) Employees drawing \$300 or under per mensem may be granted deck return passages on the same conditions as stated in preceding paragraphs.

(e) No matter what amount of leave is due to him, no employee can be granted a passage to India more often than once in six months.

X. General Conditions:-

- (a) Cash cannot be given to an employee in lieu of passage, except under special sanction of the General Manager. Passages will be booked by the Chief Accountant. In the case of an employee being entitled to half passage only (*vide Clause IX*) the General Manager will book the passage and receive the amount payable from the employee.
- (b) Employees on leave are prohibited from taking up any service without the previous sanction of the General Manager.
- (c) Leave out of Africa counts from the date of arrival at the port in India, and ceases the day preceding embarkation in India.
- (d) An employee exceeding leave may be liable to forfeit his appointment.
- (e) Leave in Africa of any kind commences from the date of an employee taking over charge of his duties and terminates on his again taking over charge of his duties.
- (f) An employee who has earned leave during the operation of and under the Rules in force on and from the 1st January, 1907, can take such leave as may be due him under those conditions.
- (g) Leave earned under the old rules can be combined with leave earned under these rules.
- (h) If an employee resigns his appointment or is dismissed for misconduct within 12 months of his return from leave, he may be required to refund the cost of his passage from India.

XI. Employees who are in receipt of a salary of under \$160 per mensem, may be granted leave not exceeding one month in any calendar year, with or without pay, at the discretion of the Chiefs of Divisions, but no ocean passages will be admissible. Such leave cannot be accumulated.

XII. These Rules supersede the Leave Rules for the Asiatic Staff of the Uganda Railway previously in force with the proviso that employees, who were entitled to second class passages under the old rules and old scales of pay, excluding war bonus, but who have not qualified under these Rules on re-grading, may continue to be granted second class passages."

Uganda Railway

Leave Rules for Asiatic Staff 1922

Briefs of distinction from previous rules (1909)

(Reference to Ex. Asiatic Subordinate staff
is entirely omitted in the new rules).

Section II The rules are applied to all Asiatic Staff
drawing over £160/- per month. The figure in
the old rules was Rs 50/-.

Leave is now classified as of four kinds:- Privilege,
Medical Certificate leave, Half pay ordinary leave
without pay; local leave & Combined leave.
(Local is the only new class, "Combined" having
been already provided for in the old, though not
classified separately.)

Section III Privilege leave

Provision that no leave can be accumulated
in excess of 6 months. (c)

~~Previous leaving
rights of Asiatic
staffs & others~~ The old Rule VI that the maximum acc. of leave per year
at any one time in 12 months had disappeared]

Section VII Half pay local leave

This is entirely new.

Section VIII Leave allowances.

Subsection (c) is amended as follows:
on for 55748/- (50/- leave money
being a full pay up to 90 days)

Section IX Passages

Employees with over £300 per m-

Uganda Railway

Leave Rules for Asiatic Staff. 1922

Points of departure from previous rules (1909)

(Reference to non-Asiatic Subordinate staff
is entirely omitted in the new rules.)

Section II. The rules are applied to all Asiatic Staff
drawing over S. 160/- per month. The figure in
the old Rules was Rs. 50/-.

Leave is now classified as of three kinds:- Privilege
Medical Certificate Leave, Extraordinary
with pay, Local leave. Combined leave
(Local is the only new class, "Combined" having
been already provided for in the old, though not
classified separately)

Section III. Privilege leave

Provision that no leave can be accumulated
in excess of 6 months. (c)

The old Rule IV that the maximum amount of leave
at any one time in 12 months had disappeared.

Section VII. ~~Leave~~
Local leave

This is entirely new.

Section VIII. Leave allowances.

Subsection (c) is amended as follows
on for SS 748/22. (Sick leave may
be given on full pay up to 90 days)

Section IX. Passages

Employees with over S. 300/- per month

receive 2nd class passage rights etc.

(Old figure, Rs 120 pm)

IX. Passages (cont'd) (a) Continuous leave of 33 weeks required before passage rights earned, etc. under (b)

X. General Conditions

(c) Leave out of Africa now reckoned between dates of arrival in India & departure instead of between departure from ~~Kotahara~~ & arrival thereon return.

(d) An employee overstaying leave may be liable to forfeit her abt.

(d) rule. a servant overstaying leave beyond two weeks will forfeit his abt. etc. unless the Manager is satisfied that default is due to circumstances beyond his control etc.)

The rule about forfeiting allowances on overstaying appears to have been drafted

(e) is new.

Leave for employees with salaries of

less than \$160/- per annum

(This is new)

is safeguarding rights earned under old rules.

receive 2nd class passage & etc etc.

(Old figure, Rs 120 per)

Passenger (Cont'd) (Continuation of 3 months required
before passage rights earned, exs. under (b))

X. General Conditions

(c) Leave out of Africa how reckoned
between dates of arrival & India's departure,
instead of between departure from
Mombasa & arrival there on return.

(d) An employee overstaying leave
may be liable to forfeit her abt

(d) rule. a servant overstaying
leave beyond two weeks will
forfeit his abt off, unless
the Manager is satisfied that
default is due to circumstances beyond
his control etc

The rule about forfeiting allces
on overstaying appears to have
been drafted

b) is new

Leave for employees with salary less than

less than \$160/- per annum

(This is new)

} safeguarding rights earned under old rules.

receive 2nd class passage rights etc.

(old figure, Rs 120 pm)

TX Passages (cont'd)(Continuation from 83 onwards required
before passage rights earned, etc. under (b))

X. General Conditions

(1) Leave out of Africa how reckoned

between dates of arrival in India & departure,
instead of between departure from
Montevideo & arrival there on return.

(d) An employee overstaying leave
may be liable to forfeit his appointment

(old rule, on servant overstaying
leave beyond two weeks will
forfeit his appointment, unless
the agent manager is satisfied that
default is due to circumstances beyond
his control, etc.)

The rule about forfeiting allowances
on overstaying appears to have
been dropped.

(b) is new

Leave for employees with salaries Rs.

less than \$160/- per annum

(This is new)

afeguarding rights earned under old rules.

receive 2nd class passage rights etc.

(Old figure, Rs 150 p.m.)

IX. Passages (cont'd) (a) Continuous leave of 33 months required before passage rights can be used, except under (b)

X. General conditions

(1) Leave out of Africa how reckoned

between dates of arrival in India & departure,
instead of between departure from
Mombasa & arrival there on return.

(d) An employee available to leave
may be liable to forfeit his app't.

(Old rule, a servant overstepping
leave beyond two weeks will
forfeit his app't. etc., unless
the gen'l manager is satisfied that
default is due to circumstances beyond
his control. etc.)

The rule about forfeiting allowances
on overstaying appears to have
been dropped.

(b) is new

Leave for employees with salaries of

less than \$160/- per annum.

(This is new)

passenger rights earned under old rules.

TELEGRAM from the Governor of ~~Ceylon~~^{Colombia} to the 8
Secretary of State for the Colonies. Dated 15th July.
(Received Colonial Office 11.22 a.m. 16th July 1922.)

*Recd
34656*
240. July 15th My despatch 20th June. No. 778.
*DD
675*
K. Following telegram is sent at the request of Railway
Asiatic Union begins revised leave Rules for Railway
Asian Staff published June pending your sanction
introduced with retrospective effect from last May caused
grave dissatisfaction. Staff consider rules most unfair
emphatically but respectfully request approval withheld
memorial follows. Staff anxious for reply to their
telegram transmitted to you February 16th regarding leave
pay and long service gratuity paid in rupee basis. ends.

14673
NORTHEY.

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10 JULY 22

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2 JUL 22

9 Examples PW 3.45 p.m.
HL 4.55 p.m.

GOVERNMENT

(PRIORITY)

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Rules for

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STAFF REMO STANCE THEIR TELEGRAM TAGSON LA

February 16th

YOU BALLOON REGARDING LEAVE PAY AND

200-8

SALARY GRATUITY PAID IN RUPEE BASIS

ENDS ■ **NORTHEY** ■