

1922

KENYA

BU M
GOVERNOR
CHARTER
COMP
189

DATE.

C.O.
44550

6 SEF 32

TOP CIRCULATION:

SUBJECT

STICK LEAVE OUTSIDE COLOAD

Proposes to make regulation stating such
leave will be deducted from vacation leave
earned during service prior to ruling and that
any leave taken from such sick leave will
not be treated as a break from service, carrying
over the balance of leave. Requests approval.

MINUTES

I can not see that he

Jan 1890 10th 3 pm + 10° F.
1000 ft. above sea level.

to give up at the end of the war
in return of the rule laid
down in the case of leave in U.
and in the case of the S.A.
S. African leave arrangement
in force during the war.

Sick leave ~~west~~ in the
Colony is another matter.

? Ask to ask that Mr. C.
may be informed that the T.O.
has received his resignation
that he is unable to agree
~~now~~

C.O.
44550

437

Mon. 6 SEP 22

August. 1922.

With reference to Colonel Avery's Confidential despatch of 6th April, 1922, I have the honour to forward herewith, at the request of the writer, a copy of a letter from Captain T. J. Kinnell, A.M.C., dated 1st August, 1922, in which he states that he has a long-standing leave in India, and that his leave will be available for his return to England on 1st October, 1922. He also states that he has been granted a further period of leave of 10 days, commencing 1st October, 1922, and ending 11th October, 1922, during which time he will be available for service in India.

2. Mr. Kinnell received full pay and half pay, i.e. 17/- per day, during leave in India. He stated, shortly afterwards, that he had been granted a period of service, no less than 3 months, during which time he would receive full pay to South Africa, and 17/- per day on return to India.

At present he is in South Africa, and is awaiting his return to India. He has been granted a period of 10 days' leave, during which time he will receive full pay, and his passage to and from South Africa will be paid by him. In accordance with the usual practice, he will be entitled to a gratuity on leaving South Africa.

3. Your despatch No. 1742 of 16th November 1922.

For
35742
21
THE RIGHT HONOURABLE

WENSTON CHURCHILL, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWING STREET, LONDON, S.W.1.

by Mr. Linnell, refers to concessions granted to the Non-European Staff, long after Mr. Linnell's return from sick leave, in respect of sick leave in the Colony, and is therefore not apposite. Had his sick leave been spent in this country it would not, under usual regulations, have been counted towards his regular leave. But in view of the fact that he was at the expense of his passage brought from India, and also the pay for the time of his absence was paid, it is liable that he should be allowed whatever privilege or concession in service or pay from sick leave spent in the Colony which is allowed in India.

It is proposed to submit to you a draft regulation in which it is provided that during the period of sick leave spent outside the Colony, all be deducted from the regular sick leave which service prior to becoming invalid, and that a day or return from such tour be given as time of service if service during the tour may exceed 12 days. I shall be glad to learn of your approval.

I have the honour to be,

SIR,

Your humble, obedient servant,

Sd. EDWARD NORTHEY.

GOVERNOR.

In Dispatch No. 1240
BUSHOGA RAILWAY.

J.

439

Enclosed herewith is a copy of my letter No. 16732. I now have

Superintendent's Office.

Re: D. M. O. T. S. I. S. I. Jinja, 12th June, 1922.

.716

The Right Honourable, JOHN LEWIS,

The Secretary of State for the Colonies,

Downing Street, London.

With this Excelency the Governor Kenya Colony.

The Superintendent

I have the honour to forward you two copies
of the letters sent during an inquiry from me
on the 1st. & 2nd. sick pay or medical certificate
in 1922. The second being a ruling by the Chief
Accountant of the Uganda Railway on the 1st.

S. John Lewis,
Secretary of State for the Colonies.

It appears from the circumstances in which
I was compelled to plead that I may be allowed
a remission of the measure that is allowed to members
of the Non-European Staff. His Majesty's
Secretary of State for the Colonies' letter No. 1742
of 18th November, 1921, wherein 90 days sick leave
on account of duly certified illness, not caused by
the servant's own fault may be allowed to count as
service, and any subsequent period counted as leave
on half pay, or, at the option of the servant as
privilege leave on full pay.

The subsequent period in my case would be 31 days

on -

Camp Mail 270/12.

140

G.O.C. D.L.U.

Kenya Colony, 28-11-21.

To:-

Chief Engineer,

Uganda Railways, Nairobi.

The District Engineer, Ug. Ry, Nairobi.

before being sent to the

- (2) I should like to point out that my sickness was not a result of the two campaigns and previous service in Africa which I contracted in 1914-15 in Germany during the war.
- (3) It could not be said that my earned leave should be denied on account of which I have been in the field during the war, especially as the whole of my last leave in England (1919) was given up to recovery in health from the effects of the campaign in East Africa, and was fairly frequently interrupted with attacks of malaria fever and stomach trouble as is known by Lieutenant Colonel Prout the Medical Adviser to the Colonial Office who examined me on several occasions.

I have etc
Sd. T. P. Linnell.
Assistant Engineer.

July'22.

Re:Messr. F. Linnell, Superintendent, British Railways

1. Regarding the leave application from Mr. F. Linnell, Superintendent, he states that he has had his leave extended by 14 months and 24 days in South Africa, and that he has taken 31 days sick leave. He further states that he has been granted 90 days sick leave by the Medical Board. His application was necessary because of the leave to South Africa he had already completed of 14 months and 24 days up to the date of his sailing for South Africa, notwithstanding his under sections 120 and 121 of the Regulations, 14 months to only 90 days' return vacation leave.

2. Under the above regulations, the sick leave taken in South Africa wiped out all residential service counting for leave prior to the date of his return to duty, namely May 27th 1921, from which date Mr. Linnell again started to earn vacation leave.

3. Mr. Linnell petitions that this leave should not count against the ordinary leave he had earned by the 14 months and 24 days service before being invalidated; but that the 90 days' sick leave, on account of duly certified illness, not caused by the servant's own fault, be allowed to count as service and that the subsequent period, 26th April to 27th May 1921 - namely 31 days, be counted as leave on half pay; and he is willing to refund half pay for this period in order to benefit by counting his sick leave as "service" towards earning future vacation leave.

4. The Medical Board in Kenya recommended that Captain Linnell should be given 3 months sick leave to South Africa. The regulations quoted above refer to sick leave spent in England - presumably the Officer's home. South Africa is not Captain Linnell's home.

According to the regulations he might have been given 90 days sick leave in the Colony which period would have been counted as service earning leave. I therefore trust his case will be considered sympathetically and I would

suggest that the period he was absent from the Colony should not be counted as service earning leave, but that the 14 months and 24 days service prior to his going on leave be counted for vacation leave.

5. I would point out that the Asiatic Leave Rules quoted by Mr. Aldiswell were not in force at the date he took his leave; and that under the Asiatic Leave Rules of 1908 in force at that date but not applicable to Europeans, only half-pay for the whole period was permissible.

to the honourable Mr. B.
Sir,
four conditions mentioned.

C. G. W. T.
Colonial Secretary

SIR,

Regarding the
South Africa, the
I have the honor
to enclose the memo

Mr. F. E.

1. I am sorry to hear
that Mr. G. M. S. has
succumbed to his
illness. It is a great
loss to our cause.
I am sorry to hear
that his sick
brother in S. Africa should
count against the cause.
I hope by some means to
proceeding on cause.

2. I have the
opportunity of meeting Mr. Russell

sliding surface prior to
sliding, and that offens
onality, for example, is
balanced by
surface, can have
any balance.