

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1908.

Enclosures

Spare copies

order
pages 8

8

G.O., No. 386, 19th May 1908.

Travelling allowance.

Admitting the claim of Mr. W. Erlam Smith, Professor of Chemistry, Presidency College, Madras, for travelling allowance by steamer from Rangoon to Madras.

Government of Madras.

EDUCATIONAL DEPARTMENT. ✓

Recd.

Enclosures

Regd.

} 1908.

Spare copies

G.O., No. 386, 19th May 1908.

N. P.

Travelling allowance.

Admitting the claim of Mr. W. Erlam Smith, Professor of Chemistry, Presidency College, Madras, for travelling allowance by steamer from Rangoon to Madras.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers :—

I

Letter—from the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., Director of Public Instruction, Madras.
To—the Secretary to Government, Educational Department (through the Accountant-General).
Dated—the 25th February 1908.
No.—Ref. on Cur. 887.

With reference to the enclosed travelling allowance bill* of Mr. W. E. Smith who has been recently appointed to the Chair of Chemistry in the Presidency College, I have the honour to invite the attention of Government to column 3 of the bill in which the purpose of journey noted is transfer. The claim for travelling allowance from Rangoon to Madras seems to be made with reference to article 1094 of the Civil Service Regulations. Mr. Smith's agreement printed in G.O., No. 670, Educational, dated 4th October 1907, does not make any provision for payment of travelling allowance to join his appointment in Madras. As I have no information to show whether the claim is admissible, the case is submitted for the orders of Government.

Endt. No. 1865/15476-G., dated 6th March 1908.

Forwarded to Government.

2. As Mr. Smith's appointment in Burma was not substantive, he is not entitled to any travelling allowance without the special sanction of the Government of India, for joining his appointment in Madras. Article 1094, Civil Service Regulations, does not apply as the officer was under the terms of his agreement, allowed to draw salary only from the date of assuming charge at Madras.

A. MONTAGU BRIGSTOCKE,
Accountant-General.

To the Secretary to Government,
 Educational Department.

II

Memorandum No 544-1, Educational, dated 6th April 1908.

With reference to his letter R.O.C. No. 887, dated 25th February 1908, the Director of Public Instruction is requested to obtain and forward to Government a copy of Mr. Erlam Smith's agreement in regard to his appointment in Rangoon.

(By Order).

C. A. SOUTER,
Ag. Under Secy. to Government.

To the Director of Public Instruction.

III

Letter—from the Hon'ble Dr. A. G. BOURNE, D.Sc., F.R.S., Director of Public Instruction.
To—the Secretary to Government, Educational Department.
Dated—Ootacamund, the 29th April 1908.
No.—R.C. 887/8.

I have the honour to submit a copy of Mr. Erlam Smith's agreement in regard to his appointment in Rangoon called for in your Memorandum No. 544-1, Educational, dated 6th instant.

2. I think that the transfer may be held to have been for the public convenience, as otherwise his passage to England from Burma might have had to be defrayed from public funds and there would also have been the expense of importing another officer from England to Madras.

ENCLOSURE.

AGREEMENT made the twelfth day of June, one thousand nine hundred and six BETWEEN WILLIAM ERLAM SMITH of 7 Edward street, Louth, in the county of Lincoln of the first part and the SECRETARY OF STATE FOR INDIA IN COUNCIL of the second part.

WHEREAS the Secretary of State for India in Council has engaged the party of the first part to serve His Majesty in India as Temporary Professor of Chemistry and Physics in the Government College at Rangoon from the date of his reporting his arrival at Rangoon until the fifteenth day of April one thousand nine hundred and seven as hereinafter mentioned and subject to the conditions and agreements hereinafter contained.

NOW THESE PRESENTS WITNESS and the said parties hereto respectively agree as follows :—

1. That the party of the first part will on being provided with a first-class passage to Rangoon proceed thither within such time as may be prescribed by the Secretary of State for India in Council.
2. That the party of the first part will on arrival at Rangoon forthwith report himself to the officers of Government there and will submit himself to the orders of the Government and of the officers and authorities under whom he may from time to time be placed by the Government and that he will at all times obey the rules prescribed for the time being for the regulation of the branch of the public service to which he may belong.
3. That the party of the first part will devote his whole time to the duties of the service and will not engage directly or indirectly in any trade, business or occupation on his own account and that he will not (except in case of accident or sickness certified by competent medical authority) absent himself from his said duties without having first obtained permission from the Government or its authorised officers.
4. That if the party of the first part shall before the expiration of the period of his appointment relinquish the service of the Government (whether after having given notice or otherwise) he shall forthwith on demand pay to the Secretary of State for India in Council the cost of his passage to Rangoon.
5. That from the date of the party of the first part reporting his arrival at Rangoon as aforesaid the Government will pay him so long as he shall remain in the said service and actually perform his duties a salary at the rate of Rupees Five hundred per mensem. He shall not be entitled to exchange compensation allowance.
6. That the Government may at any time during the period of his appointment dispense with the services of the party of the first part without notice in the event of misconduct on his part or of a breach by him of any of the conditions herein specified.
7. That on the determination of the service at the expiration of the said period or if prior to the expiration of the said period the party of the first part shall be compelled by ill-health (certified to the satisfaction of the Government) to give up the service, the Government will provide him with a first-class passage back to England at the public expense provided he claims such passage within six months from any such determination of the service as is mentioned in this clause and leaves India on his return to England within such time as he may be directed.
8. That in any payments which may be made in Great Britain under these presents the rate of exchange between England and India fixed from time to time by the Secretary of State for India in Council in communication with the Lords Commissioners of the Treasury shall be observed.
9. That the proceedings, letters and reports of the Governor-General of India in Council or of any of the Local Governments and of all others the officers and agents of Government or any copies thereof or extracts therefrom which shall be sent officially to the Secretary of State for India in Council or to any officers or servants in the Indian Service of His Majesty in

England or elsewhere in any way relating to the sums of money to be paid or allowed to the party of the first part or to his conduct or in any way relating to the premises shall be received as conclusive evidence of any matter therein contained in any action or in any legal proceedings by or between the parties to these presents or in any way relating thereto.

IN WITNESS whereof the party of the first part and Sir John Edge, Knight, *Kt.*, and Sir Dennis Fitzpatrick, *K.C.S.I.*, being two members of the Council of India have hereunto set their hands the day and year first above written.

SIGNED by the party of the first part in the presence of } WILLIAM ERLAM SMITH.
of Charles Edward Lomax, the Lodge, Louth, }
Lincolnshire (schoolmaster). }

SIGNED by the said two members of the Council of } J. C. EDGE,
India in the presence of Frank R. Marten, } D. FITZPATRICK.
India Office. }

Order—No. 386, Educational, dated 19th May 1908.

Under article 1085 of the Civil Service Regulations, the Government are pleased to admit the claim of Mr. W. Erlam Smith for travelling allowance by steamer from Rangoon to Madras.

(True Extract.)

C. A. SOUTER,
Ag. Secretary to Government.

To the Director of Public Instruction, with a bill returned
" Accountant-General.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 386, EDUCATIONAL,
DATED 19TH MAY 1908.

[SUBJECT.—*Payment of travelling allowance to Mr. W. Erlam Smith, Professor of Chemistry, Presidency College, Madras, for his journey from Rangoon to Madras.*]

Previous Papers.

G.O., No.	602,	Educational,	dated	8th September	1906.
" "	432,	" "	" "	6th July	1907.
" "	670,	" "	" "	4th October	"
" "	782,	" "	" "	22nd November	"

From the Director of Public Instruction, dated 25th February 1908, No. 887.

The Director of Public Instruction submits for the orders of Government the claim preferred by Mr. W. Erlam Smith, Professor of Chemistry, Presidency College, for travelling allowance for his journey from Rangoon to Madras to join his appointment at the Presidency College.

2. The Accountant-General, through whom the paper has been submitted, holds that as Mr. Smith's appointment in Burma was not substantive, he is not entitled to any travelling allowance without the special sanction of the Government of India for joining his appointment in Madras and that article 1094, Civil Service Regulations, does not apply as, under the terms of his agreement, Mr. Smith could draw salary only from the date of *assuming charge* at Madras.

3. Mr. Smith originally came out to India in August 1906, under an agreement with the Secretary of State, to serve as temporary Professor of Natural Science at the Government College, Rangoon—*vide* the Secretary of State's despatch No. 84, Public, dated 29th June 1906, on page 2 of G.O., No. 782, Educational, dated 22nd November 1907. His employment in Rangoon expired on the 21st August 1907—*vide* the Secretary of State's despatch No. 4, Public, dated 14th June 1907, on page 1 of G.O., No. 432, Educational, dated 6th July 1907. While Mr. Smith was still employed in Rangoon, the Secretary of State appointed him to be a member of the Indian Educational Service and to fill the post of Professor of Chemistry in the Presidency College. If Mr. Smith had come to Madras direct from England he

We do not know.	} would have been provided with a free passage, and it is presumed that at the expiration of his temporary appointment
H. D. TAYLOR.	

in Rangoon he was entitled to a passage back to England, as similar concessions have been allowed to temporary officers recruited in England. Compare paragraph 7 of Mr. Ryves' agreement on page 4 of G.O., No. 602, Educational, dated 6th September 1906. In these circumstances, Mr. Smith seems to be entitled to travelling allowance for his journey from Rangoon to join his appointment in Madras. But as the Accountant-General holds that no travelling allowance can be paid to Mr. Smith without the special sanction of the Government of India, a draft letter to that Government requesting sanction for the payment of the allowance is submitted for approval.

T.K.—2-4-08.

K. RANGASWAMI AYYANGAR—2-4-08.

The claim seems just.

C. A. SOUTER—4-4-08.

If the journey in question is to be treated as a *transfer*, then presumably Mr. Smith's service in Rangoon will count for service and pension. But we do not know what position he held there. The Director of Public Instruction may be asked to obtain and forward a copy of Mr. Smith's agreement in regard to his Rangoon appointment.

H. D. TAYLOR—5-4-08.

The draft memorandum placed below is for approval.

K. RANGASWAMI AYYANGAR—6-4-08.

Issue.

C. A. SOUTER—6-4-08.

[Memorandum No. 544-1, dated 6th April 1908.]

From the Director of Public Instruction, dated 29th April 1908, R.C. No. 887/8.

The question will doubtless arise whether Mr. E. Smith's service in Rangoon should count for pension but it is for him to raise it.

2. If the passage money is paid to him as being "on transfer" it will pre-suppose that service is continuous. This is the only technical objection. Certainly I think Mr. Erlam Smith should receive his expenses from Burma. The only question is how effect can best be given to his request, and the precise form which the order should take.

Financial may be consulted.

H. D. TAYLOR—30-4-08.

To the Financial Department.

FINANCIAL DEPARTMENT.

In regard to Mr. W. E. Smith's service in Rangoon counting as service for pension, attention is solicited to paragraph 3 of G.O., No. 670, Educational, dated 4th October 1907.

* The date of his appointment as Professor of Chemistry in the Presidency College (page 198 of the Quarterly Civil List).

paragraph 7 of his agreement executed on the 27th May 1907, according to which Mr. Smith can count his service from the 5th October * 1907 only, as his service towards leave and pension.

Moreover, the covenant executed by him on the 12th June 1906 does not contain any stipulation regarding his pension —cf. also article 352 (e) of the Civil Service Regulations. If Mr. Smith raises the question, the Government of India should be addressed if it is considered by this Government that his service in Rangoon should count as service for pension.

2. As matters stand, Mr. Smith cannot be considered as having been *transferred* from Rangoon to Madras. His appointment as Professor in the Presidency College may be treated as his first appointment. According to article 1085 of the Civil Service Regulations, the Local Government "may grant a free passage for so much of the journey to join an appointment as is performed by sea to any person appointed to an office which he cannot join except by sea." Mr. Smith's present claim for travelling allowance (by steamer) from Rangoon to Madras can be admitted under this article.

V.G.K.—7-5-08.

The Accountant-General has apparently overlooked article 1085 of the Civil Service Regulations.

C. M. SCHMIDT—9-5-08.

Yes.

J. N. ATKINSON—10-5-08.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

To the Accountant-General for remarks.

C. A. SOUTER—12-5-08.

ACCOUNTANT-GENERAL'S OFFICE.

I regret article 1085 was overlooked. Under that article Government can grant Mr. Smith a free passage between Rangoon and Madras.

A. MONTAGU BRIGSTOCKE—15-5-08.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

Draft please.

C. A. SOUTER—18-5-08.

The draft order placed below is for approval. It may be sent to Financial for acceptance?

K. RANGASWAMI AYYANGAR—18-5-08.

No need to go to Financial on whose advice the order is based. Issue.

C. A. SOUTER—19-5-08.

[G.O., No. 386, Educational, dated 19th May 1908.]

EDUCATIONAL DEPARTMENT.

Received.....190 , Registered.....190 .

Subject.

Submitting for the orders of Government the question of paying travelling allowance to Mr. Erlam Smith, Professor of Chemistry, Presidency College, Madras, for his journey from Rangoon to Madras to join his appointment in that institution.

ENCLOSURES.

No. 1.

Spare copies

Ref on Current No. 887/08

Station Madras, Dated the 25th February 1908.

From (Name) The Hon'ble Mr. A.C. Bourne, D.Sc., F.R.S.
(Designation) Director of Public Instruction,

Madras

To the Secretary to the Government of Madras,
/Through Educational Department.
The Accountant-General
In,

With reference to the enclosed travelling allowance bill of Mr. W.E. Smith who has been recently appointed to the Chair of Chemistry in the Presidency College, I have the honour to invite the attention of Government to column 3 of the bill in which the purpose of journey noted is transfer. The claim for travelling allowance from Rangoon to Madras seems to be made with reference to article 1094 of the Civil Service Regulations. Mr. Smith's agreement printed in G.O. No. 670 Educational dated 4th October 1907 does not make any provision for payment of travelling allowance to join his appointment in Madras. As I have no information to show whether the claim is admissible the case is submitted for the orders

Received



190 , Registered

3074/1908.

Subject.

Mr. Erlam Smith, Professor of Chemistry, in the Presidency College:- Payment of travelling allowance to from Rangoon to Madras.

ENCLOSURES.

No.

one

Spare copies

Re No. 887/8

Station Cotacmunda, Dated the 29th April 1908.

From (Name) The Hon'ble Dr. A. G. Bourne, F.R.S.

(Designation) Director of Public Instruction.

The question with reference to the appointment of Mr. Erlam Smith to the post of Professor of Chemistry in the Presidency College, Rangoon, is a matter which has been under consideration for some time.

It is proposed to appoint him to the post of Professor of Chemistry in the Presidency College, Rangoon, and to pay him a travelling allowance of Rs. 1000 for his journey from Rangoon to Madras and back. This proposal is based on the fact that Mr. Smith has been appointed to the post of Professor of Chemistry in the Presidency College, Rangoon, and that he has been travelling in the service of the Government of India.

AL

To the Secretary to the Government of Madras,
Educational Department

I have the honour to submit a copy of Mr. Erlam Smith's agreement in regard to his appointment in Rangoon called for in your Memo. No. 544-1 Educational, dated 6th instant. 2. I think that the transfer may be held to have been for the public convenience as otherwise his passage to England from Burma might have had to be defrayed from public funds and there would have been the expense of importing another officer from

Director of Public Instruction.

Eol DEPARTMENT.

[illegible]

No. 386, dated 19-5- 1908

Under Article 1085 of
the Civil Service Regulations,
the Govt are pleased to admit
the claim of Mr. ^W E. Smith for
travelling allowance by steamer
from Rangoon to Madras.

~~RD~~
~~18.5.08~~

DESPATCHED
20 MAY 1908

To the D.P.G. ✓
with a bill returned ✓
A.G. ✓