

Edl (1916) Department.

Ms SERIES.

G.O. No. 383

DATED 5-4-16

[Despatch Abstract.]

Allowance Permitting Mr M.
Huss ~~leave~~ to retain with his
junior personal allowance the
special personal — of Rs 100
Sanctioned in G.O. 728 Ed (Dated
3.7.1915).

2
2

Education Department

26 Feb 1916, dated the 10th January 1916
by the Government. It may be noted that

1826-1



Attended to
over
11/2/16

CN. 528 of
11.2.16

GOVERNMENT HOUSE,
MADRAS.

9th February 1916.

Dear Mr. Rajagopalachari,

Would you kindly send for His Excellency's perusal the order of Government which disallowed in the case of ^{Mr} Mark Hunter of the Indian Educational Service the combination of a special personal allowance with an ordinary personal allowance?

Yours sincerely,

Letting

The Hon'ble Diwan Bahadur P. Rajagopalachariar Aml.,
C.I.E.,
Secretary to Government, Educational Dept.,
Fort St. George.



Educational Department

G.O. no 26 Edl., dated the 10th January 1916,
is placed below. It may be forwarded to
the P.S. L.

(W)

11/2/16

11/2/16

11/2/16

P.S. L.

11/2/16

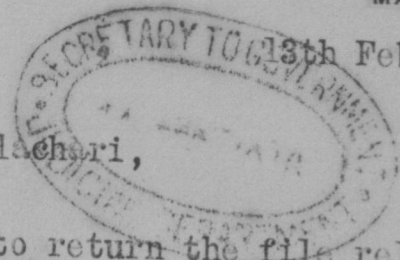
Edl no 528-1

11. 2. 16

1826-2



GOVERNMENT HOUSE,
MADRAS.



18th February 1916.

Dear Mr. Rajagopalachari,

I am to return the file relating to the
special allowance for Mr. Mark Hunter of the Indian
Educational Service, and to say that His Excellency
will be glad if you will have the decision arrived
at in G.O.No.20 Educational, dated 10th January
1916, re-examined, as His Excellency does not feel
sure that that decision is entirely free from doubt
to justify the circumstances of the case.

(W)

Yours sincerely,

Let Muri

The Hon'ble Diwan Bahadur P. Rajagopalachariyar
Avl., C.I.E.,
Secretary to Govt., Educational Dept.,
Fort St. George,
Madras.

Please for info complete
papers & make
separate copy
14/2

The facts of the case are briefly noted below.

In view of the postponement of the ~~consideration~~ ^{of the pay and prospects} ~~improvement~~ ^{of the pay and prospects} of the I.E.S. on account of the appointment of the Public Service Commission, the Government of India sanctioned in February 1915 the grant of certain ad interim measures of relief by means of personal allowances to deserving members of the service — please see Government of India's letter on page 2 of G.O.No.728 Edl, dated the 3rd July 1915. That Government also stated that save in exceptional cases of hardship, the new allowances would not ordinarily be tenable together with any of the existing junior and senior allowances. In pursuance of the above, the Government of Madras, in their order No.728 Edl, dated the 3rd July 1915, sanctioned the payment of a personal allowance of ~~Rupee~~ ^{Rs.100} ^{each} per mensem to four officers of the I.E.S., subject to the special conditions imposed by the Government of India. Three of these were already in receipt of the ordinary junior or senior personal allowances but in view of their long service and of the fact that they were aged ^{and thus} not likely to be benefited by any recommendations of the Public.

Services Commission, their cases were considered as specially hard ones deserving of the new allowances. The fourth, Mr. Mark Hunter, was also given the new allowance for the reason that he had not ^{then} attained even to the junior allowance. Later on, however, in consequence of the death of Mr. Middlemast, a junior allowance of Rs. 200-10-250 was granted to Mr. Hunter--G.O. No. 1070 Edl, dated the 28th September 1915. The A.G. ruled that Mr. Hunter would not be eligible for the special allowance of Rs. 100 sanctioned in G.O. No. 728 Edl, dated the 3rd July 1915, with effect from the ^{drawing} date of his ~~appointment~~ the junior allowance of Rs. 200-10-250. The A.G.'s ruling is apparently based on the following (among others) conditions imposed in regard to the special allowance:-

(1) that they will be personal and subject to the ^x rules governing this class of allowances; and ^{that} (2) they will be liable to reduction on any increase of pay or salary as defined in article 38 of the C.S.R.

2. The Chief arguments advanced by Mr. Hunter in support of his request were

(1) that the combination of a personal with a

(B)

(W)

Page 7 of 26 Vol 10.1.16

(A)

728 37.15

Xat. 614 C.S.R.

W
page 4 of fr. 26
10.1.16

21
page 5 - do

W

special personal allowance was not necessarily inadmissible under article 61 of the C.S.R. and (2) that if the A.G.'s objection be upheld, the object of the Government of India in granting these allowances viz, to place the senior officers in a permanently better financial position than they would, without the special personal allowance have occupied, pending any reorganization on the recommendations of the Public Service Commission, would be defeated. The Government have already carefully considered these arguments-Vide G.O.No. 26 Edl., dated the 10th January 1916.

3. With reference to the first argument advanced by Mr.Hunter it is submitted that article 61 of the C.S.R. lays down that "unless in any case it is specially ordered otherwise, a personal allowance should be reduced by any amount by which the recipient's pay or salary may be increased, and should cease as soon as his pay or salary is increased by an amount equal to his personal allowance" and according to note 3 under article 38 of the C.S.R. "Salary" does not include

House-rent, tentage or travelling allowance,
a local allowance, whether daily, monthly or yearly.

In the face of this clear ruling, Mr. Hunter's
contention cannot ~~stand~~ stand.

4. As regards the second argument brought forward
by him, attention is solicited to para.5 of the
Government of India's letter, No.281, dated the 11th
February 1915. They observe as follows:-

"They would, however, remind Local Governments
that the original intention of their creation was
the alleviation of cases of hardship, especially
where officers of long service who have not attained
to junior or senior allowances, cannot reasonably
expect to reap any advantage from such measures as
may be adopted on the recommendation of the Royal
Commission x x x. It has been decided that
the sum at disposal in each province should be
divided into allowances of maximum and minimum
values, within which limits the Local Government ~~xx~~
may vary the value of each allowance from time to
time, x x x. Finally, in view of the
temporary and alleviatory nature of these allowances
the tenure of an allowance ~~xx~~ by any officer should
be liable to cease, or the amount of the allowance
may be reduced ~~xx~~ when he receives any increase of

(A)
page 2 of 728 SW
3.7.15

(allowances)

pay or salary x x x x. "

This clearly shows that the Government of India do not contemplate that the allowance should be permanent as submitted by Mr. Hunter.

3. Mr. Hunter has put in a total service of nearly 16½ years under the Government (4 years in P.E.S. and 12½ in I.E.S.) His age is now 51 and he may not reap the benefits of any reorganization scheme which may be introduced in future after the report of the Public Services Commission has been published. The question now in issue is whether the mere grant of ^{the} junior allowance will be a sufficient compensation for the loss due to the postponement of the reorganization. If it is considered ^{that} there is a real hardship ^{such as to justify} in this case ~~on account of~~ the retention of the special personal allowance of Rs.100/-, the A.G. may be asked in view of his objection to pass this allowance, to state whether there is any account objection to the Local Government sanctioning it now as a special case.

22/11/66
Accepted by Mr. [Signature]
view to A. Should the Govt
Sanction the Continuation of

The Special Allowance of Rs 100 per m, is there any account objection?

23/2/16

(but objection remain) 23/2

28/2/16 520-2

The personal allowance of Rs100/- per mensem granted to Mr.Hunter in G.O.NO. 728 Edl., dated 3rd July 1915, in the absence of special order, merged in the junior personal allowance of Rs200-10-250 granted to him in G.O.No.1070 Edl. Mis. dated 28th September 1915, vide condition (iv) in para 6 of the Government of India letter No.281-288, Department of Education dated 11th February 1915, recorded in G.O.No.728 Edl. dated 3rd July 1915.

If however the Local Government consider Mr.Hunter's case one of such exceptional hardship as to make it desirable to waive the condition referred to above, they may allow Mr.Hunter to hold both allowances simultaneously, vide para 5 of the Government of India letter quoted above, and regrant the personal allowance either from the date the junior allowance accrued or any subsequent date.

I would request that if the allowance is regranted, it may clearly be stated in the order whether the allowance will be liable to reduction

C/ or not, as each increment in the Junior Personal allowance of Rs200-10-250 accrues.

H. K. S. A. G.
A.G. 6/7/16.

E.P.

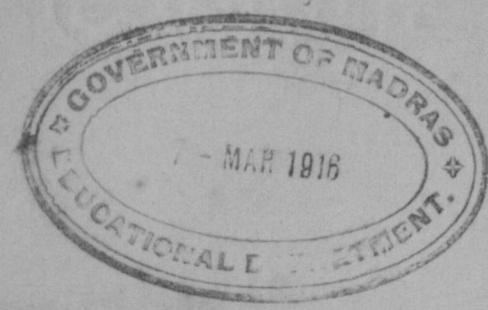
No. 472. H. O. d/6/16

To

The Secretary to the Government of Madras.

EDUCATIONAL Department

Educational Department



Submitted for orders.

2. The question is whether Mr. Hunter's case is one of such exceptional hardship as to make it desirable to retain the special allowance of Rs. 100/- in addition to the junior allowance which he has recently earned. The only circumstance in his ^{favour} ~~case~~ seems to be that his age is now 51 and that he may not therefore reap the benefits, if any, of the re-organiza-

tion scheme which may be introduced later. With reference to this point attention is solicited to the Hon'ble Mr. Gardner's note of the 8th March 1913 on page 5 of the notes with G.O. No. 231 Educational, dated the 17th March 1913, in which he expressed the opinion that Mr. Hunter's advanced age which was due to his having entered the service late should not be deemed a relevant consideration in this respect. This view was adopted by the Govt.

Notes in CA
7.3.16

Phi Bank modified later on
vide letter 2222
21/2/16

The personal allowance of Rs100/- per mensem was granted to Mr. Hunter in G.O. No. 728 Ed. dated 3rd July 1915, in the absence of special orders merged in the Junior personal allowance of Rs200-10-250 granted to him in G.O. No. 1079 Ed. dated 28th September 1915, vide condition (iv) in para 2 of the Government of India letter No. 261-266 P. 1000 of Education dated 11th February 1915, and in G.O. No. 728 Ed. dated 3rd July 1915. It is however the local Government consider Mr. Hunter's case one of such exceptional hardship as to make it desirable to waive the condition referred to above and they may allow Mr. Hunter to hold both allowances simultaneously, vide para 2 of the Government of India letter quoted above, and request the Govt. to grant him the Junior personal allowance from the date the Junior allowance accrued or any subsequent date. I would request that if the allowance is requested, it may be granted in the order whether the allowance will be liable to reduction.

The Junior personal allowance of Rs200-10-250 per mensem was granted to Mr. Hunter in G.O. No. 728 Ed. dated 3rd July 1915, in the absence of special orders merged in the Junior personal allowance of Rs200-10-250 granted to him in G.O. No. 1079 Ed. dated 28th September 1915, vide condition (iv) in para 2 of the Government of India letter No. 261-266 P. 1000 of Education dated 11th February 1915, and in G.O. No. 728 Ed. dated 3rd July 1915.

But this view of the matter
was cancelled by the view
taken in letter no 2
21.2.16.

h.o. no. 1070
28.9.15

para. 6 of India's letter
in p. 3 of fo. 728
3-7-15

and he was not recommended for any allowance, al-
though it was subsequently granted to him along
with others. The position is now more favourable
to Mr. Hunter than when he was given the ^{special} allowance.
He was then drawing only an allowance of Rs 100/-
on the ground that his service exceeded 15 years.
But he now draws an allowance of Rs.200/- ^{which} ~~will~~
rise up to Rs.250.

3. If it is decided to grant this special
allowance, it is submitted that it should be liable
to reduction as each increment in the junior allowance
accrues. This will be in accordance with the spirit
of article 61 of the C.S.R. and condition No (iv) laid
down by the Government of India.

4. The Financial Department may also be con-
sulted.

10/3/16. Mr Hunter's Govt appear
hard and I would like
the circumstances at A (and
page 7) as an attachment and
repent the personal Message
to him with effect for the
date on which the junior
allowance accrued - vide
B at page 8. Also I have

State in the order that
the allowance will not
be liable to deduction
as each increment of
the senior personal
allowance accrues. The
C at page 809.
Int. 110.

2/6 (under)
14/3

Eoluo 528-3
14/3/16

CURRENT NO.
1706
FINANCIAL

Reg. 14-3-16.

14/3.16

Financial Dept.

For the Asst. Secy.

The position as regards Mr. Hunter
for whom, Ed. Dept. now recommend an
increased personal allowance of Rs 100 p.m. is
as follows.

2. Before July last, Mr. Hunter was
drawing a pay of Rs 1,000 plus a special

Sanct. in go. 1364200 (C)
30.11.14

Educational allowance of Rs 100 p.m., which is admissible to I.E.S. Officers of over fifteen years' standing on salary not exceeding Rs 1000 and not in receipt of the Junior and Senior allowances of Rs 200-10-250 and Rs 250-50-500 (Cf. para 232 (b) of Manual of Appointments and Allowances). In July 1915, Govt. sanctioned the payment to him in addition to the above emoluments, of a personal allowance of Rs 100 p.m., this being one of the allowances which were doled out to Edl. Service Officers out of the lump ^{sum} grant of Rs 6000 p.a. allotted to the Presidency by the Govt. of India ~~with a view to grant temporary relief to these officers~~ S.O. 728 Edl. 8.3.15. Mr. Hunter was thus drawing allowances aggregating Rs 200 p.m. in addition to his pay of Rs 1000.

Later on, one of the ^{senior} Edl. allowances of Rs 250-50-500, drawn by Mr. Middlemast having become vacant, owing to his death, it was given to Mr. Allen; and the Junior allowance of Rs 200-10-250 drawn by Mr. Allen was granted to Mr. Hunter - S.O. No 1040 Edl. 8.28.9.15. On the grant of this allowance, the ^{special} Edl. allowance of Rs 100 p.m. of Mr. Hunter ceased. The Acct.

Govt. also withheld the payment of

Sanct. in go. 1364200 (C)
30.11.14

Sanct. in go. 1364200 (C)
30.11.14

(Page 2 of 80 at page 11)

14

The second personal allowance of Rs 100 p.m. on the ground that it merged in the larger allowance under art. 61 C.S.R.

A request that Mr. Hunter may be given the second personal allowance in addition to his junior allowance ^(1 Rs 200-10-250) was negatived by Edl. in G.O. 26 Edl. S. 10-1-16.

3. The Edl. Dept. now propose to reconsider G.O. 26 Edl. S. 10-1-16 and sanction the grant to Mr. Hunter of the allowance of Rs 100 (granted to him in July last but withheld by the Acct. Genl. later on) ^{without prejudice} to his junior personal allowance ^(vide Edl. Secy's note on pp 10-11 ante). The conditions under which the special personal allowance can be granted are set forth in paras 5 and 6 of Govt. of India's letter on pages 2-3 of G.O. 728 Edl. S. 3-7-15.

The Acct. Genl. sees no objection to the Edl. Dept's present proposal. As the distribution of these allowances is primarily concerns the administrative Dept, Financial need not, it is submitted, object to the present proposal of Edl. The other Edl. officers ^{who have been} granted personal allowances are drawing them ^{without prejudice} to their educational allowances ^{vide G.O. 728}.

4. Provision of funds. It is not likely that any extra expenditure will be incurred in the current year. On receipt of a copy

pp 10-11 ante

A Sonote on page 14 of note to
So. at flag A / agree

of Ed. Dept. proceedings on this case, the Acct. Genl. may be asked to enter the necessary provision in the next year's budget without altering totals. The total charge ^(in 1916-17) including arrears from 20th July 1915 came to Rs 1933 or Rs 2000 rounded.

Thull
21.3.16. *CS. J. S. S.*
22.3.16

AS
21.3.16 The orders of the G. of I. are that these personal allowances are not to be payable along with a junior or senior allowance save in exceptional cases of hardship. I do not think that Mr. Hunter has made out a case of exceptional hardship & consider that the orders already passed should be adhered to. Mr. Fin. should see.

7 ind 101706-1
23.3.16



J. S. S. Educational Dept.

Submitted for orders.
24/3/16. *HE* and *Mr. (J. S. S.)*

MR
24.3.16

MS

16

The main of "Educational" certainly is that this is an exceptional case of hardship: see A on p. 7. etc.

Wm. H. M. Financial is good enough to consider the point further?

P
31.3.16.

Box No. 23
31.3.16

H. H. (7ml)

It is a matter for the administrative dept, but in any case I personally agree that the allowance should be given.

H. H.
2.4.16



A draft order is submitted for approval. It may be sent to financial for perusal.

4.4.16.
4/4/16

[Signature]

1-20/10/16
21.5.16



[Signature]

1916. (M)

C. No. 528, From the, No., dated 191

99 99 99 99 99 99 191

No. 385, dated 1916.

The In modification of G.O. no. 26 Edl., dated the 10th January 1916, the Govt. are pleased to permit Mr. M. Hunter to retain, along with ~~the~~ junior personal allowance, the special personal allowance of Rs 100 sanctioned in G.O. no. 728 Edl., dated the 3rd July 1915. They also direct that the special allowance ^{shall} ~~not~~ be liable to reduction on each increment of the junior personal allowance accrues.

Don
as
7/4/66 page 11 of notes

To The D.P.D. (Honorar)
A.G. 10
with copy of 16 Ed
10.1.16.
Financial Dept
with copy of ~~16~~ notes on page 11 for 10

Handwritten text at top left of left page.

Handwritten text in the lower left section of the left page, appearing to be a list or series of notes.

Handwritten notes and signatures at the bottom of the left page.

When given for copying
When copied
When examined
When signed

191

READ AGAIN G.O. No.
191

DATED

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.

N.B.—

- A = Copy in full.
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