[1/17]
100—27-4-98.

Educational.

~~Legislative~~ (1900) Department.

ORDINARY PRINTED.

G.O., No. 564-565

DATED 7—11—00

INDEXED

[Despatch Abstract.]

Travelling allowance

Directing that the Govt of India be addressed on the subject of the refund to Mrs. J. Canagarajah of the — retrenched by the A.G. from the sum due to her late husband.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Government {1900} of Madras.

EDUCATIONAL.

Recd } 1900. *Enclosures*

Regd. } *Spare copies*

G.O., &c., Nos. 564, 565, 7th November 1900.

NOVEMBER.

Travelling Allowance.

Directing that the Government of India be addressed on the subject of the refund to Mrs. Flanagan of the — retrenched by the Accountant-General from the sum due to her late husband.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper :—

From H. J. McINTOSH, Esq., Deputy Secretary to the Government of India, Home Department (Education), to the Secretary to the Government of Madras, Educational Department, dated Simla, the 18th September 1900, No. 312.

I am directed to forward, for the information of the Government of Madras, a copy of a letter, dated the 26th August 1900, from Mrs. Flanagan, widow of the late Mr. C. C. Flanagan, who was an Inspector of Schools, Madras, asking for a refund of the travelling allowance which has been deducted from her late husband's pay. I am to request that, with the permission of the Governor in Council, the Government of India may be favoured with a report on the facts of the case, together with an expression of the opinion of His Excellency in Council on Mrs. Flanagan's request.

ENCLOSURE.

From Mrs. A. FLANAGAN, widow of the late Mr. C. C. Flanagan, Inspector of Schools, Madras Presidency, to the Secretary to the Government of India, dated 26th August 1900.

Will you be so good as to bring the following petition to His Excellency Lord Curzon's kind consideration.

I am the widow of the late Mr. C. C. Flanagan, Inspector of Schools, Madras Presidency, and am appealing against the deduction of my late husband's salary and enclose the Accountant-General's letter and the present Director's reply. I also send you two of Dr. D. Duncan's letters regarding the prospects of his position when the reorganization scheme came into force. You will notice that my late husband's position was not bettered, and when my husband appealed to His Excellency the Governor of Madras, he got no redress. I enclose His Excellency's reply.

My husband was Inspector of Schools, Northern Circle, permanent, and, in the graded service, drawing a salary of Rs. 500 a month and first-class allowances. My husband was gazetted when the reorganization came into force to the 450 rupees grade and after that to the 500 rupees grade, thus putting Mr. Hensman and Mr. Elliot above him, and they were only second-class officers. You will thus see that, although he drew the pay, his position was not the same because an order was passed to the effect that the difference between first and second class travelling allowance for that period should be refunded, viz., Rs. 542, from January 1st to August 1897, and the amount was deducted in three instalments, at one-third of his salary. He wrote to Dr. Duncan about it, and you will read the reply from the Accountant-General, dated 17th January 1899, after the decease of my husband. The order was cancelled about retrenchment of salary between 1st January 1897 and August of the same year. Now, sir, do you not think my case a very hard one, as the salary was not cut for these months; do you not think his travelling allowance should be refunded, seeing he had no warning that his position was to be changed by the reorganization? He travelled first-class and the money spent doing his work for Government. You will, I know, feel for me in my great loss, as I was in England when his death occurred and will you not be so kind as to help me in my time of need to give this matter your kind consideration and to have this amount refunded to me and to do justice in this case to me. I would have appealed before, but I have only come out a couple of months ago and, looking into accounts, found that my husband's salary from January 1st to 14th was only Rs. 2-5-8, that he drew Rs. 707-1-8, the difference between the second-class allowance actually drawn by my late husband and first-class allowance sanctioned by the Government of India, dated 27th February 1899.

Begging to be excused for the trouble I am giving and hoping for a favourable reply.

ORDER—No. 564, Educational, dated 7th November 1900.

The following letter will be despatched to the Government of India.

(True Extract.)

M. HAMMICK,
Ag. Secretary to Government.

LETTER—No. 565, Educational, dated Fort St. George, 7th November 1900, to the Secretary to the Government of India, Home Department.

I am directed to acknowledge the receipt of Mr. McIntosh's letter, No. 312, Education, dated the 18th September 1900, forwarding a copy of a letter from Mrs. Flanagan on the subject of the travelling allowance deducted from the sum due to her late husband and calling for a report on the facts of the case.

2. Mr. Flanagan was an inspector of schools in this presidency from the 31st January 1894 to the 14th January 1899, the date on which he died. Up to the 31st December 1896 he was in the fourth class of the graded Educational service and was, as such, an officer of the first class for purposes of the travelling allowance regulations, and eligible to receive a daily allowance of Rs. 4. The scheme for the reorganization of the department, sanctioned in Home Department Resolution No. 4, Education, 204—215, dated the 23rd July 1896, was introduced in this presidency on the 1st January 1897, and from that date Mr. Flanagan was transferred to the provincial service. His new pay having been fixed at Rs. 450, he had to be placed in the second class for purposes of the travelling allowance regulations, and his daily allowance was reduced to Rs. 3.

3. Until September 1897, however, Mr. Flanagan continued to draw travelling allowance at first-class rates, as the constitution of the provincial service had not been notified. He thus overdrew the sum of Rs. 542-4-0, and the Accountant-General directed the recovery of this amount on receipt of Home letter, No. 142, Education, dated the 30th May 1898, in which the Government of India notified their refusal to give retrospective effect to the proposals made by this Government for ranking as officers of the first class inspectors of schools graded in the provincial service.

4. Mr. Flanagan and another officer similarly affected submitted a representation against this order of retrenchment, and the Director of Public Instruction suggested that the amounts overdrawn might, under article 279-A of the Civil Account Code, be written off. The Accountant-General, however, pointed out that, as the Government of India had declined to give retrospective effect to the proposals abovementioned, the adoption of the Director's suggestion was not permissible. Meanwhile Mr. Flanagan died, and it was ascertained that out of the amount overdrawn by him, Rs. 322-10-6 had already been recovered and that the balance would be deducted from the arrears of pay due to him from 1st to 14th January 1899. It was also found that the amounts which had been overdrawn between January and September 1897 by other officers similarly circumstanced and which were comparatively small, had all been fully recovered. Under these circumstances the Governor in Council decided against the adoption of the Director's suggestion and ordered that the recoveries already made should stand.

5. The overdrawing of travelling allowance by Mr. Flanagan and the other officers was obviously not due to any mistake on their part but to the accident that retrospective effect was given to the constitution of the provincial service as notified in August 1897; and, in the opinion of the Governor in Council, the rules as to retrenchment operated very harshly in their cases. I am therefore to recommend that a refund may be allowed. A statement showing the names of all the officers from whom recoveries were made and the amounts recovered is appended. From the correspondence ending with Home Department letter No. 224, Education, dated the 18th July 1898, it will be seen that the excess pay similarly drawn by certain officers of the provincial educational service, including the first four shown in the present list, was eventually written off.

M. HAMMICK,
Ag. Secretary to Government.

[Annexure.

Exd. W. D'Moss.

ANNEXURE.

Name of officer.	Designation of officer.	Amount retrenched.	Remarks.
		Rs. A. P.	
1. Mr. C. C. Flanagan	Inspector of Schools	542 4 0	Payable to estate.
2. ,, L. C. Williams	Acting Inspector of Schools	120 0 0	
3. M.R.Ry. A. Subba Rao	Assistant Inspector	44 0 0	
4. ,, N. T Daivasikhamani Mudaliyar ..	Do.	13 14 0	
5. ,, M. Singaravelu Mudaliyar	Do.	32 0 0	
6. ,, D. S. Krishnaswami Aiyar	Do.	65 10 0	
	Total ..	817 12 0	

Educational Department.

NOTES CONNECTED WITH G.O, No. 564, EDUCATIONAL, DATED 7th NOVEMBER 1900.

[Subject.—*Refund of Mr. Flanagan's travelling allowance retrenched by the Accountant-General.*]

The Government of India passed final orders on the question of the reorganization of educational services in India in July 1896 [*vide* G.O, No. 479, Educational, dated 10th August 1896]. The reorganization was brought into force in this Presidency with effect from the 1st January 1897 [*vide* G.O., No. 777, Educational, dated 19th December 1896]. The constitution of the Provincial service was, however, not notified till the 31st August 1897 [*vide* G.O., No. 490, Educational, dated 27th August 1897].

2. Mr. Flanagan was then in the IV class * of the graded service on a salary of Rs. 466–10–8. On the introduction of the new scheme he was placed in the V class (of that scheme), salary Rs. 450. He memorialized against this, but Government thought that sufficient reason had not been shown by him for altering the arrangement already made—*vide* G.O., No. 175, Educational, dated 14th March 1898.

* Page 172 of the Quarterly Civil List corrected up to 1st January 1897.

3. Before the reorganization all inspectors of schools belonged to the graded educational service and were, as such, placed in the first class for purposes of the travelling allowance regulations and were eligible for a daily allowance of Rs. 4, while assistant inspectors were entitled to Rs. 3. In the new scheme two of the inspectors were transferred to the Provincial service, and, as such, had to be placed in the second class for purposes of the travelling allowance regulations whenever their grade pay was Rs. 500 or less. Assistant inspectors who drew less than Rs. 300 also ceased to be eligible for a daily allowance of Rs. 3. These drawbacks having been pointed out by the Director of Public Instruction, this Government suggested to the Government of India that inspectors of schools belonging to the Provincial service might be ranked as officers of the first class ; that a daily allowance of Rs. 3 might be granted to all assistant inspectors irrespective of their pay ; and that retr spective effect might be given to these arrangements with effect from 1st January 1897—*vide* G.O., No. 68, Educational, dated 9th February 1898. The Government of India sanctioned the proposals, but only with effect from 1st April 1898—*vide* G.O., No. 734, Educational, dated 22nd November 1898.

4. As the constitution of the Provincial educational service was not notified till the end of August 1897, Mr. Flanagan, among others, drew travelling allowance at first-class rates until September of that year. Under the notification he was entitled to only second-class rates. The Accountant-General accordingly directed that the excess drawn between 1st January 1897 and 1st April 1898, viz., Rs. 542-4-0, should be refunded.

5. Mr. Flanagan protested against this order of retrenchment, and the Director of Public Instruction suggested that the amount overdrawn might be written off under article 279-A of the Civil Account Code as had been done in the case of the pay overdrawn during the same period—*vide* C. No. 1465 of 1898, in G.O., No. 155, Educational, dated 14th March 1899. The Accountant-General, however, pointed out that

the Government of India having declined to give retrospective effect to the proposal of this Government to treat inspectors and assistant inspectors of the Provincial educational service as first and second class officers respectively irrespective of the pay drawn by them, the adoption of the Director's suggestion was not permissible—*vide* C. No. 105 of 1899, in G.O., No. 155, Educational, dated 14th March 1899.

6. Meanwhile Mr. Flanagan died, and it was ascertained that out of the amount overdrawn by him Rs. 322–10–6 * had already been recovered and that the balance of Rs. 217–9–6 would be recovered from the arrears of pay due to him from 1st to 14th January 1899. It was also found that the amounts overdrawn by other officers, which were comparatively small, had all been fully recovered. The Government was therefore not prepared to accept the Director's suggestion and ordered that the recoveries already made should be allowed to stand—*vide* G.O., No. 155, dated 14th March 1899.

* Should apparently be Rs. 324–10–6.
P. T. THARYAN.

7. Mrs. Flanagan now requests that the amount retrenched may be refunded. Upon this the Government of India calls for a report on the facts of the case together with an expression of the opinion of His Excellency the Governor in Council on the request.

P. T. THARYAN.
5–10–00.

The facts of the case (as summarised above) may be reported to the Government of India. The opinion of the Government has however to be stated as well.

2. Speaking generally, nothing causes more discontent than the introduction of a scheme of reorganization in such a way as to penalize persons simply because their sanctioned pay or travelling allowances (here it has been in respect to the latter) do not happen to fit into that scheme; Mr. Flanagan suffered from no fault of his own, but from accidents of the reorganisation of 1898 which worked to his disadvantage. If the Government of India had agreed to give retrospective effect to the scheme, he would have been saved; if some others had been similarly affected † to the same extent and if recoveries had been made more slowly, his case *might* have been more favourably considered; and lastly if Mr. Flanagan had lived a little longer, it is possible that a reference might have been made to the Government of India. As it is, things turned out badly for his claim both before and after his death.

† His overdrawals on account of travelling allowance came to Rs. 542; one other inspector overdrew Rs. 120, no one else overdrew more than Rs. 65. And when the case came up recoveries had been already made in full in every case but Mr. Flanagan's.
A. T. PRINGLE.
8–10–00.

3. Is there a case for a recommendation? If one is to be made, it will have to cover the retrenchments from the travelling allowance of the five other persons named in the statement at page 21 of G.O., No. 155, Educational, dated 14th March 1899.

A. T. PRINGLE.
8–10–00.
Secretary.

It is submitted that there is a good case for recommendation, and that it may be recommended that in all the cases a refund of the retrenchments made may be ordered. The Government of India may be hampered by retrenchments having been made similarly in other provinces, but this need not prevent this Government from making the recommendation.

M. HAMMICK.
9–10–00.
Honourable Member.

I quite agree. The retrenchment was a very harsh measure. Particulars of all the retrenchments must be given.

A.T.A[RUNDEL].
13–10–00.

———

5

As directed by the Secretary the draft letter to India has been put in type. It has now to be submitted to the Honourable Member.

P. T. THARYAN.
1–11–00.

A. T. PRINGLE.
2–11–00.
Secretary.

M. HAMMICK.
3–11–00.
Honourable Member.

A. T. A[RUNDEL].
5–11–00.

[Edl. / 5]

1,000—28-6-98.

b

Educational (~~189~~ 1900) Department.

CURRENT No. 1823

To 175 this
17/3/98

From The Govt of India
Home dept

Order

No. 312

Dated 18 — 9 — 00

Received

Registered 27 — 9 — 00

Enclosures

Spare copies

SUBJECT.

Forwarding copy of a letter from Mrs. Flanagan, asking for a refund of the travelling allowance which has been deducted from her husband's pay; and requesting that it may be forwarded with a report on the facts of the case. &c.

R.B.

for pp Reg
butwk Tlo
Bo
1-10-00

BACK PAPERS.

G.O.	No.	Department.	Date.
155	mis	J	14-3-99
151	mis	J	14-3-99
175	mis		14-3-98
124	mis	J	25-2-98
551	A R	J	14-9-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.
490	mis	J	27-8-97
777	mis	J	19-12-96
480	Copy	J	26
479	Copy	J	26
830-1	Copy	J	793

33-34 Copy 793

[E. & L. / 1]

500—17-11-99.

EDUCATIONAL DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., No. , dated 190 .

Again G.O , No. , dated 190 .

Current No. 1323 of 1900, dated 18th Sept , from the Govt of I.

" " " 190 , " , "

" " " 190 , " , "

Have the letter printed - and submit printed copy to Hon. for approval. 25/11/00

ORDER.

Read G.O. 564 dy 7.11.00

The following letter will be despatched to the G. of I. (from orders)

Letter (to No. 565 dy 7.11.00

The Secy to the Govt of I.

Home Dept.

Sir,

I am directed to acknowledge the receipt of Mrs. McIntosh's letter no. 312, Education, dated the 18th September 1900, forwarding a copy of a letter from Mrs. Flanagan on the subject of the travelling allowance deducted from the pay of her late husband and calling for a report on the

Despd 8/11

32 S. Copies despd 10/11

10

the facts of the case. ~~In reply I am to state as follows.~~

2 Mr. Flanagan was an Inspector of Schools in this Presidency from the 31st January 1894 to the 14th January 1899, the date on which he died. Up to the 31st Dec. 1896 he was in the fourth class of the graded educational service and was, as such, an officer of the first class for purposes of the travelling allowance regulations and eligible to receive a daily allowance of Rs 4. ~~with effect from the 1st January 1897~~ The scheme for the reorganization of the Educational services, sanctioned in Home dept. resolutions no 4, Education, 204-215 dated the 23rd July '96, was introduced in this Presidency on the 1st January 1897, and from that date Mr Flanagan was transferred to the Provincial service. His new pay having been fixed at Rs 450, he had to be placed in the second class for purposes of the travelling allowance

regulations

VII.

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848

regulations and ~~he became eligible to~~ ~~for~~ his daily allowance was reduced to Rs 3 only.

3. Until September 1897, however, Mr. Flanagan continued to draw travelling allowance at first-class rates as the constitution of the Provincial ~~Education~~ service had not been notified, ~~till the end of August 1897.~~ He thus overdrew the sum of Rs 542-4-0. ~~in the shape of travelling allowance~~ and the A.G. directed the recovery of this amount on receipt of ~~as soon as the Govt of India in Home dept~~ letter no 142, Education, dated the 30th May 1898, in which the G. of I. notified their ~~notified its intention of enforcing~~ refusal to give retrospective effect to the proposals made by this Govt for ranking Inspectors of Schools graded in the Prov. service as officers of the first class, and that a daily allowance of Rs 3 might be granted to all Assistant Inspectors, irrespective of their pay.

4 Mr. Flanagan and another officer similarly affected

V

affected submitted a representation protested against this order of retrenchment and the D.P.I. suggested that the amounts overdrawn might be written off under art. 279 A of the Civil account Code. The A.G. however pointed out that as the Govt of I. had declined to give retrospective effect to the proposals above mentioned, of this Govt. to treat Inspectors of Schools of the Prov. Ed Service and Assistant Inspectors, irrespective of the pay they may be drawing, as first and second class Officers, respectively, the adoption of the Director's suggestion was not permissible. Meanwhile Mr. Flanagan died, and it was ascertained that out of the amount overdrawn by him, Rs 322-10-6 had already been recovered and that the balance would be recovered from the arrears of pay due to him from 1st to 14th January 1899. It was also found that the amounts which had been overdrawn between January and September 1897 by other officers similarly circumstanced (& which were

9 58

were comparatively small, had all been fully recovered. Under these circumstances the G. in C. The Govt was therefore not pre- decided against the pared to adoption of the Directors suggestions, of The and ordered that the recoveries already made should be allowed to stand.

5 I am, however, now 5. directed to state that the overdrawing of travelling allowance by Mr. Flanagan and the other officers was obviously not due to any mistake on their part but to the re accident that retrospective effect was retrospective effect given from 1st January 1897, given to the constitution of the Prov. Ed. service as notified notified in August 1897, towards the end of August of that year and that & in the opinion of the G. in C. the rules as to retrench- ment operated very harshly in made were to very hard their cases measure. I am therefore to recommend that a refund may be allowed, in all these cases. A statement showing the names of all the officers from whom recoveries were made and the amounts recovered is appended. From the correspondence ending with Home Dept letter no 224, Education

dated the 18th July 1898, it will be seen that the excess pay similarly drawn by certain officers of the Prov. Edl. service, including the first four shown in the present list, was eventually written off.

PJ 18/10/00

7.H 18-10-00

Statement

Name of officer.	designation of officer.	amount retrenched.	Remarks
1. Mr. C.C. Flanagan -	Inspector of Schools -	Rs 542-4-0	Payable to estate
2 -- L.C. Williams.	Ag Inspector of Schools.	-- 120-0-0	
3 M.R.Ry A. Subba Rao -	Asst. Inspector -	44-0-0	
4 -- N. Devarajamani Mudaliar	- Do.	13-14-0	
5 -- M. Singaravelu Mudaliyar	Do -	32-0-0	
6 - D.S. Krishnaswami Aiyar	Do.	65-10-0	
	Rs	817-12-0	

PJ 18/10/00

7B 18-10-00

Government {1900} of Madras.

EDUCATIONAL.

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Please correct four units
clean copies for despatch.
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6.11.00

Recd.	} 1900.	*Enclosures*
Regd.		*Spare copies*

Letter, No. 565, **7th November 1900.**

NOVEMBER.

Travelling Allowance.

Recommending that the — deducted from the pay of Mr. Flanagan and five other officers may be refunded.

EDUCATIONAL DEPARTMENT.

Letter from No. 566 d/7.11.00

M. HAMMICK, Esq., I.C.S.,
Acting Secretary to the Government of Madras,

To

The Secretary to the Government of India,
Home Department.

Sir,

I am directed to acknowledge the receipt of Mr. McIntosh's letter, No. 312, Education, dated the 18th September 1900, forwarding a copy of a letter from Mrs Flanagan on the subject of the travelling allowance deducted from the sum due to her late husband and calling for a report on the facts of the case.

2. Mr. Flanagan was an inspector of schools in this presidency from the 31st January 1894 to the 14th January 1899, the date on which he died. Up to the 31st December 1896 he was in the fourth class of the graded Educational service and was, as such, an officer of the first class for purposes of the travelling allowance regulations, and eligible to receive a daily allowance of Rs. 4. The scheme for the reorganization of the ~~educational service,~~ sanctioned in Home Department Resolution No. 4, Education, 204—215, dated the 23rd July 1896, was introduced in this presidency on the 1st January 1897, and from that date Mr. Flanagan was transferred to the provincial service. His new pay having been fixed at Rs. 450, he had to be placed in the second class for purposes of the travelling allowance regulations and his daily allowance was reduced to Rs. 3.

3. Until September 1897, however, Mr. Flanagan continued to draw travelling allowance at first-class rates, as the constitution of the provincial service had not been notified. He thus overdrew the sum of Rs. 542–4–0, and the Accountant-General directed the recovery of this amount on receipt of Home letter, No. 142, Education, dated the 30th May 1898, in which the Government of India notified their refusal to give retrospective effect to the proposals made by this Government for ranking inspectors of schools graded in the provincial service as officers of the first class.

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

Fort St. George,
November 1900.

Ag. Secretary to Government.

ANNEXURE.

Name of officer.	Designation of officer.	Amount retrenched.	Remarks.
		RS. A. P.	
1. Mr. C. C. Flanagan	Inspector of Schools	542 4 0	Payable to estate.
2. ,, L. C. Williams	Acting Inspector of Schools	120 0 0	
3. M.R.Ry. A. Subba Rao	Assistant Inspector	44 0 0	
4. ,, N. T. Daivasikhamani Mudaliyar ..	Do.	13 14 0	
5. ,, M. Singaravelu Mudaliyar	Do.	32 0 0	
6. ,, D. S. Krishnaswami Aiyar	Do.	65 10 0	
	Total ..	817 12 0	

First copy sent to Press.

Returned for signature.

Despatched in print.

NUMBER OF COPIES REQUIRED. { Order complete. / Letter only. 50 / Order complete with Letter. 20

READ AGAIN G. O., No. , DATED
189 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.