

[100]
200-12-7-01.

Educational (1904) Department.

ORDINARY PRINTED.

G.O., No. 402

DATED 30. 6. 04

ORIGINAL

N. P.

[Despatch Abstract.]

Halting allowance

Stating that the allowances to be drawn by
Mr Stone for the period of his halt
on the Nilgiris must be limited to 10 days
in accordance with Art 1056 of the C.R.
& that there are no sufficient grounds for
granting any special concession.

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 {1904} of Madras. EDUCATIONAL.

Recd.

Regd.

1904.

Enclosures

Spare copies

ORIGINAL

G.O., No. 402, 30th June 1904.

N. F.

JUNE.

Halting allowance.

Stating that the allowances to be drawn by Mr. Stone for the period of his halt on the Nilgiris must be limited to ten days in accordance with article 1056 of the Civil Service Regulations and that there are no sufficient grounds for granting any special concession.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper:—

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, Madras), dated 23rd May 1904, Ref. on C. No. 3798.

I have the honour to request that Government will be pleased, under article 1056 of the Civil Service Regulations, to authorize Mr. J. H. Stone, the Inspector of European and Training Schools, to draw daily allowance for more than ten days of a halt on the Nilgiris this year up to the limit of 20 days under the following circumstances:—

He proposes to inspect five institutions at Coonoor, Kaity and Ootacamund, which are for the purposes of travelling allowance treated as one station, and expects that his inspection work besides the usual office work will occupy him at least 20 days including the gazetted holidays if it is to be thorough. Further he has been asked to submit his recommendations for the better working of the Breek's Memorial school, Ootacamund, after a personal visit to the institution, and this work will also tend to prolong his stay on the Hills. He might make two visits of less than ten days each without seeking any exemption from article 1056 of the Civil Service Regulations, but this course will, in addition to increasing his travelling, be found more expensive to Government. Mr. Stone informs me that his extended halt on the Hills will put him to the extra expense of a five days' hotel bill and some expenditure on carriage hire, and that the expenditure he will have to incur there over and above what he should spend at head-quarters will not, in any case, be less than the amount of his daily allowance at hill rates.

2. Exemptions were sanctioned in similar cases in G.Os., Nos. 1003 and 548, Financial, dated 26th November 1902 and 27th August 1903, respectively.

3. I solicit the favour of early orders on this letter.

No. G. 226/2265, dated 31st May 1904.

Forwarded to Government.

Attention is invited to the provisions of article 1114, Civil Service Regulations, and to the Government of India letter recorded in G.O., No. 34, Financial, dated 14th January 1896, explaining what is meant by the term "extra expense" used in article 1056 (b) of the Civil Service Regulations. Hotel bills are not an expenditure of the kind which travelling allowance is intended to meet—article 13 of the Civil Service Regulations. Carriage hire would appear to be an item of an officer's ordinary expenditure which his salary is intended to cover.

W. DOBBIE,
Accountant-General.

ORDER—No. 402, Educational, dated 30th June 1904.

The Government consider that there are no sufficient grounds for granting the special concession applied for.

2. The allowances to be drawn by Mr. Stone for the period of his halt on the Nilgiris must be limited to ten days in accordance with article 1056, Civil Service Regulations.

(True Extract.)

H. D. TAYLOR,
Ag. Secretary to Government.

To the Director of Public Instruction.

„ Accountant-General.

„ Financial Department.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 402, EDUCATIONAL, DATED
30TH JUNE 1904.

[SUBJECT.—*Halting Allowance.*]

From the Director of Public Instruction, No. 3793, dated 23rd May 1904.

Submitted that the Director's letter may be transferred u.o. to the Financial Department. Under memorandum No. 1701, Financial, dated 2nd November 1901, it has to be dealt with in that Department. It is submitted that Educational may agree with the Director although the Accountant-General is against him. It is far better for Mr. Stone to stay than to go back after ten days and return again.

P. T. THARYAN—4-6-04.

It would be improper to make two stays instead of one for the express purpose of drawing more travelling allowance. There are precedents in favour of the concession. Miss Carr and Miss Arnold have been exempted for stays at Bangalore and Ootacamund, and Mr. Chatterton for his stay at Delhi. It is submitted that the exemptions of Miss Carr and Miss Arnold were hardly justifiable with reference to the ruling of the Government of India quoted by the Accountant-General.

A. GALLETT—4-6-04.

I am unable in any way to recommend this exemption or to consider that a valid claim has been made out for special treatment. Miss Carr at Bangalore had 18 institutions to inspect, and the case of the Delhi Coronation Darbar (Mr. Chatterton) was a special one. Miss Arnold, in her stay at Ootacamund, had special expenditure in providing lodging for her peons, and no claim is put forward in the present case on that ground.

2. Ootacamund is a favourite hill station. Mr. Stone has but five institutions to inspect. "Hotel" or rather "Club" bills cannot be fairly taken into consideration as a legitimate portion of travelling expenses. Unless Mr. Stone can prove that he has actually incurred—apart from his own maintenance—expenditure over and above his travelling allowance, in the public interest, I do not consider that he has made out a case for special treatment.

H. D. TAYLOR—6-6-04.

To the Financial Department for favour of remarks.

FINANCIAL DEPARTMENT.

The notes in Educational raise the general question of the working of article 1056, so it seems to be necessary to refer back a little.

The Government of India ruled in 1895 that

"the proviso in article [1056 (b)] of the Civil Service Regulations was intended to enable local Governments to prevent the ten days' limit operating as a hardship to an officer who is actually obliged, for reasons of public duty, to continue expenditure of the kind which travelling allowance is intended to meet".

and they also pointed out that

"the question whether or not there exists a hardship requiring a remedy is one for the judgment of the local Government in passing orders on the case".

2. This reply of the Government of India to a letter from this Government which explained the difficulties experienced in working article 1056 (b), did not help matters much, but seeing that India vested the local Government with discretion in working the article, each case after this was treated on its merits. The general principles which were held for some time to govern exemptions from the article were thus set out in a note by the Chief Secretary (the Hon'ble Mr. Stokes)—

"The rule [in article 1056 (b)] . . . seems to imply that there are certain expenses inseparable from the fact of being in camp and certain expenses extra to them and that this latter class of expenses continued beyond the 10-day limit. Thus the keeping of camp equipage is an illustration of the latter class of expense and justifies the application of the article. Similarly it seems to me to be certain that in an out-of-the way place like Mount Stuart in Coimbatore, where the daily food has to be brought by special coolies, the extra expense contemplated would continue beyond the 10-day limit and hence it has been usual to grant the halts claimed at this place; but no such presumption of extra expense arises in places where for example there is no more difficulty in living than at the officer's headquarters. Hence it was refused to a surveyor in Berhampur".

3. On the question of the bearing of this article being again raised in connection with the halt at Tirupattur of portion of the Collectorate establishment of Salem, it was, however, decided by Government that the "extra expense" mentioned in article 1056 (b) should be taken to be expenditure which officers "would not have incurred if they had been living with their families in their homes."

4. This principle has since been applied in dealing with applications for exemption from article 1056 (b)—e.g., cases in—

G.O., No. 348, Financial, dated 18th April 1901.

" " 794 " " 21st September 1901.

" " 1003 " " 26th November 1902.

" " 548 " " 27th August 1903.

5. Applying this principle to Mr. Stone's claim in the present case, that claim must, it is thought, be admitted; although the reasons given by the Director of Public Instruction for the exemption cannot be upheld.

C. M. SCHMIDT—16-6-04.

The question seems to be whether the "ten days limit" has operated as a hardship to Mr. Stone, who was obliged, for reasons of public duty, to continue expenditure of the kind which travelling allowance was intended to meet. This is the criterion laid down by the Government of India. There is no reason to go by precedent. The case in G.O., dated 10th April 1901, the Honourable Member considered should not be treated as a leading case. Now in Mr. Stone's case apart from the question whether, supposing these institutions had been on the plains, Mr. Stone would not have found ten days ample for inspection, can it be said that Mr. Stone's expenditure has been

higher than the expenditure would have been in Madras. Supposing he lived at the club in Madras, he would have had exactly the same bills to pay as he has had at the Ootacamund club. His carriage hire in Ootacamund cannot be taken account of, and presumably he draws for his drive from Coonoor to Kaity and on to Ootacamund.

2. After all is it not the fact that the principal reason for Mr. Stone's stay on the hills is that it is a pleasant place? Can he be said to have suffered any hardship, by a stay of 20 days on the hills with an allowance for ten days?

3. I submit the Government can well say that no such hardship is proved, and that, therefore, they see no reason to make the exceptions and grant more than the ten days allowances.

M. HAMMICK—24-6-04.

I quite agree.

G. S. F[ORBES]—25-6-04.

Forwarded to Educational with the Honourable Member's note.

M.H.—28-6-04.

EDUCATIONAL DEPARTMENT.

Draft submitted for approval.

H. D. TAYLOR—29-6-04.

G.S.F.—29-6-04.

Issue. Print notes.

H.D.T.—30-6-04.

[G.O., No. 402, Educational, dated 30th June 1904.]

Educational (190⁴) Department.

/ thro the Accountant General /

CURRENT No. 983

INDEXED No.

From

[Name] The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.,

[Designation] Director of Public Instruction,

[Station] Madras.



h.D.

Ref. No. G.No. 3798 of 04,

Received 2-6-1904

Dated 23rd May 190⁴

Enclosures _____

Registered 2-6-1904

SUBJECT.

Requesting Government to authorize Mr. J.H. Stone, the Inspector of European & Training Schools to draw daily allowance for more than 10 days of a halt on the Nilgiris, in the circumstances stated.

BACK PAPERS.

Encl. 4858/5-9-03

2498/26-5-03

memo. 1701/2-11-01

(D. 347/11-1-96

FURTHER PAPERS.

Papers to be read in Proceedings:—

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

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

Current No. 983, From the A.G., No. 4 226, dated 31-5-1904
mts

" " " " " " " "

" " " " " " " "

SUBJECT.

To

The Secretary to Government,

Educational Department.

(Through the Accountant-General, Madras)

Sir,

I have the honour to request that Government will be pleased, under article 1056 of the Civil Service Regulations, to authorize Mr. J.H. Stone, the Inspector of European and Training Schools to draw daily allowance for more than 10 days of a halt on the Nilgiris this year up to the limit of 20 days under the following circumstances:—

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ORDER. No. 402, dated 30-6-1904

Pr.

The Govt. ~~consider~~ consider that there are no sufficient grounds for granting the ^{special} concession applied for.

1. The allowance to be drawn by Mr. Stone during the period of his halt on the Nilgiris must be limited to the days in accordance with art 1056 C.S.R.

W.D.
24.6.04

despicious
than first.
30/6/4

Mr.
Please note
that printed copies
will have to go to
all the addresses.

To the D.P.A.
A.G.
in final department

Desp.
30/6/4

First copy sent to Press.

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Despatched in print.

RECEIVED G.O., No.
190

DATED

CURRENT No.

MEMORANDUM TO G.O.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DATED.

PAPERS NOW FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

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2/18
2-7-04

51