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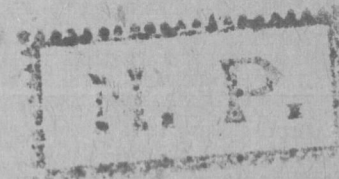
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Educational (190) Department.

ORDINARY PRINTED.

G.O., No. 9

DATED 9. 1. 06.



For Record only

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A
*Paterson
mess.
+ return file
to Mr.
W.H.
8/11/6

[Despatch Abstract.]

Personal allowance

Declining to grant Mr H. J. Allen, acting
Principal of the Presidency College, Madras, a portion
of the ~~allowance~~ drawn by Mr J. B. Bilosbeck, ~~Principal~~
of the College. the permanent incumbent.

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 of Madras.

EDUCATIONAL DEPARTMENT.

FOR RECORD ONLY.

Recd.

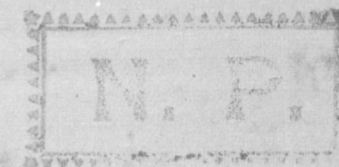
Regd.

} 1906.

Enclosures

Spare copies

G.O., No. 9, 9th January 1906.



Personal allowance.

Declining to grant Mr. H. J. Allen, Acting Principal of the Presidency College, Madras, a portion of the — drawn by Mr. J. B. Bilderbeck, the permanent incumbent.

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.

To—the Secretary to Government, Educational Department (through the Accountant-General).

Dated—Madras, the 5th December 1905.

No.—Ref. on Cur. 7221.

I have the honour to submit, for the orders of Government, the enclosed letter from Mr. Allen, Acting Principal, Presidency College, requesting that he may be granted a moiety of the personal allowance drawn by Mr. Bilderbeck. The Secretary of State's despatch printed in G.O., No. 70, Educational, dated 13th February 1900, permitted an acting officer to draw a portion of the personal allowance not exceeding a moiety of the whole. But the change in the method of award of the personal allowance introduced by G.O., No. 476, Educational, dated 4th August 1904, having made the allowance strictly personal, the Accountant-General contends that Mr. Allen is not entitled to any portion of the allowance drawn by Mr. Bilderbeck on the ground that these allowances are not now attached to specific appointments. In the case of Mr. Braithwaite also, the Accountant-General has decided that he cannot draw any portion of the personal allowance drawn by Mr. Stone. This involves a double hardship as by his acting appointment Mr. Braithwaite not only does not draw any increased allowance to compensate for increased responsibility but is also deprived of a free house which is equivalent to Rs. 80 per mensem. In fact his already holding an appointment in the Indian Educational Service actually places him in a worse position than a member of the Provincial Educational Service similarly circumstanced, for any officer of the latter service acting in the former ordinarily receives an allowance of Rs. 100 per mensem. Technically the Accountant-General is no doubt right as it has all along been held that a share of the personal allowance was only to be given to an officer acting in an appointment to which the personal allowance had been definitely attached; but it seems doubtful whether this result was contemplated by the Secretary of State in giving the local Government power to award the personal allowances at their discretion.

2. In this connection I beg to invite the attention of Government to the general effect of the change introduced by G.O., No. 476, Educational, dated 4th August 1904. The change was brought about to allow greater freedom in the award of the personal allowances and to avoid hardship to individual officers: but to the service as a whole its effect has been as it turns out injurious. At the present moment the service is losing a half of Mr. Bilderbeck's personal allowance and a half of Mr. Stone's personal allowance as the *locum tenens* of neither of these officers is allowed to draw any portion of the allowance; and although Government have been allowed full discretion in the award of the personal allowances it is not within the powers of Government to make use of these savings for the benefit of other officers in the service. It seems to me desirable that steps should be taken to remove this defect and that any arrangement that may be made in regard to the award of these allowances should be such as to ensure (1) that Government should have the fullest discretion in awarding them, and (2) that the full amount of the allowances should be available for the service as a whole.

ENCLOSURES.

(a)

Letter—from W. DOBBIE, Esq., Accountant-General.

To—H. J. ALLEN, Esq., Acting Principal, Presidency College.

Dated—Madras, the 7th August 1905.

No.—G. 624/5446.

In reply to your letter, dated 27th July 1905, I have the honour to state that when the order referred to by you was in force the allowances in question though called personal were attached to particular offices and each was treated as part of the pay of the office to which it was attached and you will see from paragraphs 4 and 5 of the Secretary of State's despatch you refer to that an allowance being so attached to an appointment is a necessary condition for the acting officer drawing a part of it not exceeding half during the absence of the permanent incumbent on leave except privilege leave. It was therefore permissible to allow a moiety of the allowance to the officer officiating for an absentee on long leave. Under the orders of the Secretary of State communicated in G.O., No. 476, Educational, dated 4th August 1904, however the character of the allowances was changed and they are now distributed by selection and are not attached to particular officers. They are therefore purely personal and cannot be granted to officers officiating for absentees.

(b)

Letter—from H. J. ALLEN, Esq., Acting Principal, Presidency College.

To—the Accountant-General.

Dated—Madras, the 9th August 1905.

In reply to your letter No. G. 624/5446, dated 7th August 1905, I have the honour to point out (1) that I am acting for Mr. Bilderbeck, (2) that when Mr. Bilderbeck received the allowance it was attached to the office of Principal of the Presidency College, (3) that he still holds it in this character since G.O., No. 476, Educational, dated 4th August 1904, is not retrospective in character but in express words recognises "the occurrence of a vacancy" as a condition precedent to taking effect and no such vacancy has yet arisen in this case, (4) that whatever may be the condition when the Principalship of the Presidency College is vacant I am acting in an office to which an allowance is as a matter of fact attached at the present moment, and (5) that therefore the necessary condition for the acting officer drawing a part of the allowance not exceeding half during the absence of the permanent incumbent on leave is satisfied in my case.

(c)

Letter—from W. DOBBIE, Esq., Accountant-General.

To—H. J. ALLEN, Esq., Acting Principal, Presidency College.

Dated—Madras, the 18th August 1905.

No.—G. 676/5940.

In reply to your letter, dated 8th August 1905, I have the honour to state that although when Mr. Bilderbeck first received the personal allowance in question it was attached to the office of Principal of the Presidency College, from the date on which the Secretary of State's order sanctioning the proposal to disconnect these special allowances from particular appointments was received by the Government of India, viz., 11th July 1904, Mr. Bilderbeck cannot be considered as drawing the allowance by virtue of his appointment as Principal, Presidency College, no allowance being now attached to that appointment. He merely continues to be entitled to draw the allowance Government having deferred all changes till the occurrence of vacancies.

2. I regret therefore that I am unable to hold that you are acting in an office to which an allowance is still attached, and are entitled to draw a part of the allowance during the absence of the permanent incumbent on leave.

(d)

Letter—from H. J. ALLEN, Esq., Acting Principal, Presidency College.

To—the Director of Public Instruction.

Dated—Madras, the 24th August 1905.

I have the honour to forward herewith copies of a correspondence that has passed between the Accountant-General and myself on the question of my right to acting allowance, and to remark on his ruling of the 18th August that if Mr. Bilderbeck "cannot be considered as drawing the allowance by virtue of his appointment as Principal, Presidency College," while at the same time Government has "deferred all change till the occurrence of vacancies" the only logical conclusion appears to be that he is not entitled to any allowance. To argue that Mr. Bilderbeck has acquired a right to personal allowance through the non-exercise on the part of Government of a power conferred on it seems equivalent to holding that something can arise out of nothing—a noteworthy reversal of a well-known axiom.

2. On the general question it is scarcely necessary to point out that the result of the Accountant-General's ruling is to deprive the department as a body of the sum formerly drawn as acting allowance—a result, I submit, neither anticipated nor intended by the Local Government and the Secretary of State.

3. As regards my own claims to this allowance I beg to remark that the work and responsibility attached to the position I hold are certainly not less now than when in the reorganisation of the department, the character of the Principal's duties was recognised by an allowance of Rs. 250—500 nor when the right of the Acting Principal to increased remuneration was expressly sanctioned by the Secretary of State and this remuneration was actually drawn by two successive officers holding that position. In this connection I would call attention to the concluding sentence of paragraph 4, Secretary of State's Despatch No. 60, Public (Educational), dated 27th June 1902, "It was not intended by those responsible for the reorganisation of 1896 that when an officer drawing such an allowance, conferred by selection, went on leave, another officer, who continued to do precisely the same work as he was doing before, should thereby profit by the receipt of acting allowance." I suggest that the essential point as set forth here is not that the allowance has been conferred by selection but that the acting officer is doing "precisely the same work as he was doing before." The implication that an officer acting in a post with increased and more responsible duties may receive an acting allowance is borne out by the language and above all this spirit of the Secretary of State's despatch No. 163, Public, of 7th December 1899. The Accountant-General holds that eligibility for acting allowance turns on the allowance having been attached to a particular post. I submit that the intention of the Secretary of State throughout has been to remunerate increased work and responsibility and that this intention is defeated not promoted by the Accountant-General's recent decision.

4. In conclusion I request you to bring my case before Government and to take such measures as may bring about the reversal of a ruling which represents I suggest an unforeseen technicality rather than the real policy of the Secretary of State.

II

No. G. 1328/10843, dated 15th December 1905.

Forwarded to Government.

Mr. Bilderbeck, Principal of the Presidency College, now on furlough, was drawing a personal allowance of Rs. 500, and Mr. Allen who is acting for him claims half the allowance under Secretary of State's despatch No. 163, Public, dated 7th December 1899, printed with G.O., No. 70, Educational, dated 13th February 1900.

In paragraph 11 of the above despatch, it is stated that when a personal allowance is attached to a particular office, on the substantive incumbent going on leave other than privilege leave, the officer who may be selected to perform his duties should receive the balance available not exceeding a moiety of the whole. From this it is clear that the concession was meant to be given only in cases where the personal allowance is attached to an appointment. That this was the intention of the Secretary of State also appears from paragraphs 4 and 5 of his despatch No. 60, Public, dated 27th June 1902, communicated in G.O., No. 604, Educational, dated 30th September 1902, where it is stated that under the orders, Secretary of State's Public despatch, No. 22, dated 12th March 1896, it was not intended to allow the concession to officiating officers. The order of 1899 being a partial relaxation of the orders of 1896, so far as the personal allowances attached to particular appointments were concerned, it is necessary for the grant of a moiety of the allowance to an acting officer that the allowance be attached to a particular appointment. As the personal allowances are no longer attached to any appointment but may be given under the Secretary of State's despatch No. 96, dated 24th June 1904, communicated in G.O., No. 476, Educational, dated 4th August 1904, to any officer of the Indian Educational Service, whom Government may consider most deserving, acting officers cannot draw any portion of the allowance of the absentee. Mr. Allen's claim to a moiety of Mr. Bilderbeck's allowance is therefore inadmissible.

K. B. WAGLE,
Offg. Accountant-General.

To the Secretary to Government, Educational Department.

Order—No. 9, Educational, dated 9th January 1906.

Mr. Allen should be informed that the Government agree with the Accountant-General and that his claim for a portion of the allowance drawn by Mr. Bilderbeck is inadmissible.

(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. 9, EDUCATIONAL, DATED
9TH JANUARY 1906.

[SUBJECT.—*Regarding the grant of acting allowance to Mr. Allen as Principal of the
Presidency College, Madras.*]

*From the Director of Public Instruction, dated 5th December 1905, No. 7221.
From the Accountant-General, dated 15th December 1905, No. G. 1328/10843.*

I think this ghost has been already laid; has it not?

H. D. TAYLOR—16-12-05.

Please see the notes connected with G.O., Nos. 702-703, Educational, dated 30th October 1905. When the Accountant-General ruled in consultation with the Government of India that Mr. Braithwaite, at present acting as Inspector of European and Training Schools in the place of Mr. Stone now on furlough, was entitled to no acting allowance during the period of his deputation on the ground that the pay of officers holding regular appointments in the Indian Educational service was fixed on a personal basis and not attached to particular appointments, it was pointed out in paragraph 5 of the office-note, dated 11th September 1905, in the notes to G.O., Nos. 702, 703, Educational, dated 30th October 1905 (page 1), that under the Secretary of State's despatch No. 163, Public, dated 7th December 1899, in G.O., No. 70, Educational, dated 13th February 1900, Mr. Braithwaite could apparently draw the balance available out of the personal allowance drawn by Mr. Stone. The Secretary, however, observed that the allowance in question was personal to Mr. Stone and could not be held to be attached to the appointment of Mr. Stone for purpose of acting allowance and that the Accountant-General's decision would, in view of the recent orders contained in G.O., No. 476, Educational, dated 4th August 1904, clearly be that the Secretary of State's despatch of 7th December 1899 did not apply. As regards Mr. Braithwaite, however, the Government of India were requested to sanction, as a special case, the grant to him of a personal or house-rent allowance of Rs. 80 *per mensem* during the period of his deputation—*vide* letter No. 703, Educational, dated 30th October 1905.

2. As has been anticipated, the Accountant-General has now ruled that Mr. Allen is not entitled to any portion of the personal allowance drawn by Mr. Bilderbeck. Mr. Allen disputes the Accountant-General's ruling and submits through the Director of Public Instruction a representation for the orders of Government. For orders as to whether in view of the Accountant-General's remarks on pages 11 and 12 of the current file, Mr. Allen may be informed that his claim is inadmissible.

3. In regard to paragraph 2 of the Director of Public Instruction's letter on pages 2 and 3 of the current file, orders are solicited whether the Government of India should be requested to move the Secretary of State that while in the award of these personal allowances the Local Government should have the fullest discretion, any undrawn portion of the allowances of one officer should be available for the person acting for him.

N.L.R.—22-12-05.

P. T. THARYAN—22-12-05.

There seems no doubt that the ruling of the Accountant-General is correct. Though of course an officer must do the work he is ordered to do, yet when an officer acts in a more responsible position, it has usually been the custom for him to be paid a higher salary. In this way it is a hardship on Mr. Allen. It is not, as far as I know, asserted that Mr. Bilderbeck has any special qualifications not possessed by

Mr. Allen. It therefore seems somewhat unfair to the latter to do the former's work on a salary which is several hundred rupees less a month. Submitted that India may be addressed as to the grant of some allowance. At the same time the general question raised in the last part of the office-note might be discussed.

G. S. F[ORRES].

C. A. SOUTER—25-12-05.

For orders

The allowances are now purely personal to the officers concerned, and certain

Quite so.

G. S. F[ORRES].

officers in virtue partly of seniority and partly of good work receive special allowances which are personal to themselves, and not attached to any particular office.

Under paragraph 6 of the Government of India's letter, approved of in Secretary of State's despatch in G.O., No. 480, Educational, dated 10th August 1896, officers of the Indian Educational service, whose ordinary pay is Rs. 500—50—1,000, are entitled to Rs. 100 personal allowance for meritorious service, and, in the absence of a special personal allowance, Rs. 1,100 is the maximum pay that they could look to receive (except as Director of Public Instruction). The senior allowance is Rs. 250—50—500 and the junior allowance is Rs. 200—10—250. Mr. Bilderbeck draws Rs. 500, and if Mr. Allen were given Rs. 250, he would be in receipt of more than the lowest scale of the Rs. 200—10—250 allowance which he has not earned as a personal allowance. There are some other officers in the Presidency town who are senior to Mr. Allen, and even if the payment of the allowance were admissible, it should, it is submitted, be given, not to the officer who acts in the post by chance rendered vacant by the absence on leave of the drawer of the personal allowance but by *selection* to the officer next in order of merit whom the Government might select. I am not aware that it has been admitted that the Principalship of the Presidency College is more onerous than other posts in the Indian Educational service, say the Inspectorate, and when an allowance has been made purely personal to an individual as a matter of merit, it seems a wrong principle to attach any acting allowance (even if additional responsibility is admitted) to the post, and not to the person. If Mr. Bilderbeck retires, his allowance falls in to the gift of Government and to grant Mr. Allen any portion of that allowance now, might constitute a claim which it would be difficult to overlook when the time comes to consider the award of that allowance, as a substantive allowance, with reference to the merit of the individual.

H. D. TAYLOR—27-12-05.

I agree: there is no room for argument in favour of Mr. Allen who may be told that the Government agree with the Accountant-General and that his claim is inadmissible.

In a graded service the pay is by position in the department and years of service. An Executive Engineer and a Policeman are paid not by the difficulty of the charge and the burden of work but by their grade.

G. S. F[ORRES]—3-1-06.

The draft placed below is submitted for approval.

P. T. THARYAN—4-1-06.

C. A. SOUTER—5-1-06.

H. D. TAYLOR—6-1-06.

Issue.

C. A. SOUTER—8-1-06.

[G.O., No. 9, Educational, dated 9th January 1906.]

[E.]
1,537-12-11

EDUCATIONAL DEPARTMENT.

CURRENT FILE.

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PAPERS PUT UP WITH CURRENT No. 2169

Papers of the department to which the current belongs.

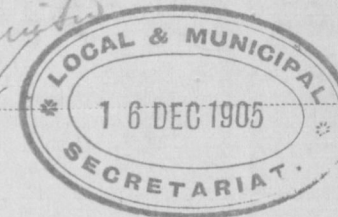
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604	30-9-02	do.		
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627	1-11-01	do.		
475	27-8-01	do.		
313-314	8-6-01	do.		
70	13-2-00	do.		
777-78	19-12-96	do.		
480	10-8-96	do.		
479	10-8-96	do.		
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Department.	Number.	Date.	Original (=O) or spare copy (=S. C.).	Despatcher to note the return of the papers to the departments concerned.

Stock Form No. 135
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CURRENT NO. 2169
EDUCATIONAL DEPARTMENT.



190 , Registered 16-12-1905.

Subject.

Submitting for orders of Government a letter from Mr. Allen Ag. Principal, Presidency College, Madras requesting that he may be granted a moiety of the personal allowance drawn by Mr. J.B. Bilderbeck.

ENCLOSURES, No. in original
Spare copies

Ref on Cur No. 7 2 2 1 / 05

Madras 5th December

Station Dated the 1905.

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

(Designation) Director of Public Instruction



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

Sir,

I have the honour to submit for the orders of Government the enclosed letter from Mr. Allen, acting Principal, Presidency College requesting that he may be granted a moiety of the personal allowance drawn by Mr. Bilderbeck. The Secretary of State's despatch printed in G.O. No. 70 Educational dated 13th February 1900 permitted an officer to draw a portion of the personal allowance not exceeding a moiety of the whole. But the change in the method of award of the personal allowance introduced by G.O. No. 476 Educational dated 4th August 1904 having made the allowance strictly personal, the Accountant-General contends that Mr. Allen is not entitled to any portion of the allowance drawn by Mr. Bilderbeck on the ground that these allowances are not now attached to specific appointments. In the case of Mr. Braithwaite also, the Accountant-General

He is still
by

has decided that he cannot draw any portion of the personal allowance drawn by Mr. Stone. This involves a double hardship as by his acting appointment Mr. Braithwaite not only does not draw any increased allowance to compensate for increased responsibility but is also deprived of a free house which is equivalent to Rs 80/- per mensem. In fact his already holding an appointment in the Indian Educational Service actually places him in a worse position than a member of the Provincial Educational Service similarly circumstanced, for any officer of the latter service acting in the former ordinarily receives an allowance of Rs 100/- per mensem. Technically the Accountant-General is no doubt right as it has all along been held that a share of the personal allowance was only to be given to an officer acting in an appointment to which the personal allowance had been definitely attached; but it seems doubtful whether this result was contemplated by the Secretary of State in giving the local Government power to award the personal allowances at their discretion.

2. In this connection I beg to invite the attention of Government to the general effect of the change introduced by G.O. No. 476 Educational dated 4th August 1904. The change was brought about to allow greater freedom in the award of the personal allowances and to avoid hardship to individual officers: but to the service as a whole its effect has been as it turns out injurious. At the present moment the service is losing a half of Mr. Bilderbeck's personal allowance and a half of Mr. Stone's personal allowance as the locum tenens of neither of these officers is allowed to draw any portion of the allowance; and although Government have been allowed full discretion in the award of the personal allowances it is not within the powers of Government to make use of these savings for the benefit of other officers in the service. It seems to me desirable that steps should be taken to remove this defect and that any arrangement that may be made in regard to the award of these allowances should be such as to ensure (1) that government should have the fullest discretion in awarding them, and (2) that the full amount of the allowances should

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82P

should be available for the service as a whole.

I have the honour to be,

Sir,

Your most obedient servant,

E. W. Middlemast

For Director of Public Instruction.

Ru
4/12/05

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Gazetted Audit Department.

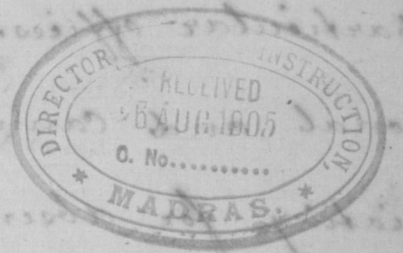
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Enclosures 2 9 3 518

Office of the Accountant-General, Madras

Fort St. George, the 7 of August 1905

N^o. 4624
5446.



From

W. Dobbie, Esq.,

Accountant General, Madras,

To

H. J. Allen Esq.,

Sg Principal, Presidency College,
Madras

Sir,

In reply to your letter dated 27th July 1905,

I have the honour to state that when the order referred to by you was in force the allowances in question though called personal were attached to particular offices and each was treated as part of the pay of the office to which it was attached and you will see from paras 4 and 5 of the Secretary of State's despatch you refer to that an allowance being so attached to an appointment is a necessary condition for the Sg officer drawing a part of it not exceeding half during the absence of the permanent incumbent on leave except privilege leave. It was therefore permissible to allow a moiety of the allowance to the officer officiating for an absentee on long leave. Under the orders of the Secretary of State

M

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Communicated in G. O. N^o 476 Educational, C
dated 4th August 1904 however the character
of the allowances was changed and they are now
distributed by selection and are not attached
to particular offices. They are therefore purely
personal and cannot be granted to officers
officiating for absentees.

I have the honour to be,
Sir,

Your most obedient servant,

(Signed) N. Vijayaraghavan
Assistant Accountant General

True Copy

N. J. Allen

10
The Presidency College
9th August 1905

To

The Accountant General,
Madras

Sir,

In reply to your letter N^o $\frac{4624}{5446}$ dated
7th August 1905 I have the honour to point out that
That (1) I am acting for Mr. Bilderbeek. (2) When Mr.
Bilderbeek received the allowance it was attached to the
office of Principal of the Presidency College (3) That he
still holds it in this character since G. O. N^o 476
Educational dated 4th August 1904 is not retrospective
in character but in express words recognises "the
occurrence of a vacancy" as a condition precedent
to taking effect and no such vacancy has yet
arisen in this case (4) That whatever may be
the condition when the Principalship of the Presidency
College is vacant I am acting in an office to which
an allowance is as a matter of fact attached at the
present moment and (5) That therefore the necessary
condition for the Acting officer drawing a part of
the allowance not exceeding half during the absence
of the permanent incumbent on leave is satisfied in
my case.

True Copy

N. J. Allen

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

N. J. Allen
Actg Principal

Recd

Gazetted Audit Department.

Office of the Accountant-General, Madras
Fort St. George, the 18th of August 1905.

No. 9676
5940.

From

W. Dobbie, Esq.,
Accountant General, Madras.

To

H. J. Allen Esq.,
Ag Principal, Presidency College

Sir,

In reply to your letter dated 8th August 1905 I have the honour to state that although when Mr. Bilderbeck first received the personal allowance in question it was attached to the office of Principal of the Presidency College, from the date on which the Secretary of State's order sanctioning the proposal to disconnect these special allowances from particular appointments was received by the Government of India, viz., 11th July 1904, Mr. Bilderbeck cannot be considered as drawing the allowance by virtue of his appointment as Principal, Presidency College, no allowance being now attached to that appointment. He merely continues to be entitled to draw the allowance Government having deferred all changes till the occurrence of vacancies.

I regret therefore that I am unable to hold that you are acting in an office to which an allowance is still attached, and are entitled to draw a part

of the allowance during the absence of the permanent incumbent on leave.

I have the honour to be,

Sir,

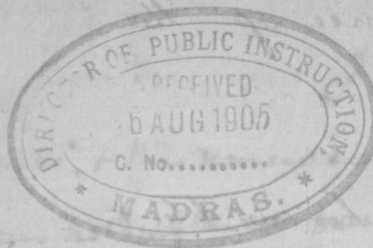
Your most obedient servant,

(Signed) W. Dobie

Accountant General.

True Copy

T. J. Allen



The Presidency College

Madras

24-8-06

To The Director of Public Instruction
Madras.

Sir, I have the honour to forward herewith copies of a correspondence that has passed between the Accountant General myself on the question of my right to acting allowance, & remarks on his ruling of the 18th August that if Mr. Bildabeck "cannot be considered as drawing the allowance by virtue of his appointment as Principal Presidency College", while at the same time Government has "deferred all change till the occurrence of vacancies". The only logical conclusion appears to be that he is not entitled to any allowance. To argue that Mr. Bildabeck has acquired a right to personal allowance through the non-exercise on the part of Government of a power conferred on it seems equivalent to holding that something can arise out of nothing - a noteworthy reversal of a well known axiom.

2. On the general question it is scarcely necessary to point out that the result of the Accountant General's ruling is to define the Department as a body of the same form as formerly drawn as acting allowance - a result, I submit, neither anticipated nor intended by the Local Government & the Secretary of State.

3. Regarding my own claims to this allowance I beg to remark that the work responsibility attached to the position I hold are certainly not less now than when in the reorganisation of the Department the character of the Principal's duties was recognised by an allowance of 250-500 Rs., nor when the right of the Ag. Principal to increased remuneration was expressly sanctioned by the Secretary

13 79.P.
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 officers holding that position. In this connection I would call attention
 to the concluding sentence of para. 4 Secretary of State's Despatch no. 60
 Public (Educational) dated 27th June 1902 "It was not intended
 by those responsible for the reorganisation of 1896 that when an officer
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 another officer, who continued to do precisely the same work as
 he was doing before, should thereby profit by the receipt of acting
 allowance." I suggest that the essential point is set forth
 here is not that the allowance has been conferred by selection
 but that the officer is doing "precisely the same work as he
 was doing before". The implication that an officer acting in a post
 with increased & more responsible duties may receive an acting
 allowance is borne out by the language & above all the spirit
 of the Secretary of State's Despatch no. 163 Public of 7th December 1899.
 The Accountant-General holds that eligibility for acting allowance
 turns on the allowance having been attached to a particular
 post. I submit that the intention of the Secretary of State
 throughout has been to remunerate increased work &
 responsibility & that this intention is defeated, not promoted
 by the Accountant-General's recent decision.

4. In conclusion I request you to bring my case before Government
 & to take such measures as may bring about the reversal
 of a ruling which represents, I suggest, an unforeseen
 technicality rather than the real policy of the Secretary
 of State.

I have the honor to remain
 Sir
 Your most-obedient servant-

J. P. Allen

[Faint, mostly illegible handwritten text in Devanagari script, likely bleed-through from the reverse side of the page.]

Enc. 5.

*80 no 4802a
10-8-96*

C

No. G 1328
10442

Forwarded to Government

Mr. Bilderbeck, Principal of the Presidency College, now on furlough, was drawing a personal allowance of Rs.500, and Mr. Allen who is acting for him claims half the allowance under Secretary of State's Despatch No.163, Pub., dated 7th December 1899, printed with G.O.No.70 Edl., dated 13th February 1900.

In para 11 of the above Despatch, it is stated that when a personal allowance is attached to a particular office, on the substantive incumbent going on leave other than privilege leave the officer who may be selected to perform his duties should receive the balance available not exceeding a moiety of the whole. From this it is clear that the concession was meant to be given only in cases where the personal allowance is attached to an appointment. That this was the intention of the Secretary of State also appears from paras 4 and 5 of his Despatch No.60 Pub., dated 27th June 1902, communicated in G.O.

No.604 Edl., dated 30th September 1902 where it is stated that under the orders, Secretary of State's Public Despatch, No.22, dated 12th March 1896 it was not intended to allow the concession to officiating officers. The order of 1899 being a partial relaxation of the orders of 1896, so far as the personal allowances attached to particular appointments were concerned it is necessary for the grant of a moiety of the allowance to an acting officer that the allowance be attached to a particular appointment. As the personal allowances are no longer attached to any appointment but may be given under the Secretary of State's Despatch No.96, dated 24th June 1904, communicated in G.O.No.476, Edl., Dept., dated 4th August 1904, to any officer of the Indian Educational Service, whom Government may consider most deserving, acting officers cannot draw any portion

portion of the allowance of the absentee. Mr. Allen's claim to a moiety of Mr. Mr. Bilderbeck's allowance is therefore inadmissible.

Fort St. George,
Accountant-General's Office,

15 December 1905.

Offg. Accountant-General.

To

The Secretary to Government,
Educational Department.

Notes Connected with go no 702 Ed. 9-1-05

[E.]
2.

1.500-6.12.01

EDUCATIONAL DEPARTMENT.

C. No. 2169 From the Director of Public Instruction No. 7221, dated 5-12-1905.

" " Accountant General C-1328 15-12-1905.

SUBJECT.

Regarding the grant of acting allowance to Mr. Allen, ^{as} Principal of the Presidency College, Madras.

I think this ghost has been already laid; has it not?

H. D. Taylor.
16-12-05

B

Please See the notes connected with go no. 702-03 Ed., dated 30th October 1905. When the Accountant General ruled the Consultation with the Government of India that Mr. Braithwaite, ^{at present} ~~was~~ acting as Inspector of European and Training Schools in the place of Mr. Stone now injured, was entitled to no acting allowance during the period of his deputation on the ground that the pay of officers holding regular appointments in the Indian Educational Service was ~~was~~ fixed on a personal basis and not attached to particular appointments, it was pointed out in para. 5 of the office note dated 11th September 1905 in the notes to go nos. 702-703 Ed., dated 30th October 1905 (page 1), that under the Secretary of State's despatch no. 163 Public, dated 7th December 1899 in go. no. 70 Ed., dated 13th February 1900 Mr. Braithwaite could apparently draw the balance available out of the personal allowance drawn by Mr. Stone. The Secretary, however, observed that the allowance in question was personal to Mr. Stone & could not be held

B

N

Page 2 of the notes in
go nos 702-03 Ed B
30-10-05

to be attached to the appointment of Mr Stone for purpose of acting allowance & that the Accountant General's decision would, in view of the recent orders contained in G.O. no. 476 Educational, dated 4th August 1904, be that the Secretary of State's despatch of 7th December 1899 did not apply. As regards Mr Bonthwaite, however, the Govt. of India were requested to sanction, as a special case, the grant to him of a personal or house rent allowance of Rs. 80 per mensem during the period of his deputation - Vide letter no. 703 Educational, dated 30th October 1905.

2. As has been anticipated, the Accountant General has now ruled that Mr. Allen ~~who is now acting as Principal of the Presidency College and who requests to be granted a moiety of the personally personal allowance drawn by Mr. Bilderbeck, is not entitled to any portion of this~~ ~~and that the orders contained in the Secretary of State's despatch of 7th December 1899 could not be applied, as under recent orders of the Secretary of State in G.O. no. 476 Educational, dated 4th August 1904, the allowance for personal allowance drawn by Mr. Bilderbeck.~~

Mr. Allen disputes the Accountant General's ruling and submits through the D.P.S a representation for the orders of Govt. For orders as to whether in view of the Accountant General's remarks on pages 11 & 12 of the Current file Mr. Allen may be informed that his claim is inadmissible.

3. In regard to para. 2 of the D.P.S's letter on pages 2 & 3 of the Current file, orders are solicited whether the Govt. of India should be requested to move the Secretary of State

D
G.O. no. 22324 & 26425.

Page 485, et seq

while that in the award of these personal allowances the local
Govt should have the fullest discretion, ^{any undrawn portion} ~~of the amount~~
of the allowances ^{of one officer} should be available for the Educational
Service ~~as a whole~~ the person acting for him.

N. Li R
22-12-05

Phangmu
M/LR

Sec.

There seems no doubt that
the ruling of the A-G. is correct. Though
of course an officer must do ~~that~~
the work he is ordered to do, yet when
an officer acts in a more responsible
position, it has usually been the custom
for him to be paid a higher salary.
In this way it is a hardship on
Mr Allen. It is not, as far as I
know, asserted that Mr Childwick
has any special qualifications not
possessed by Mr Allen. It therefore
seems somewhat unfair to the latter to

do the former's work on a salary which
is several hundred rupees less a month.
Submitted that India may be addressed,
as to the grant of some allowance. At
the same time the General Assistant
raised in the last part of the Alice note
might be discussed.

C. L. Outer
25/12/05

This sort of argument
is inadmissible.
These officers are
paid not by their
responsibility - but
by their personal
standing. Mr Childwick
is years older
in service than
Mr Allen

J. J. Fortin

for a day.

The allowances are now purely personal to the officers concerned, and certain officers in virtue partly of seniority and partly of good work receive special allowances which are personal to themselves, and not attached to any particular office.

Under para 6 of the Port of India's Letter, approved of in Sept: Despatch in G.O. 100051 of 15 Aug 96. - officers of the India Ed Levies, whose ordinary pay is Rs 500-50-1000 are entitled to Rs 100 personal allowance for meritorious service - and, in the absence of a special personal allowance Rs 100 is the maximum pay that they could look to receive (except as BDD). The Senior allowance is Rs 250-50-500 and the Junior allowance is Rs 200-10-250. If Bildebeck draws Rs 500 - and if Mr. Allen ^{were} ~~and~~ given Rs 500, he would be in receipt of more than the lowest scale of the Rs 200-10-250 allowance which he has not earned as a personal allowance. There are some other officers in the Presidency Town who are Senior to Mr. Allen, and even if the payment of the allowance were advisable, it should, it is submitted, be given, not to the officer who acts in the post by chance rendered vacant by the absence or leave of the drawer of the personal allowance - but by selection to the officer next in order of

Suite 20

877 [1860]

O. p 6

merit, when the Gov. might select. I am not aware that it has been admitted that the Principals of the Presidency College are more numerous than other posts in the I.P.L., or as the Inspectorate: and to allow an allowance has been made purely personal to an individual as a matter of merit, it seems a wrong principle to attach any ^{additional responsibility} acting allowance (even if admitted) to the post, and not to the person. If Mr. B. is to be retired, his allowance falls in to the gift of Gov. and to grant Mr. Allen any portion of that allowance now, might constitute a claim which it would be difficult to overlook when the time comes to consider the award of that allowance, as a substantive allowance, with reference to the merit of the individual.

A. D. Taylor
27.12.05.

HM,

I agree: there is no room for argument in favour of Mr. Allen, who may be told that the Gov. agrees with the Act for that his claim is inadmissible. In a graded service the pay is by position in the Dept. or years of service. An Exec. Eng. or a Policeman are paid not

by the difficulty of the change of
the business of work but by
their pride.

St. 7/1/6

The draft placed below is submitted for
approval.

Pharyng
4/1/6

Lee
Cas
5/1/6

6.1.06

W. S. W.
Cas
5/1/6

[9000 9 22 2/9 - 1 - 06]

that the first agreement is...
general and that this claim...

...the first agreement is...
...the first agreement is...

...the first agreement is...
...the first agreement is...

...the first agreement is...
...the first agreement is...

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190

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Cas
571106
102
6-1-06

To the
-
-
-
Finl Department

10/1/5

Mr. Allen should be informed
that the first copy with the Government
General and that his claim for a portion
of the allowance drawn from his pocket
is inadmissible.

2 - 15 - 2 1007

299 1410

First copy sent to Press.
Returned for signature.
Despatched in print.

Order complete. 25
Letter only.
Order complete with Letter.

+15 copies of notes

READ AGAIN G.O. No. 190 DATED

CURRENT No.

2169 - (A)

End of A.H.

I

(p.p. 1-3) of the
enclaves 14-10

II

p. 11+12

ENCLOSURES TO C. No.

2169 - A

10 p
1-68

END OF GOVERNMENT

A

END OF GOVERNMENT

END WITH DITTO

NOT FILLED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL

Print in full.
Not to be printed.
Print abstract only.
Print heading only.