

[]
500-15-04
Educational (1906) Department.

ORDINARY PRINTED.

G.O., No. 48

DATED 27 - 1 - 06.

RECEIVED

15

[Despatch Abstract.]

Allowance

Informing the D.S.D. that the Govt. of India have declined to grant any ~~allowance~~ to Mr. P. D. Braithwaite by way of compensation for loss of free quarters during the period of his acting appointment as Inspector of ^{Imperial} Training Schools.

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.

Recd.

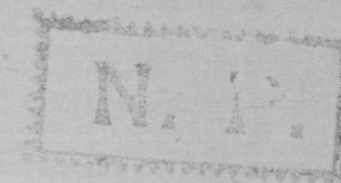
Enclosures

Regd.

1906.

Spare copies

G.O., No. 48, 27th January 1906.



Allowance.

Informing the Director of Public Instruction that the Government of India have declined to grant any — to Mr. P. P. Braithwaite by way of compensation for loss of free quarters during the period of his acting appointment as Inspector of European and Training Schools.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers:—

I

G.O., Nos. 702, 703, Educational, dated 30th October 1905.

ABSTRACT.—Addressing the Government of India on the subject of the allowances to be given to Mr. Braithwaite, Vice-Principal of the Teachers' College, Saidapet, while acting as Inspector of European and Training Schools.

II

Letter—from H. H. RISLEY, Esq., C.S.I., C.I.E., Secretary to the Government of India, Home Department (Education).
To—the Secretary to the Government of Madras, Educational Department.
Dated—Calcutta, the 8th January 1906.
No.—8.

I am directed to reply to your letter No. 703, dated the 30th October 1905, in which you refer the question of the allowances to be given to Mr. P. P. Braithwaite while acting as Inspector of European and Training Schools.

2. The Governor in Council is of opinion that Mr. Braithwaite's case is deserving of consideration in view of the fact that as Vice-Principal of the Teachers' College he is entitled under his special agreement to free quarters and that he is deprived of this privilege while acting as Inspector of European and Training Schools. He therefore recommends that as a special case Mr. Braithwaite may be granted a personal or house-rent allowance of Rs. 80 per mensem during the period that he may act as Inspector of Training Schools in the present arrangement.

3. I am to say that the Government of India have no knowledge of the special agreement referred to in your letter, but they observe that in Mr. Braithwaite's agreement with the Secretary of State no mention is made of the provision of free quarters in his substantive appointment of Vice-Principal of the Teachers' College at Saidapet and thus it does not appear that the concession which he there enjoyed was in any way guaranteed to him. It must be remembered that as free quarters are usually provided in consideration of special circumstances such as the expensiveness of rented accommodation or the discharge of particular duties, the grant of the concession, or of an allowance in lieu thereof, cannot be regarded as an integral part of an officer's emoluments which can be claimed when he is transferred from one appointment to another. In the present case Mr. Braithwaite is liable under the terms of his agreement with the Secretary of State to be employed in any specific office in the cadre of the Indian Educational Service of the province and the fact that he lost the privilege of free quarters on leaving Saidapet, does not, in the opinion of the Government of India, give rise of itself to a claim for compensation and it would be necessary to show that in his new appointment a similar concession is needed.

4. For these reasons the Governor-General in Council regrets that on the information at present before him he is unable to sanction the proposal of the Government of Madras, but if the local Government have any further grounds to urge in support of it His Excellency in Council will be prepared to reconsider the matter.

III

Telephone message—from the Secretary to Government, Educational Department.
To—the Director of Public Instruction.
Dated—Madras, the 19th January 1906.

Please refer to paragraph 2 of your letter No. 6953, dated 17th August 1905. Will you kindly say up to what date Mr. Braithwaite drew the acting allowance of Rs. 80 and whether he has refunded any portion of the amount thus drawn.

IV

Telephone message—from the Director of Public Instruction.
To—the Secretary to Government, Educational department.
Dated—Madras, the 20th January 1906.

Mr. Braithwaite drew acting allowance up to the end of June 1905, but he has refunded the whole in two instalments in August and September last.

Order—No. 48, Educational, dated 27th January 1906.

With reference to his letter No. 6953, dated 17th August 1905, the Director of Public Instruction will be informed that the Government of India have declined to grant any allowance to Mr. P. P. Braithwaite by way of compensation for loss of free quarters during the period of his acting appointment as Inspector of Training Schools. Mr. Braithwaite's agreement with the Secretary of State makes no provision for free quarters or for an allowance in lieu thereof, and no claim on that account is therefore admissible.

(True Extract.)

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

To the Director of Public Instruction.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 48, EDUCATIONAL, DATED
27TH JANUARY 1906.

[SUBJECT.—*Allowances to be given to Mr. Braithwaite while acting as Inspector of European and Training Schools.*]

From the Government of India, Home Department, dated 8th January 1906, No. 8.

Let me see this (special agreement with Mr. Braithwaite) please at once.

H. D. TAYLOR—12-1-06.

Please see G.O., No. 454, Educational, dated 19th September 1903, and the notes connected therewith, also the first footnote on page 130 of the Civil Budget Estimate for 1905-1906.

P. T. THARYAN—12-1-06.

The statement in paragraph 2 is true and our draft should not have passed. We have acted on Mr. Duncan's agreement, but though the error was discovered in 1903 no steps were taken to put it right with the Secretary of State. When did Mr. Braithwaite take over charge from Mr. Stone? Put up also original of G.O., No. 703. The item should have been checked.

H. D. TAYLOR—12-1-06.

It has been ascertained from the Accountant-General's office that Mr. Braithwaite took charge from Mr. Stone of the office of the Inspector of European and Training schools on the afternoon of the 16th March 1905.

2. The original of G.O., Nos. 702, 703, Educational, dated 30th October 1905, is submitted.

N.L.R.—16-1-06.

Submitted that the item was checked but the mistake apparently lay in wrongly understanding the expression "special agreement", as distinguished from the usual agreement between Mr. Braithwaite and the Secretary of State contained in G.O., No. 380, Educational, dated 13th August 1903. The "special agreement" seems to have been taken to be one between him and this Government.

2. On the advance copy of the letter from the Government of India that was circulated to the Honourable Member, he has remarked "I thought so".

3. Mr. Braithwaite has been promoted to the Rs. 500—50—1,000 class from the 13th November 1905. Under the Government of India's present ruling he thus loses about Rs. 640—at Rs. 80 from 17th March to 13th November 1905.

P. T. THARYAN—17-1-06.

The misunderstanding seems to have arisen owing to the words "special agreement". There seems to be no such thing. The "special agreement" is merely a Government Order (please see G.O., No. 454, Educational, dated 19th September 1903). In view of the wording of Mr. Braithwaite's agreement with the Secretary of

State, he has no claim to any allowance and if he has drawn Rs. 80 a month from 17th March until 13th November he will have to refund it. The case, it is submitted, is a very hard one.

C. A. SOUTER—18-1-06.

He told me he had not.

C. A. SOUTER—19-1-06.

I do not suppose that Mr. Braithwaite has drawn the Rs. 80. The Director of Public Instruction was aware that the matter was under reference. Director of Public Instruction may be asked to state by telephone what rate was *actually* drawn by Mr. Braithwaite between 17th March and 13th November 1905.

H. D. TAYLOR—19-1-06.

The telephone message placed below may issue.

P. T. THARYAN—19-1-06.

Issue.

C. A. SOUTER—19-1-06.

The telephone has been despatched.

K.K.M.—20-1-06.

[Telephonic message to the Director of Public Instruction, dated 19th January 1906.]

Telephone message from Director of Public Instruction, dated 20th January 1906.

The Director states that Mr. Braithwaite drew acting allowance up to the end of June 1905 but that he refunded the whole of it in two instalments in August and September.

P. T. THARYAN—20-1-06.

C. A. SOUTER—20-1-06.

I regret that in the original draft to India the words "special agreement" were allowed by me to issue without further check, especially in view of the Hon'ble Sir James Thomson's note of 27th September 1905.

Any argument based on "a special agreement" must, as pointed out by India, fall through. The Local Government cannot vary by executive order an agreement made with the Secretary of State.

The office had no business to be. What we trust the office to do is to put up the *facts* accurately: their opinions are of comparatively minor importance.

G. S. F[ORBES].

The office appears to have been misled by paragraph 5 of Director of Public Instruction's letter read in G.O., Nos. 702, 703, dated 30th October 1905, and Financial note of 15th October 1905.

2. Paragraph 5 (a) of Mr. Duncan's agreement provided specifically for house-rent allowance or free quarters. This was omitted in Mr. Braithwaite's agreement, but the latter was permitted to occupy quarters intended for the Vice-Principal, Agricultural College, which were actually in existence, rent free.

3. Apparently under his agreement he is liable to pay for the period during which he so occupied those quarters. A further reference would raise the question of his liability in that respect.

Should any further reference be made to India with reference to paragraph 4 of their letter? I can see no case. Mr. Braithwaite's sole claim will be based on the loss of a right to which he was never entitled.

4. If this view is accepted the draft placed below may issue and the question of recovery of house-rent for the period that Mr. Braithwaite actually occupied the Vice-Principal's quarters may, with the concurrence of Financial, be allowed to drop with reference to G.O., No. 454, dated 19th September 1903.

H. D. TAYLOR—22-1-06.

It seems extremely difficult to make the best of native clerks *accurate*: they will neglect to reference every fact mentioned in their notes from the *originals*.

I never thought Mr. Braithwaite had any case for consideration; and was entirely misled by the assertions as to his claim for house-rent as the only ground on which anything could be asked for him.

G. S. F[ORBES]—23-1-06.

Issue.

H. D. TAYLOR—25-1-06.

[G.O., No. 48, Educational, dated 27th January 1906.]

[E.]

1,500-12-12

EDUCATIONAL DEPARTMENT.

CURRENT FILE.

CONTENTS.

From	Number.	Date.	Pages.
[55] The Govt. of India, Home Deptt	8	8-1-06	1-2
Telephonic message to the D. S. J.		19-1-06	3
Telephone message from D. S. J.		20-1-06	4

PAPERS PUT UP WITH CURRENT No. 53

Papers of the department to which the current belongs.

Number.	Date.	Original (=O) or spare copy (=S. C.).	Remarks. (In this column such of the papers as have been removed for copying, printing, &c., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.
702-03	30-10-05	8C		
84R	14-2-05	O		
1R	3-1-05	O		
454	19-9-03	O		
380	13-8-03	8C		
655	4-9-94	do		

Papers of other departments.

Department.	Number.	Date.	Original (=O) or spare copy (=S. C.).	Despatcher to note the return of the papers to the departments concerned.

CURRENT No. 53

No. 8



H.H. Risley, Esq., C.S.I., C.I.E.,

Secretary to the Government of India,

The Secretary to the Government of Madras,
Educational Department.

Home Department
(Education)

Calcutta, the 8th January 1906.

This is a copy of the letter from the Secretary to the Government of Madras, dated 12-1-06, regarding the case of Mr. P.P. Braithwaite. The letter is forwarded for the Home Department (Education) for their consideration. The letter is also forwarded to the Secretary to the Government of India for their information.

I am directed to reply to your letter no. 703, dated the 30th October 1905, in which you refer the question of the allowances to be given to Mr. P.P. Braithwaite while acting as Inspector of European and Training Schools.

The Governor in Council is of opinion that Mr. Braithwaite's case is deserving of consideration in view of the fact that as Vice-Principal of the Teacher's College he is entitled under his special agreement to free quarters and that he is deprived of this privilege while acting as Inspector of European and Training Schools. He therefore recommends that as a special case Mr. Braithwaite may be granted a personal or house-rent allowance of Rs. 80/- per mensem during the period that he may act as Inspector of Training Schools in the present arrangement.

3. I am to say that the Government of India have no knowledge of the special agreement referred to in your letter, but they observe that in Mr. Braithwaite's agreement with the Secretary of State no mention is made of the provision of free quarters in his substantive appointment of Vice-Principal of the Teacher's College at Saidapet and thus it does not appear to be a concession which he there

*Shan 80. no 454
del. 13-9-03. The
note attached therewith
also the first footnote on
page 130 of the CBE for
1905-06.*

*80. no 380 T.
13-8-03*

enjoyed was in any way guaranteed to him. It must be remembered that as free quarters are usually provided in consideration of special circumstances such as the expensiveness of rented accommodation or the discharge of particular duties, the grant of the concession, or of an allowance in lieu thereof, cannot be regarded as an integral part of an officer's emoluments which can be claimed when he is transferred from one appointment to another. In the present case Mr. Braithwaite is liable under the terms of his agreement with the Secretary of State to be employed in any specific office in the cadre of the Indian Educational Service of the province and the fact that he lost the privilege of free quarters on leaving Saidapet, does not, in the opinion of the Government of India, give rise of itself to a claim for compensation and it would be necessary to show that in his new appointment a similar concession is needed.

4. For these reasons the Governor General in Council regrets that on the information at present before him he is unable to sanction the proposal of the Government of Madras but if the local Government have any further grounds to urge in support of it His Excellency in Council will be prepared to reconsider the matter.

I have the honour to be,

Sir,

Your most obedient servant,

Thomson

for Secretary to the Government of India.

J.E.C.

TELEPHONE MESSAGE

From

THE ~~ASSISTANT~~ SECRETARY TO GOVERNMENT,
SECOND ASSISTANT,
HEAD CLERK,
EDUCATIONAL DEPARTMENT,

To

HON'BLE MR. THOMSON,
PRIVATE SECY. TO H. E. THE GOVERNOR,
DIRECTOR OF PUBLIC INSTRUCTION,
THE SUPDT., GOVERNMENT PRESS,
SUPDT., GOVERNMENT MUSEUM,
ACCOUNTANT-GENERAL,

Dated 19-1-1906.

Reply

Mr Braithwaite drew acting allowance up to the end of June 1905, but he has refunded the instalments in his instalments in July.

deep 19/1/06

K.

Please refer to para: 2 of your letter no 6953 d/17th August 1905. Will you kindly say up to what date Mr Braithwaite drew the acting allowance and whether he has refunded any portion thereof of the amount then drawn.

By 19/1/06

Clerk 19/1/06

*about 200
11-10-05
copy*

Hours _____ Minutes.

To

The Secretary to Government,
Educational Department.

19-1-6

Mr Braitwaite drew acting allowance up to the end of June 1905, but he has refunded the whole in two instalments in August and September last.

20.1.06

Letter no 6953 of 17th August 1905.
you kindly say up to what date Mr.
Smith wants before the Acting allow
of 1000 and whether he has refunded
any portion
of the amount thus drawn

It has been ascertained from the Accountant General's office that Mr. Braithwaite took charge from Mr. Stone of the office of the Inspector of European and Training Schools on the afternoon of the 16th Mar-
1905.

Quid

11 8 28

2. The original of G.O. nos. 702-03 Est., dated 30th Oct. 1905 is submitted.

MSR
16/1/06

Submitted that the item was checked but the mistake apparently lay in wrongly understanding the expression "Special Agreement" as distinguished from the usual agreement between Mr. Braithwaite and the Secretary of State contained in G.O. no 380 Est. dt 13th August 1903. The "Special Agreement" seems to have been one ~~between him and the Govt.~~ between him and the Govt.

M. 2. On the advance copy of the letter from the Govt. of India that was circulated to the H.M., he has remarked "I thought so".

3. Mr. Braithwaite has been promoted to the Rs 500-50-1000 class from the 13th November 1905. Under the Govt. of India's present ruling he thus loses about Rs 640 - at Rs 80 from 17th March to 13th November 1905.

Phhangam
17/1/06

Sec.

The misunderstanding seems to have arisen owing to the word "special agreement". There seems to be no such thing. The "special agreement" is merely a P.O. (please see P.O. no 452 Est of 19/9/03). In view of the wording of Mr. Braithwaite's agreement with the Sec. of State, he has no claim to any allowance if he has drawn 80/- a month from 17th March until

2

G.O. R no 4 Est dt
9th January 1906.

N.

new

12/9 37

Nov. 13th he wrote have to refund it. The as it is submitted, is a very hard one.

Casoulet
18/1/06

I do not suppose that Mr Braithwaite has drawn the Rs 80/- The D.P.D. was aware that the matter was under reference. D.P.D. has been asked to state by telephone what rate was actually drawn by Mr Braithwaite between 17 March and 13th Nov 1905

W. J. Taylor
18.1.06

The telephone message placed below may issue

Ph. H. H. H.
19/1/06

W. J. Taylor

Casoulet
19/1/06

The telephone has been despatched.

KKLH
20.1.06

[Telephonic message to the D.P.D. of 19.1.06]

Telephone message from D.P.D. of 20.1.06

The Director states that Mr. Braithwaite drew acting allowance up to the end of June 1905 but that he refunded the whole of it in two instalments in August & September.

Ph. H. H. H.
20/1/06

Sec.
Casoulet
20/1/06

he told me he
had not.
Casoulet
19/1/06

[Faint, mostly illegible handwritten notes on the left page, possibly bleed-through from the reverse side.]

[Handwritten notes in the center margin of the left page:]
 He told me
 that
 Billie

[Handwritten word:] Dumb

[Handwritten initials:] Hg L

[Handwritten note:]
 The office had no
 business to be. What
 we trust the office to do
 is to put up the facts
 accurately. Their
 divisions are of comparative
 minor importance
 8/7 T

[Handwritten:] 1000000
 19. 9. 03

[Handwritten numbers:] 10 48

I regret that in the original draft to India
 the word "Special agreement" were allowed
 to go to issue without further check,
 especially in view of the Hon. Sir James Shaw's
 note of 27.9.08.

Any argument based on a special
 agreement must, as pointed out by India,
 fall through. The Local Govt. cannot
 vary by executive order an agreement
 made with the Secy. of State.

~~The agreement~~ The office appears to
 have been visited by para 5 of 5000:
 letter read - P.O. 7000 & 30th Dec 05.
 Financial note of 15.10.05.

2. Para 5(a) of Mr Duncan's agreement
 provided specifically for House rent
 allowance or free quarters. This was
 omitted in Mr Braithwaite's agreement,
 but the latter was permitted to
 occupy ^{in addition to the V.P. Agricultural Office} ~~the~~ quarters which were
 actually ~~used~~ ^{rent free}.

3. Apparently under the agreement
 he is liable to pay for the period
 during which he so occupied those quarters.
 A further reference would raise the
 question of his liability in that
 respect.

Should any further reference be made

12

2. 2604 S. 8. 53 221-5

I never thought Mr South
waite had any case for
consideration, I was entirely
misled by the assertions
as to his claim for house
rent, as the only ground on which
I could have attempted to

Done
102-5
25-1

Again G.O., No. 702.3, dated 30th Oct 1901.

Current No. from the , No. , dated 190

Current No. 55- from the *Prithvi* H. D. , No. 8, dated 8th Dec 1901

SUBJECT.

Allowance to Mr P. P. Mathwani for
loss of ~~the~~ *Prithvi* free quarters
on his appointment ^{as} ~~an~~ Inspector of
Training Schools

P.S. order No. 48 dated 27-1-08
with reference to his letter No 6963 dated
17th Aug 1901 - ~~the~~ *the* ~~S.P.D.~~ ^{will be} informed
that the Govt. of India have decided
to grant any allowance to Mr
P. P. Mathwani by way of compensation
for loss of free quarters during the
period ~~that~~ of his acting appointment
as Inspector of Training Schools ~~and~~
the ~~provision~~ ^{to Mr Mathwani} ~~that~~ ^{agreement} with
the Secretary of State make no
specific provision for free quarters or
for an allowance when there is
no claim on that point is therefore
admissible *in*

To the S.P.D.

Prithvi

" " *Prithvi*

Prithvi

Prithvi

Prithvi

Prithvi

Prithvi

Prithvi

by sent to Press.

for signature.

ed in print.

G.O. No.
190

732-3, DATED 30-10-05 I. (P)

55 A

II

to O. No.

A

OF GOVERNMENT

A

OF GOVERNMENT

SENT WITH DITTO.

NOT PRINTED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

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

NUMBER OF COPIES
REQUIRED.

Order complete. 30
Letter only.
Order complete with Letter.

15 copies
of notes.

Press (for notes)
These printed
and copies
XKlu
8/2/06

6 p.
note! - 5th