

Educational (1895) Department.

ORDINARY MS.

G.O., No. 822

Dated 11th Oct. 1895

INDEXED.

[Despatch Abstract.]

TRAVELLING ALLOWANCES

Authorizing the Accountant-General to disburse travelling and daily allowances at the rates sanctioned in G.O., No. 1288, Financial, dated 7th December 1886, to the non-official members of the recent Educational Conference; and stating that a reference will be made to the Government of India regarding the exemption of the official members from the operation of the rule that daily allowance cannot be drawn for more than ten days of a halt at one place.

PRINTED IN G.O., dated

14 January 1896 No. 34 Fincl

BACK PAPERS.

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

FURTHER PAPERS.

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

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17.

1895.

Educational Department.

From

THE DIRECTOR OF PUBLIC INSTRUCTION,
Madras,

To

THE HONORABLE THE CHIEF SECRETARY
TO GOVERNMENT,
Fort St. George.



Dated

Despatched

Received

No.

ENCLOSURES.

Subject.

Requesting the sanction
of Government for the travelling
and daily allowances of the
members of the Educational
Conference held in Madras
in April last.

1288. 7/2/86
717 = 11/11/86

Order
mis

The proposals of the
D.P.I. are sanctioned.

5
12/8/85

To The D.P.I. 9/80 Please see my note
A.G. 240 in trip case
in book file. The
cases are limited
21/8/85

The case is not quite the same
as trip case & it is also given
similar to a case which has been
disposed of by Govt.

Since then Mr. B. has

The former sanction was under
different rules. The most that can
be done for the officials is to give them
conveyance hire under act 1186 for
the period beyond which they cannot
draw daily C.A. Even if this, I am
not quite sure, for the words "if or
be it true, capable of a contrary
interpretation"

26/8/95

I think we may give them travelling
allowance but nothing else

OFFICE OF THE DIRECTOR OF
PUBLIC INSTRUCTION,
Madras, 3rd August 1895.

No. 8299

From

THE HONORABLE MR. D. DUNCAN, M.A., D.Sc.,

DIRECTOR OF PUBLIC INSTRUCTION,

Madras,

To

THE HONORABLE THE CHIEF SECRETARY TO GOVERNMENT,

FORT ST. GEORGE.

SIR,

In April last, I appointed
a Committee consisting of the four Inspectors,
and the two Inspectresses of Girls' Schools,
the Assistant Inspector of Schools, 4th Division,
and the Assistant Inspector of Schools, 6th Division,
to meet at my office to consider, amongst other
matters, the revision of the Madras Educational
Rules and to submit to me a report as to the
changes that should, in their opinion, be
carried out in them. I took that opportunity
of inviting representatives of important mission
ary

ary bodies and the Secretary to the Council on aided education, consisting in all of seven members to attend the Conference and to take part in the discussion. The Conference lasted for 14 days from the 17th to 30th April 1895, both days inclusive. The results of its labours will in part appear in the revised copy of the Educational Rules, which I hope to submit to Government shortly. I have now the honour to request that the travelling and daily allowances of the mofussil non-official members, who were all Europeans, may be sanctioned at the rates sanctioned in G.O., dated 7th December 1886, No. 1288, Financial. There were only three such members, viz, Rev. W. Goudie, of the Wesleyan Mission, Tiruvallur (Chingleput), the Rev. J. S. Chandler of the American Mission, Madura

Madura, and Rev. C. H. Macfarlane of ^{the London Mission} Cuddapah, the first having attended seven meetings and the two latter two meetings only.

2. I beg further to request that Messrs Logan and Flanagan, the Inspectors of Schools, Western and Southern Circles respectively, Mr. C. Nagaji Rao, the Inspector of Schools, Northern Circle, and Miss E. Carr, the Inspectress of Girls' Schools, Southern and Western Circles, who had to halt at Madras for more than ten days continuously in connection with the Conference, may be allowed their daily allowance for the period of their halt in excess of ten days, as they had to incur heavy expenses at Madras on account of boarding, carriage &c. I would observe that the maximum limit

limit for which daily allowance can be
claimed will be 14 days, and that a
similar concession was granted to Messrs.
A. Monro and G. Bickle, formerly Inspectors
of Schools, in G.O. No. 717 mis, dated, 11th
November 1886.

I have the honour to be,

Sir,

Your most obedient servant,

J. Duncan

Director of Public Instruction.

Educational Dept.

C.No. 935.

FOR ORDERS.

Resubmitted to the
Hon. Members.

Dr. Duncan recommends the grant of
travelling and daily allowances to
official and non-official members of
the recent Educational Conference. The
case of the non-officials appears to be
governed by G.O. dated 16th September 1886
No. 936, which contains a letter from the
Govt. of India authorizing Local Govts.
to pass expenses of non-official gentle-
men who may attend Educational Confer-
ences held from time to time. This was
held by the Accountant-General to apply
to the case of ^{the} non-official gentlemen
who took part in the local School-fee
Conference held in 1886, vide G.O. dated
7th December 1886, No. 1288, Fin., and it
may therefore, it is submitted, be held
to govern the present case. It is open,
therefore, for Govt. to sanction the pay-
ment of travelling and daily allowances
to the Rev. Messrs. Goudie, Chandler and

Macfarlane

Macfarlane at the rates proposed by the D.P.I. subject to the condition that the total amount disbursed in each case does not exceed the actual expenses incurred in consequence of travelling to and from Madras and residing there during the period of the Conference.

2. As regards the official members who came up from the mofussil to attend the conference, it appears that they are eligible for travelling allowance to and from Madras under Arts. 1086 & 1186 of the Civil Service Regns. and to a daily allowance for ten days under Art. 1159. The terms of the last mentioned article prevent Govt. from granting daily allowance for a longer period as there is no reason to suppose that any of the officers actually maintained camp equipment during his stay at Madras. It hardly appears safe to grant them conveyance allowance for the remaining 4 days, for the wording of Art. 1186 is doubtful. In these circumstances the following draft order is submitted for approval.

ORDER

N.B. It is submitted that article 1186 does not apply to the case of any officer who is ~~entitled to~~ draw daily allowance during any portion of a halt. Had the intention been that an officer should be permitted to draw D.A. for 10 days & then conveyance allowance, the last two lines of the article would, it is thought, have run as follows:-

"may not draw under this rule for any period during which he draws a daily allowance &c."

* This was dictated to the shorthand writer before I noticed the new slip pasted on against art 1159. - please see note at the end of the draft order.
14-8-55

ORDER.

The Accountant-General will

be authorized to disburse to the Rev. Messrs. Goudie, Chandler and Macfarlane travelling and daily allowances at the rates sanctioned in G.O. dated 7th Decr. 1886, No. 1288, Fin. This authorization will however be subject to the limitation that the amounts disbursed in each case do not exceed the actual expenses incurred.

2. ~~With reference to the provisions of the Civil Service Regulations, the~~ Govt. does not consider that the gentlemen specified in para 2 of the Director's letter ~~are entitled to exemption from the operation of the rule that a daily allowance cannot be drawn for more than 10 days of a halt at one place.~~

M. A. S.
The D.P.I.

Para 2 of the Draft assigns no reasons for the decision of Govt. from the notes in Miss Carr's case I understand that it is considered that the "extra expense" mentioned in clause (b) of Art. 1159 C.S.R. merely includes expense on the nature of actual travelling expenses as defined in C.S.R. Art 15. I venture to submit that the correctness of this view is open to question. In the first place Art. 1159

My view is simply this:-

Part II of the C.S.R. is governed throughout by Art. 1086 unless the contrary is anywhere distinctly stated. Art. 1086 says that t.a. is given to cover actual travelling expenses and art. 15 gives the meaning of the words actual travelling expenses. The result is that art 1159 (b) is ~~not~~ inapplicable being applied in ~~any~~ case which has come to my notice - For this I am not responsible. Nor do I regret the fact, for it strengthens the hands of Govt. in resisting the surreptitious claims which are made the great majority of which ~~will~~ not be admitted.

For my part I do not see the need of ~~the~~ any reference to India for I am satisfied with the rules as they stand - If any reference is made, it should best be recommended that art 1159 (b) be withdrawn, on the ground that officers' t.a. is ample to cover the expense of travelling on duty. It will be noticed that these claims for halts ^{t.a. for} averaging ten days are almost invariably made

in order that the necessary ~~to the Govt. of India~~

originally permitted ^{Special} exemption from the ten days rule solely in cases where (i) the prolonged halt was necessary in the interests of the public service, (ii) and it was necessary to maintain camp equipment. The article as revised contains the first condition, but as an alternative to the second condition ~~requiring~~ ^{requiring} imposes that to grant special exemptions when satisfied that the officer was put to extra expense "by his halt after the expiration of the first ten days although no camp equipment may have been maintained". The phrase "extra expense" is nowhere defined, & it is submitted that the definition of "actual travelling expenses" contained in Art. 15 cannot be applied as a means of interpretation, for the reason that the latter phrase means "the actual cost of locomotion for an officer himself, his servants & personal baggage including charges for ferry & other tolls, and for carriage of camp equipment". - Now, during a halt there can, it is submitted, be no charge for locomotion, no ferry or toll dues, & no cost of carrying camp equipment unless the officer hires bandies for the whole period of his tour, in which case he is obliged during a halt to pay them a few annas a day: this implies however that he maintains "camp equipment", for bandies or hired are presumably part of the apparatus "for moving a camp" (Art. 21). But in the case now under consideration it is expressly provided that exemption

Re. Travelling and Daily allowances to members of the recent Educational Conference.

for on account of halts at favourite stations, such as Ooty & the Puzos town - When we find officers halting

(FOR ORDERS)

for more than 10 days at Cuddapah, Cumbham & such like places, we can always make a special case of it - The idea that an officer like the Sam. Eng. should (practically) make a provision of his being paid his railway expenses & mileage of 2 paise pooty plus Rs 60 (6x10), & being thereby enabled to spend 20 or 25 days of the hot weather at Ooty without taking leave, is simply preposterous.

21/9/95

I think there is so much uncertainty about the meaning of "Extra Expenses" that we had better ask the Indian to explain the words. My Hon. Colleague seems to me right about the Sam. Eng. - but how about his "staff"?

When I came 25/9 to the hills before I was a member of the I paid the better going stuff out of my own pocket - now he draws a daily allowance etc. CB

G 29 600-23-7-95

DEPARTMENT.

C. No.

FOR ORDERS.

from the ten days rule is admissible if the officer is put to extra expense although no camp equipment is maintained. I submit therefore that clause (b) of Art. 1159 is to all intents & purposes meaningless if the phrase "extra expense" is understood to be equivalent to "actual travelling expenses" as defined in Art. 15; for it is hardly possible to conceive a case to which the clause would apply. It remains to see what interpretation should be assigned to the phrase "extra expense". - Art. 1154 (a) says "a daily allowance is intended to cover the ordinary daily charges of an officer on tour." - but it seems that this is restricted by Art. 1086 & 1132, which read together lead to the inference that a daily

his daily allowance brings up his travelling allowance to a figure considerably in excess of "actual" travelling expenses, & that his total allowance is probably higher than it really need be; and these two circumstances place him more on a par with a Judge.

D
14.5.95

The practical result of limiting the meaning of "extra expenses" in article 1159 (b) to the definition of "actual travelling expenses" in article 16 is, as the U.S. points out, to bar all claims to daily allowance in excess of 10 days except when "camp equipage" is maintained. The G.O. appears, however, to limit the meaning of "extra expenses" in the above sense - vide para 3 of its letter in G.O. of 19th January 1895, No 51 Fint and para 2 of its letter in G.O. of 20.8.95, No 600 Fint. It seems advisable to address the G.O. on the point & have the matter cleared up. The claim case in the linked file is one which will, it is thought, have to be rejected under the above construction of article 1159, but in this case

Travelling allowances

FOR ORDERS.

3. H.M. + 4. H.M. W. Blom. Cl. 6.

2. C.S.

1. S.A.

it is submitted that the Dy. Com. must have been under the necessity of maintaining two establishments - one for himself on the hills & the other for his family at Madras or elsewhere. His own establishment must, owing to the temporary nature of his stay at Ootacamund, have been an expensive one. All the extra cost he will be required to meet from his pay after the first ten days of his halt at Ootacamund unless he is exempted from article 1159 & this he cannot apparently be under the rules as now read. Of course the tendency with European officers is to prolong their halts on the hills, but ~~the~~ a European officer might be placed in the same position as the Dy. Com. in the course of a tour in the mufassal.

C.S.
16/9/95

There is much force in what is said in these letters but there is the ruling of the G.O. in the Clarke case and the outcome of a reference to it would no doubt be that he would alter the

decline argument. This however would
be better than the existing state of
things which involves a good deal
of working of war.

It will be observed that as the
Art. 115g originally stood it
required the reimbursement of
Camp & equipment, how and why
"Extra Expense" came to be introduced
into the rule there is nothing to
show nor is there anything in
the C S R to guide one in
determining what "Extra Expense"
means.

2078/55

Traveling Allowance

(2) (1)
Hm + Stein bei W. Blm 1908

For Orders,

Resubmitted to H.M.'s
for orders as to whether
the draft order at p. 3 of the
note may issue as altered
in pencil. There seems no
reason to postpone its issue
pending the result of the
reference to the Govt of
India.

$\frac{D}{25.55}$

690-23-7-95

DEPARTMENT.

C. No.

FOR ORDERS.

Submitted to H.E. the Governor as
the members differ.

2. The question at issue is the meaning
of the words "extra expense" in Art.
1159 B of the C.S.R. The Hon^{ble} Mr.
Bliss interprets them as meaning
only "expense of the nature described in
the definition of 'actual travelling &
expenses'". ~~leave~~ ^{expenses} ~~sacrificing~~, Art. 115 C.S.R.
The Hon. Mr. Grose doubts this + draws
a reference to the Govt. of India, a
course which the Hon. Mr. Bliss thinks
unnecessary.

I agree with the hon. M^r. from
It can do no harm to refer the
matter to ~~the~~ India. Even if
they disallow it - it will be
very useful in future cases to
know what the meaning of the
rule is. At present it is
a case of "Quod homines vol
sententiae".

Very well - Make 3 Oct
the ref + state how news
clearly - Let me see draft
HDS

3. If H.E. the Govt. agrees with the Board.
Mr. Gorse, it is submitted that the
Draft order at page 3 of the note
may issue, subject to the modifications
involved by substituting for para 2
" 2. The Govt. doubts whether
the officials specified in para. 2 of the
Director's letter can be exempted from
the 'ten days rule' with reference to Art.
115 g (b) of the C.S.R. Reference will be
made to the Govt. of India on the subject."

BS

5710/95

8/10/95

$\frac{D}{30.5}$ 55 2/10795

Travelling allowances

FOR ORDERS.

3/18 The Govt. [Fere.]

2 Cs.
1. SA Cond
35/11

0.2/10 0.8/10
12/10

[G.]
[24.]
500-23-7-95.

Encl. DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 925 of 1895, dated 3-8-95, from D. P. I.

" " " 189 , " " "

" " " 189 , " " "

ORDER. 8th October 1895, No 822. Encl.

The Accountant General will be authorized to disburse to the Rev. Mess^{rs} Gondie, Chandler and Macfarlane travelling and daily allowances at the rates sanctioned in G. O. 8. 7th Dec. 1886, No 1288, Fin. This authorization will however be subject to the limitation that the amounts disbursed in each case do not exceed the actual expenses incurred.

2. The Govt. doubts whether the officials specified in para 2 of the Director's letter can be exempted from the ten days rule under Art. 1159 of the Civil Service Regulations. A reference will be made to the Govt. of India on the subject

(From order)

2. The D. P. I. (830)

" Act. General (A+O)

" Financial Dept. with notes in original

in order that the necessary paper may be made to the Govt. of India.

copyd 15/10
x 2

dispo
18/10/95

12
10/10/95
9-10-95

Travelling Allowances

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189

READ AGAIN G.O., No.
 189

DATED

CURRENT No.

ENCLOSURES TO C. No

ORDER OF GOVERNMENT. A A A A A A A

LETTERS OF GOVERNMENT.

STATEMENT WITH DITTO.

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 IN ORIGINAL.

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(From Orders)