[Edl. / 6.]
500—24-8-97.

Educational (1898) Department.

ORDINARY MS.

G.O., No. 737

DATED 23-11-98

INDEXED.

10-10

[Despatch Abstract.]

Commᵈ to Mr. Davidson, Ag. Principal, Colleg
of Engineering, with remarks, the reasons et
given by the A.G. for fixing his pay at
Rs 1000

[23/11

BACK PAPERS.

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

FURTHER PAPERS.

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

Issue the
G.O.
+ send H.M.
a copy in Revenue
file
H. 1/12

GOVERNMENT OF MADRAS

2nd Decr. '96.

My dear [illegible]

I have told Davidson to wait till he gets the G.O. on his case & then write in again if he can make out a better plea.

He spoke to me

E.D. 2/12

(THROUGH THE ACCOUNTANT GENERAL)

Educational (1898) Department.

CURRENT No. 1200

8/98
25/8/88

91R/98 ×
R108/98 ✓
R170/94 ✓
R135/98

676/96 ✓
375/96 ✓
479/96 S.C.

Order

From

The Director of Public
Instruction,
Madras.

Pub[illegible]
a[illegible]
17/10/9[illegible]

No. 9858

Dated 27th August 1898.
Received 12 SEP 1898
Registered do
Enclosures all 5.
Spare copies

SUBJECT.

Submitting for orders a letter from the Ag. Principal, College of Engineering regarding his pay and allowances.

DESPATCHED
27 AUG. 1898

E.P. 17/9/98

BACK PAPERS.

G.O.	No.	Department.	Date.
	135 Rev.	Edl.	18-3-98
	108 "	"	4-3-98
	91 " (also)	"	21-2-98
	676 Mis	"	2-11-96
	479 S.C.	"	10-8-96
	345 Mis	"	19-6-96
	170 Rev.	"	3-11-94

FURTHER PAPERS.

G.O.	No.	Department.	Date.

22-8-98

No. 183/C.

College of Engineering
Madras, 23rd May 1898.

2

From.

J. P. Davidson Esqre
Acting Principal,
College of Engineering,
Madras

To.

The Director of Public Instruction,
Madras.

Sir,

The Accountant General, Madras has just passed my pay bill for the period 25th to 30th April, as acting Principal, College of Engineering, and has limited my salary to Rs 1000.

2. As Executive Engineer, 1st grade, in the Public Works Department I was drawing Rs 1050 per mensem; the salary of an Executive Engineer, 1st grade, in the Public Works Department is a progressive salary rising from Rs 1000 to Rs 1100 in two increments of Rs 50 each, the first increment being given for 4 years' approved service in the grade.

3. I

3. I became an Executive Engineer, 1st grade on the 1st October 1893 and on the 1st October 1897, Government were pleased to grant me the Rs50 per mensem increment for 4 years' approved service in the grade.

4. By Article 137, C.S.R. it will be seen that the acting allowances of Public Works Department Officers other than those dealt with in Section III are regulated by the rules contained in Section VII.

5. Article 139 lays it down that an Officer Officiating in a higher Class or in another Appointment is entitled to an acting allowance in addition to his pay of $\frac{1}{5}$ of the Civil pay of the Class or appointment in which he Officiates.

Judged by rates of pay the appointment of Principal, College of Engineering, is higher than that of Executive Engineer, 1st grade. The former rises from Rs1000 to Rs1250 in five years; the latter from Rs1000 to Rs1100 in 8 years. Under this rule, therefore, I am apparently entitled to my own pay viz Rs1050 plus

$\frac{1}{5}$

$\frac{1}{5}$ of the pay of the appointment I am Officiating in; the pay of this appointment is, under article 164, equivalent apparently to a fixed pay of Rs1166.

6. Again Article 168(c) lays it down that an officer whose substantive pay is progressive, and who acts in an appointment of which the pay is progressive will draw

(1) His substantive pay with the increments thereof as they fall due.

Under this rule, I am clearly entitled to draw my pay as an Executive Engineer, 1st grade, viz, Rs1000 with the increment of Rs50 which has already accrued to me.

7. Under article 171, an Officer transferred substantively, from an appointment, in which he is drawing pay in excess of the minimum pay of the new appointment, if the transfer is made by an authority to which both appointments are subordinate, or if the transfer is declared by the Local Government to have been made for special reasons or in

the

the interests of the Public service, will draw the nearest stage &c &c.

Under this rule, I am also clearly entitled to draw Rs 1050, my pay in the Public Works Department. I admit that I have not been transferred substantively but this fact merely puts me in a worse position if I am not permitted to draw the pay drawn by me in the Public Works Department, as my tenure, of the College appointment, is not likely to be lengthy enough for me to benefit by the yearly increments of Rs 50 per mensem, which an officer appointed substantively would necessarily earn.

8. It has taken me 4 years' approved service as an Executive Engineer, 1st grade to earn an increment of Rs 50. per mensem, an increment which the Principal of the College of Engineering can earn in one year; I cannot conceive that Government on appointing me acting Principal, would wish to deprive me of the increased pay which they themselves passed to me so lately as the 1st October 1897.

no

9. The Accountant-General gives no

information

information as to the article of the Civil Service Regulations under which he has reduced my pay from Rs 1050 to Rs 1000, but under the several articles quoted by me, it seems to me clear that I am entitled as acting Principal, College of Engineering, to the pay, Rs 1050, which I was drawing as Executive Engineer, 1st grade, in the Public Works Department. I have the honour to request that you will kindly take the necessary steps to have orders issued authorising the Accountant-General to pass me pay at the rate of Rs 1050 per mensem.

I have the honour to be,
Sir,
Your most obedient Servant
K. Davison
ag. Principal.

Ex. K.

No 7667 of 98

1898-99

College of Engineering.

DIRECTOR OF PUBLIC INSTRUCTION
RECEIVED
23 MAY. 98
R. R. No.............
MADRAS.

To

The Director

of Public Instruction,

Madras.

No 183/C.

Dated 23rd
Desp. } May 1898.

Subject.

Requesting that, in the circumstances stated, the necessary steps may be taken to have orders issued authorizing the Accountant-general to pass the Acting Principal pay at the rate of Rs. 1050 per mensem.

No 6318, dated 4th June 1898

~~Forwarded~~ to the Accountant General for favour of remarks. In the opinion of the undersigned Mr Davidson is clearly entitled to a pay of Rs 1050.

D Duncan
Director of Public Instruction

DESPATCHED
- 4 JUN. 1898

ACCOUNTANT GENERAL'S OFFICE
6 JUN 98
MADRAS

1898
Ed Dept
Enclosure No 1
To
G. No 1200

Embd to DPI No 9858 d 27/8/98

3

No 3999 17th August 1898.

From

The Accountant General,

Madras.

To

The Director of Public Instruction.

Madras.

Sir,

With reference to your letter No 8784, dated the 9th of August 1898, I have the honour to invite attention to article 168 (b) of the Civil Service Regulations from which it will be seen that the maximum limit of salary, in the case of an officer on fixed pay acting in an appointment carrying progressive pay, is the pay to which the officer would have risen, if his officiating tenure had been substantive. Mr. Davidson's case is, therefore, similar to that of Mr. Flanagan.

I have &c
(Sd) Hesketh Biggs,
Accountant General.

/True Copy/

D Duncan
Director of Public Instruction.

Exd

1898
Ed Dept.
Enclos. No. 5
To
D. No. 1200

CURRENT No 12

Office of the Director of
Public Instruction,
Madras, 27th August 1898.

ACCOUNTANT GENERAL'S OFFICE MADRAS 29 AUG 98

No. 9858

From

The Honorable Mr. D. DUNCAN, M.A., D.SC., LL.D.,
Director of Public Instruction,
Madras,

To

The SECRETARY TO GOVERNMENT,
Educational Department,
Fort St. George.

(Through the Accountant General).

Sir,

I have the honour to submit, for the favourable consideration of Government, the enclosed letter from the acting Principal, College of Engineering, No 183-C, dated 23rd May last, regarding his pay and allowances.

2. Mr. Davidson, as Executive Engineer, 1st grade, in the Public Works Department, was drawing Rs.1,050 per mensem. The salary of an Executive Engineer, 1st grade, is a progressive one rising from Rs.1000 to Rs.1100 in two increments of Rs.50 each, the first increment being given after four years' approved service.

3. The Accountant-General has limited Mr. Davidson's salary to Rs.1,000 under article 168 (b) of the Civil Service Regulations, vide copy of his letter No 3999 of the 17th instant, and he also contends that Mr. Davidson's case is similar to that of Mr. Flanagan, whose case was decided by the Government of India in 1896. Copies of the correspondence on this subject are enclosed for reference and favour of return. The ruling referred to by the Accountant-General cannot, it seems to me, apply to Mr. Davidson, for Mr. Flanagan was appointed ~~substantially~~ substantively while Mr. Davidson is only officiating.

But see Art 168(c)(ii)

4. Moreover, Mr. Davidson's case falls under article 168 (c) of the Civil Service Regulations as the pay of both the appointments-substantive and acting, is progressive. In this case Mr. Davidson will draw his substantive pay as an Executive

Ed. Cor. 6 1,000—28-10 97

Engineer 1st grade viz Rs.1000, with the increment of Rs.50 which has already accrued to him, and which he has been drawing from 1st October 1897. provided he

The D.P.I. has omitted the proviso W.

I have the honour to be,

Sir,

Your most obedient servant,

D Duncan

Director of Public Instruction.

Exd we

No. 4265

Fort St. George,
Accountant General's Office,
10th September 1898.

Forwarded.

The Article 168 (b) Civil Service Regulations was applied to Mr. Davidson's case on the assumption that his pay was a fixed one. If it is treated as a progressive one article 168 (c) will apply. In neither case however can his salary exceed the pay to which he would have risen had he been appointed substantively in the appointment of Principal of the Engineering College. Had Mr. Davidson been thus appointed he would under Article 170 (a) Civil Service Regulations have been entitled to Rs 1000/- a month which is the salary he drew when he last officiated as Principal from 6th November 94 to 31st March 95. His salary must therefore now be limited to Rs 1000/- a month until he has completed one year at that rate including his acting service abovementioned and he will then be entitled from the first day of the following month to a salary of Rs 1050/- a month which will be December next. (Article 165 Civil Service Regulations) -

With reference to para 3 of the letter of the Director of Public Instruction, it is necessary to determine what would be Mr. Davidson's salary if he were substantively appointed as Principal in order to apply the limits prescribed in Article 168 (b) or (c) and the case is therefore similar to Mr. Flanagan's on which the Government of India passed orders.

W. H. Dawson

For Accountant General.

Dd 10/9

To

The Secretary to Government,
Educational Department.

[G. / 25 A]
500—8-12-97.

Educational DEPARTMENT.

C. No. 1200 of 98.

SUBJECT.

Mr. Davidson's pay.

FOR ORDERS.

Mr. Davidson's substantive pay as an Executive Engineer is progressive (Rs.1000-50-1100) and he acts as Principal, College of Engineering, the pay of which office is also progressive (Rs.1000-50-1250). His case therefore falls under Article 168 (c) of the C.S.R., and the maximum limit of salary which can be allowed to him under it is the pay to which he would have risen if his officiating tenure had been substantive. If Mr. Davidson had been appointed Principal, College of Engineering, substantively, his pay would be fixed under Article 170 (a) C.S.R., he having acted once in the appointment. When last officiating as Principal he drew pay at the rate of Rs.1000 p.m. which is the minimum pay of the officiating appointment. His pay shall therefore continue to be Rs.1000 p.m. until he completes one year's service in the appointment, which will be in November and from December next his pay will be Rs. 1050 a month.

The

Engineer 1st grade viz Rs 1000 with the

C. 14-11-98.
C. 17-11-98

The A.G. has correctly applied the rules and the case is similar to Mr. Flanagan's disposed of by the G. of I. in their letter No. 3937 P. (Finance and Commerce Dept.) dated 19th Sept 1896, (Flag D).

Articles 137 and 171 of the C.S.R. quoted by Mr. Davidson do not apply.

7712/31-10-98

In para 4. of his letter d 27th aug. 1898 (Current No. 1200) the D.P.I. has omitted to mention the proviso to § 168 C) (11) of the C.S.R, though this proviso is important in this case.

A.E. 9/11/98

H.M. The A.G. seems right, but it is a hard case. Had Mr. D. been transferred substantively, he could under art. 171.a been given 1050, the pay he had been drawing. As he is only acting, he can under the proviso to 168 c get only 1000.
On the other hand, Mr. D. gets free quarters.
For orders whether Mr. D be told nothing can be done, or whether the G. I be asked to sanction a personal allowance of Rs. 50

H.T. 10.11.98

No case can be made out. The free quarters are worth more than Rs 50 per month

The A.G.'s ruling & reasons should be communicated to Mr. D. through the D.P.I. with the intimation that Govt. concurs.

16.11.98

[G./1.4]
1,000—11-10-98.

Educational DEPARTMENT.

(D).

C. No. 1200 From the D.P.I., No. 9858, dated 27th Aug 1898.
" " " , " , " 189
" " " , " , " 189
" " " , " , " 189

Order
mis

No. 7378 23-11-98

The A.G's reasons given by the for fixing Mr Davidson's pay at Rs 1000 and the ruling of the Govt. of I. referred to by him will be communicated to Mr Davidson with the intimation that Govt concurs ~~in them~~ with the A.G.

(from orders)

Govt cannot "concur" in G. of I.'s ruling

19-11-98

A.E. 21/11/98

22.11.98

Desp 5.12.98

To
The D.P.I. 940
with copy of A.G's Endt. 4265/10-9-98
& with original enclos. retd.

O.C. G. Desp. 11/12/98

Educational
~~Local and Municipal~~ Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper :—

From the Director of Public Instruction, Madras, No. 9858, dated 27th August 1898.

Do not issue for present. Bring to me on 2nd Dec. H.T. 25-11-98

Order No. 637, dated 23rd November 1898.

The reasons given by the Accountant-General for fixing Mr. Davidson's pay at Rs. 1000 and the ruling of the Government of India referred to by him will be communicated to Mr. Davidson with the intimation that Government concurs with the Accountant-General.

Issue H.T. 2-12-98

W. Please retype MA 2-12-98

(True Extract)

A Edgington
for Secretary to Govt.

To
The Director of Public Instruction.
with Copy of A.G.'s Endt. $\frac{4265}{10.9.98}$
& with original endos. returned

24/12/98

When given for copying ______

When copied

When examined {24/11/} 1898

When signed ______

READ AGAIN G.O., No
189 .

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT. .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO

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

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A = Copy in full.
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