

Fort Saint George, Financial Consultation, 9th April 1858.

No. 20. From G. L. PRENDERGAST, Esq., Accountant General; to the Chief Secretary to Government, dated 23rd March 1858, No. 388.

SIR,

1. The Extract Minutes of Consultation of the 6th May last, in the Financial Department, No. 264, communicated to me the adverse decision of the Honorable Court, in reference to my application of the 8th August 1856, No. 132. That application Government did me the favor to support, stating their opinion that my salary should be fixed at Rupees 43,500 per annum, because the cessation of the Government Agency business had the effect of reducing the amount of the allowances in the shape of fees, which I would otherwise have received to the extent of Rupees 7,500 per annum.

2. The Honorable Court having unnoticed the other peculiarities of my case, replied that Office of Government Agent having been abolished, and consequently neither duty nor responsibility on that account attaching to me, and, as at the time I accepted the appointment, I was well aware that the Government Agency was about to cease, they cannot admit that I am entitled to draw a larger salary than Rupees 36,000 per annum.

3. I trust I shall be pardoned for again intruding myself upon the notice of Government, and the Honorable Court, for the additional reasons and grounds herein submitted, which were not given in my application of the 8th August 1856. I do not rest my claim to a salary of upwards of 3,000 Rupees a month upon the mere

** I enter here in the margin for ready reference the letter of His Lordship's Private Secretary, Mr. Walter Elliot. "With reference to your applications for the Deputy Accountant Generalship, Lord Elphinstone desires me to say that the Gentleman who may be appointed to that situation must understand fully that he is not to leave it for any other on any account, a condition required both by the nature of the Office and the Orders of the Honorable Court of Directors, and that if you wish to continue your application: His Lordship can only attend to it on such an understanding."*

circumstances, as the Honorable Court supposed, of the Government Agency having diminished the salary of my Office. But I found my claim on the grounds hereafter adduced, and upon the fact that when I accepted the Deputy Accountant Generalship in February 1840, I entered the Office under a contract so to speak. I was bound down by the then Governor, Lord Elphinstone,* never to leave this Office for any other on any account, a condition required both by the nature of the Office and the Honorable Court's Orders. On that understanding I held the appointment. It was not my lot to be placed here as others obtain their situations in the

service, free to leave it for advancement in any other when it suited me to do so. An implied pledge was given me that I should rise, if by good conduct I deserved it, to the superior position, to which the salary annexed was Rupees 4,125 per mensem, or Rupees 49,500 per annum. When that salary was ordered in 1848 to be reduced on the then incumbent vacating it, to Rupees 3,625 including fees, I grieved over my diminished prospects, but when, by the abolition of the Government Agency, it dwindled to Rupees 3,000, I felt how inequitably had been altered the circumstances of my position. I was buoyed up, however, by the hope that on a fair representation of all the circumstances of the peculiarity of my case to the Honorable Court, I should not be denied that justice to which I was entitled.

4. On my part I have kept my pledge through 17 long years of continuous labor, uninterrupted even by a months' absence either on account of pleasure or of sickness, trusting to be rewarded at last. Can equity pronounce that the contract was not mutual, that it was binding on my part to remain, yet that it was *not* binding on Government to give me the emoluments for which I undertook to remain?

5. I have been thus debarred from seeking promotion in other branches of the service, the prizes in which were the same as in this branch in 1840. I mean the Secretariat, the Revenue, the Judicial. In each of those branches my Juniors now enjoy those prizes. Even lately my pledge has operated to prevent my applying for the vacant seat as member for Madras in the Legislative Council at Calcutta. That honor, with its emoluments of 48,000 Rupees per annum, has devolved on one who is much my Junior.

* Order of Government, of 29th April 1837, on Sudr and Foujdaree Udalt letter of 20th April 1837, No. 81.
 Order of Government of 8th September 1837, on Sudr Udalt letter of 30th August 1837, No. 139.
 Do. of 2nd January 1838, on do. of 28th December 1837, No. 199.
 Do. of 19th December 1837, on do. of 15th December 1837, No. 191.
 Extract from a General letter from the Madras Government to the Honorable Court, dated 11th October 1837, No. 11.
 Extract from a letter from the Honorable Court, dated 6th March, No. 10 of 1839, in Resolution of Government Judicial Department, No. 448, dated 4th June 1839.
 Extract Minutes of Consultation, Judicial Department, dated 4th April 1843, No. 160.

The above refer to my publication, and circulation to the service, at my own expense, of the *Civilians' Remembrancer* and the *Civilians' Vademecum*, Messrs. Pharoah & Co., re-printed an edition with my permission of the *Civilians' Remembrancer* and sold it to their own profit. Both the *Remembrancer* and the *Vademecum* were found very useful, and till within the last year, I have been constantly applied to by Natives in the Judicial Branch for copies of the Works as still of service to them.

successful in reaching the highest position in that line, or in whatever other line chance might have placed me.

7. My salary as Deputy Accountant General in 1840, after 12 years' service, was Rupees 1,750 per mensem, together with the fees on Bills on the Provincial Treasuries, which I received then, and as long as I was Deputy. My emoluments at the time I was promoted to be Accountant General had been Rupees 2,600 per mensem, or Rupees 31,200 per annum, assuming the fees at the average of 5 years from 1852-53 to 1856-57. Can the Government, and the Honorable Court, for a moment believe that I would have pledged myself to remain here for the whole of the rest of my service for the poor addition of some 400 Rupees per mensem. It is true I accepted the Accountant Generalship, with the abolition of the Agency in immediate prospect, but I accepted it as the only one appointment in the service which I could take under the pledge obtained from me when I entered the Office. I trusted to the Honorable Court taking into their kind consideration the peculiar circumstances of my case, arising, not from my own act, but from that of the then Government founded on the Honorable Court's orders, and granting me in justice, the emoluments, at least a part of them, which had been taken to the extent of 27 per cent from the situation since that pledge was given. I had become disqualified, so to speak, for other branches under that very contract: how then could I do otherwise than accept the one only appointment open to me.

8. If it be objected that the place of Accountant General to the Government of India is now, under recent arrangements, opened to me, I reply that it is a *Nominal* opening. I am begging for a *present increase* of salary. I say it is *Nominal*, for my juniors, by some six years, hold the appointments of Accountant General to the Government of India, and of Financial Secretary to the Government of India also, (this latter appointment, however, has not been included in the arrangements, although it is the chief place in the Financial line) my 35 years' tenure of service will have expired before the vacancy, in all probability, will occur.

9. I am very sure that in 1848, when the salary of the Accountant General here was prospectively reduced from 3,500 to 3,000 Rupees a month *with fees*, that the salary and fees were viewed as a whole, as the emoluments in fact of the Accountant General, not for particular work done, so much in the Agency Department, and so much for the work of the other Departments.

* That the fees form an integral part of the salary, is confirmed by the fact that the deductions of the Civil Fund are made therefrom.

responsibility of which is very serious, yet he draws nothing for that work. He does it as Ac-

6. Before I entered the Accountant General's Office, I had served some eight years in the Sudr Udalt, and if Government refer to the orders and Extract Minutes of Consultation, noted in the margin, where favorable notice has been taken of my exertions to advance the public interests, they will perceive that it was not unlikely that I should have been

countant General, so the Accountant General did the Agency work, as part of his general duty: and supposing the Honorable Court had taken the fees to themselves prospectively in 1848, which they might have done, instead of reducing the salary, I, as Accountant General, should still have had to do the work on the salary of Rupees 3,625 a month, and then if the Agency had been abolished, they would hardly have reduced my salary by 625 Rupees a month, because of the abolition.

10. The work in the Accountant General's Office, notwithstanding the abolition of the Government Agency, has very materially increased of late years, and the increase has brought with it additional labor and responsibility. I have submitted this to Government, and my establishment has on that account been augmented. The salaries of the principal native Servants have also been raised, some of them 50 per Cent and more. The salary of the Principal Uncovenanted Assistant, which stood formerly at 350 Rupees a month, is now 600 Rupees a month, under the sanction of the Honorable Court. It seems very singular that my salary, as compared with that of my Predecessor, should be lowered 27 per Cent; and that this reduction, too, should be effected, when the general business and the responsibility of the Office, have admittedly increased to a large extent; when one of my Covenanted Executive Officers is to be taken from me; and when an Uncovenanted Servant is to be substituted for another of my Covenanted Assistants, thus adding vastly to my personal responsibility in conducting the duties of my Office. The Bengal System is also about to be introduced, which will bring with it a great increase of work into the Accountant General's Office, and thus a good deal of additional responsibility, which has been hitherto sustained by the different Collectors and by the Civil Auditor, will devolve upon me.

11. The Sub Treasurer, as one of the Government Agents, has obtained compensation for the loss of his fees, but I was just thrown out* of my chance of obtaining that ground for compensation which consists in having been actually appointed Accountant General before the Notification for the abolition of the Agency was issued. I certainly held the Office of Government Agent if the work, and not the fees constitute the "holding." The Honorable Court notice, that neither duty nor responsibility attached to me. For two years, alas! the duty and responsibility *did* attach to me, I performed the work. I sustained the responsibility. Sir V. Stonhouse drew the fees. That was my misfortune, yet he who only drew the fees can hardly be said (except in technical terms) to have held the Office.

12. Although the Government Agency fees have vanished, there are still available the fees and premium* on applications for Bills on the Provincial Treasuries. They appertain to the management of those Treasuries. I drew the fees as Deputy Accountant General though the Accountant General managed the Provincial resources. But since I now perform that duty myself, and for the cogent reasons, which I have adduced in this letter, I would respectfully submit my claim to those Fees and Premium, and I trust that Government, and the Honorable Court, will do me the justice to allow my claim, and permit me under that view, and as a personal allowance, to draw them. This measure would not be in opposition to the order of 1848, which prospectively fixed the salary of the Accountant General at 3,000 Rupees a month, *with fees*, and thus, whilst doing an act of justice by me, Government will lose nothing. They gained much after my appointment as Accountant General by the abolition of the Office of Deputy Accountant General, and the fees which the Deputy drew will accrue to Government by the proposed measure after I vacated my present Office, which *must* be in the course of a few years.

No. 21. ORDER THEREON, No. 241; dated 9th April 1858.

This letter will be transmitted for the favorable consideration of the Honorable Court.

(Signed) H. FORBES,
 Acting Secretary to Government.

Exd. J. A. Wilson.

80241

This letter will be transmitted
for the favorable consideration of the
Honble Comr.
Forb. & Co. }
April, 1858 - 3

S. L. 1-4-58

To the Sect General. Dispt. 12th.

H. R. 10