

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No.	226	Press ~~Mis~~
Dated	14. 4.	1859

B No. 15-17

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Fort Saint George, Financial Consultation, 19th April 1859.

No. 15. From St. L. M. GRENFELL, Esq., Acting Sub Collector of Tanjore; to J. D. BOURDILLON, Esq., Secretary to Government, Fort Saint George, dated 21st March 1859.

SIR,

On the 20th January, being then Acting Subordinate Judge of Combaconum, I entered on the duties of Acting Sub Collector of the District. On submitting my Bills for deputation allowance, the Civil Auditor returned them stating that under para. 88 of the Civil Auditor's Manual,

I was not entitled to draw any deputation allowance for the space of one month. In reply I pointed out to that gentleman that Mayaverem

Vide para. 88. is a totally distinct station from Negapatam, the Head Quarters of the Head Assistant, (my substantive appointment) as also from Combaconum where I was acting in the Judicial line, and further that it is expressly stipulated in para. 88 a, of the Civil Auditor's Manual that the restriction of para. 88 does not apply to an officer holding a substantive post in the District in which he is appointed to act for his immediate Superior, when at the time of his appointment so to act, he is employed elsewhere in an acting post equal in grade, and emolument to that in which he is required to officiate at the station of his substantive appointment.

2. The Civil Auditor informs me in reply, [that my claim is clearly inadmissible (giving no reason for this opinion) and declines "troubling Government on the subject." Under these circumstances I have no resource but to request that you will bring the matter under the notice of the Right Honorable the Governor in Council.

3. The Civil Auditor it would seem refused to pass my pay under para. 88 on plea that Combaconum, Negapatam and Mayaverem are all one station and also refuses to pass it under para. 88 a, because neither Mayaverem nor Combaconum is the station of my substantive appointment, at least this I conceive is the only ground he can go on as he has not thought fit to record his reasons.

4. It can hardly be said that an acting Sub Judgeship is not equal in emolument to an acting Sub Collectorate still less can the word station be held to mean District in one para. and Head Quarters in the next.

5. If the word mean *District*, I submit I am entitled to the allowances, under para 88 a, and if Head Quarters under para. 88 inasmuch as Mayaverem is 30 miles from Negapatam and 23 from Combaconum.

6. Had I been removed from an Acting Sub Collectorate to an Acting Sub Judgeship, I believe there would have been no difficulty in the matter, and I submit there does not seem to be any reason why there should be any when the case is reversed. The Civil Auditor has assigned none.

7. I have therefore the honor to request that you will be good enough to submit the case for the consideration of the Right Honorable the Governor in Council and convey my respectful request that he will desire the Civil Auditor to pass the abstract in question.

Referred for the report of the Civil Auditor.

FORT SAINT GEORGE, }
28th March 1859. }

(Signed) T. PYCROFT,
Chief Secretary.

No. 16. Report by J. L. LUSHINGTON, Esq., Civil Auditor; to the Chief Secretary to Government, Fort Saint George, dated 29th March 1859, No. 268.

With reference to the Report called for from this Office, on the subject of the deputation allowance preferred by Mr. St. L. M. Grenfell, Acting Sub Collector of Tanjore, the Acting Civil Auditor has the honor to state that, the claim of Mr. Grenfell to draw deputation allowance from the date of his assuming charge of his present acting appointment, was disallowed by this Office, under Section XXVII of the Civil Absentee Rules, wherein it is distinctly ruled that "no subordinate Officer acting for any other holding a superior appointment in the same Office or

and this is expressly stipulated in Para 88 a

Fort Saint George, Financial Consultation, 19th April 1859.

establishment, shall be entitled to any deputation allowance until after the expiration of one month."

2. The word "elsewhere" used in para. 88 a, Chapter 2 of the Civil Auditor's Manual, is evidently from Section 27 of the rules above quoted intended to mean another District, not as Mr. Grenfell would seem to think, another Station in the same District.

3. Mr. Grenfell though holding the acting appointment of Sub Judge of Combaconum stands permanently appointed Head Assistant to the Collector of Tanjore, and is now appointed acting Sub Collector, i. e., he being a subordinate is acting for one holding a superior appointment in the same Office.

4. Mr. Grenfell therefore is not entitled to the deputation allowance, until he shall have acted as Sub Collector, for one month without drawing deputation allowance.

No. 17. ORDER THEREON, No. 226; dated 14th April 1859.

The Government having obtained from the Civil Auditor a report on the claim preferred by Mr. Grenfell, concur in the opinion of that Officer that Mr. Grenfell is not entitled to deputation allowance for the first month of his acting as Sub Collector of Tanjore.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. A. P. W. Begbie.

Tanjore Sub Collector's Office

Mayavaram 21st March 1859.

From

E. D. L. H. Grenfell Esq^r

By Sub Collector of Tanjore

To

J. E. Broadbent Esq^r

Chief Secretary Government

Fort Saint George

Dated 21st March 1859

Sir,

On the 20th January, being then acting Subordinate Judge of Combaconum, I entered on the duties of acting Sub Collector of the District, in submitting my Bill for Deputation Allowance, the Civil Auditor returned them stating that under Para 88 of the Civil Auditor's Manual, I was not entitled to draw any deputation allowance for the space of one month. In reply I pointed out to that gentleman that C.A. Mayavaram is a totally distinct Station from Nagapattinam, the Head quarter of the Head Assistant (my substantive appointment) as also from Combaconum where I was acting in the Judicial line, and further that it is expressly stipulated in Para 88 a

Vide Para 88

C.A. Mayavaram

Head Assistant of the District

of the Civil Auditor's Manual that
the restriction of Para 88 does not
apply to an officer holding a substan-
tive post in the District in which he
is appointed to act for his immediate
Superior when at the time of his
Appointment so that he is employed
elsewhere in an acting post equal in
grade and emolument to that
in which he is required to officiate
at the station of his Substantive
Appointment.

2. The Civil Auditor informs
me in reply, that my claim is
clearly inadmissible (giving no reason
for this opinion) and declares "trouble-
some Government on the subject." Under
these circumstances I have resorted
but to request that you will bring
the matter under the notice of
the Right Honorable the Governor
in Council.

3. The Civil Auditor, it
would seem refused to pay my
pay under Para 88 on plea that
Combaroom, Negapatam, and
Mayavaram are all one station

and also refused to pay it under
Para 88. a because neither Mayavaram
nor Combaroom is the
Station of my Substantive Ap-
pointment, at least this I consider
is the only ground he can go on as
he has not thought ^{fit} to record his
reasons.

4. It can hardly be said that
an Acting Sub Judgeship is not
equal in emolument to an Acting
Sub Collectorate still less can the
word Station be held to mean District
where Para 88 and Headquarters is the
rule.

5. If the word mean District,
I submit I am entitled to the
allowance under Para 88 a and
if Headquarters under Para 88 is as
much as Mayavaram is 30 miles
from Negapatam and 23 from
Combaroom.

6. Had I been removed from
an Acting Sub Collectorate to an
Acting Sub Judgeship, I believe
there would have been no difficulty

Handwritten signature consisting of a small 'm' and a larger 'Ag' in cursive script.

*Mr. Gungell, Head
Asstⁿ to the Collector of
Sangre, was on the 30th
July last appointed to
act as Subordinate Judge
of the Zillah of Comba-
conum.*

2.— *The Collectorate of
Sangre and the Zillah
of Combaconum are con-
terminous; the latter
town being the station,
at which the Civil and
Sessions Court and Sub-
Court are held, and from
which the Zillah takes
its name.*

Memorandum.

From the Acting Sub-Collector of Tanjore
with Civil Auditor's Report. of 21st March
1839. N^o 130.

*Mr Giffell, Head
Asst^t to the Collector of
Sangre, was on the 30th
July last appointed to
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2. — The Collectorate of
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terminous; the latter
town being the station,
at which the Civil and
Sessions Court and Sub-
Court are held, and from
which the Zillah takes
its name. —



3. — Mr. Grenfell, whilst acting Sub. Judge of Combaracum, ^{afterwards} was appointed, with his own consent, to act as Sub. Collector of Tanjore.

4. — The Civil Auditor has refused to pass his deputation allowance for the first month of his acting, as Sub. Collector, quoting as his reason Section XXIII of the absence rules — which is as per margin.

5. — There is no doubt that under ordinary circumstances Mr. Grenfell would fall under this rule. The words "same office or establishment at the same station" as applied to a revenue officer, mean District

and have always been so applied. A Sub-Collector acting for his own Collector, or a Head ~~of the~~ acting for the Sub-Collector in his own District, and foregoing deputation allowance for the first month, because acting in the same District, are matters of constant occurrence.

6. — Mr. Grenfell, however, contends that he is saved by the Clause 88(a) also noted in the margin. The question here seems to turn on the force of the word elsewhere — does it mean at a different station or in a different District? Combaracum, the station of the Sub-Judge, Myavaram, the station of the Sub-Collector, and

"This restriction does not apply to the case of an officer holding a substantive post in the district in which he is appointed to act for his immediate superior, when, at the time of his appointment, as to act, he is employed elsewhere in an acting post equal in grade and emolument to that in which he is required to officiate at the station of his substantive appointment."

M.B. This meets the point that might possibly be raised that Mr. Grenfell was not appointed to act as Sub-Collector from Head ~~of the~~ but was already acting Sub. Judge. The clause contemplates such a case, but with forfeiture of the month's pay notwithstanding had the Sub-Collector's Head Quarters been at Combaracum where the Sub. Court is, he would clearly have incurred that forfeiture.

* ~~Mr. Grenfell is not the Sub-Collector.~~
* ~~Mr. Grenfell is not the Sub-Collector.~~

"No Subordinate Officer acting for his Principal or for any other person holding a superior appointment in the same office or establishment at the same station, is entitled to any deputation allowance until after the expiration of one month; and then the allowance is not drawn in arrears: and this rule applies to all cases without reference to the cause of absence of the superior Officer."

and Nagapattam, the sta-
tion of the Head Office -
are all distinct places
several miles apart - but
are all within the same
District of Tanjore. -

4. - The Civil Auditor
thinks that looking to the
context "elsewhere" must
mean in a different Dis-
trict, and therefore that
the reservation does not
benefit Mr. Grenfell.

JP

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Mr Grenfell's Case

Comm. and

Comm. and
Council

Comm. 12/4/59

Financial Depart.

N^o 226

Extract from the Minutes of Consultation.

Under date 14th April 1859.

Read the following

papers:

From H. S. Mr. Grenfell Esq.
Acting Sub Collector of Tanjore.

(Dated 21st March 1859 N^o 130)

Civil Auditor's report thereon.

(--- 29th --- 268)

The Government
having obtained from
the Civil Auditor a
report on the claims pre-
ferred by Mr. Grenfell
concur in the opinion
of that Officer that
Mr. Grenfell is not en-
titled to Deputation
allowance for the first
month of his acting

Subs. King 1837
1837

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J. M. 1837. 1837. 1837.

No. 226.

Abstracts of 1837

27th April 1837