

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No.	239	Press Mis.
Dated	26.4.	1859

B. no. 7-10

6/7

Not to be folded or roughly handled

Fort Saint George, Financial Consultation, 29th April 1859.

Read again letters from A. HATHAWAY, Esq., Acting Collector of Salem, and R. G. CLARKE, Esq., Acting Civil Judge of Trichinopoly; dated 8th, Nos. 37 and 39 and recorded in Consultation of the 28th ultimo.

Read also the following papers.

No. 7. From A. HATHAWAY, Esq., Acting Collector of Salem; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Oosoor, 6th April 1859, No. 59.

SIR,

With reference to the enclosed copies of correspondence between me and the Acting Civil Auditor, as also my letter to Government of the 8th March last; I have the honor to request, that if the Government view the matter in the same light as the Civil Auditor appears to have done, the question raised by me may be referred to the Supreme Government.

2. It appears to me, that the order alluded to, contemplated, that a Civil Servant, so circumstanced, should receive emoluments equivalent to those enjoyed by him, when he went home on furlough; from the date of his 1st appointment (after return to India) to an acting appointment, until his confirmation in one of equal value.

3. It was through no fault of mine, but for the convenience of Government, that I was kept out of employ, from the 10th to the 29th March; and that I was removed to act as Collector of Salem, from the Collectorate of Madura, in which I had acted nearly a year; whereby the carrying out of the letter of the order referred to, was rendered impossible.

From A. HATHAWAY, Esq., Acting Collector of Salem; to J. L. LUSHINGTON, Esq., Acting Civil Auditor, Fort Saint George, dated Darampoory, 5th March 1859, No. 35.

SIR,

With reference to para. 12 of the letter from the Secretary to the Government of India, to the Secretary to the Government of Bengal dated the 16th October 1858, published at Page 399, of the Fort Saint George Gazette of the 1st instant, I have the honor to enclose an abstract for the difference of salary due to me for the periods specified in the abstract, and to request you will audit and return the abstract to me.

From A. HATHAWAY, Esq., Acting Collector of Salem; to J. L. LUSHINGTON, Esq., Acting Civil Auditor, Fort Saint George, dated Denkencottah, 14th March 1859, No. 44.

SIR,

As you have struck out of the abstract forwarded by me on the 5th instant, the extra allowance claimed by me whilst out of employ from the 10th to the 29th March 1858 and also whilst moving from Madura to Salem, I have the honor to observe that in my opinion the spirit of para. 12 of the letter from the Secretary to the Government of India (under which the claim was made) clearly authorizes the same.

2. The said para. sets forth that "from the date on which he was *first* appointed to act in any Office to the date on which he was or may be confirmed in that appointment he is to draw" a special allowance which together with his subsistence allowance shall make up an amount equal to the allowances he drew when he left India on furlough.

3. My peculiar case was clearly not contemplated; but the obvious intent is, that from the date of the first appointment to act in any Office till confirmation in it or a similar appointment, the Civil servant is to enjoy this privilege.

4. If you still consider yourself precluded from passing my original claim I would respectfully request that the point be referred for decision to superior authority.

Fort Saint George, Financial Consultation, 29th April 1859.

From J. L. LUSHINGTON, Esq., Acting Civil Auditor; to A. HATHAWAY, Esq., Acting Collector of Salem, dated 18th March 1859, No. 222.

SIR,

In reply to your letter of the 14th instant, No. 44, I have the honor to inform you, that I am unable to admit the further claim preferred by you, for the extra allowance sanctioned in G. O. of 13th October last, for the period in which you were out of employ that is from 9th to 29th March 1858. If you are dissatisfied with my decision, you are at liberty to appeal to the Government.

No. 8. From J. L. LUSHINGTON, Esq., Acting Civil Auditor; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 5th April 1859, No. 293.

SIR,

With reference to Extract Minutes Consultation dated 24th ultimo, calling for a report on the subject of the portion of the special allowance disallowed by this Office to Mr. A. Hathaway, of the Madras Civil Service, I have the honor to state that, under the construction put by me to para. 12 of the letter from the Secretary to the Government of India, to the Secretary Govern-

ment of Bengal, dated 16th October 1858, published in the Official Gazette of 1st March 1859, it is prescribed that "from the date on which a Civil servant is first appointed to act to date of confirmation in that Office the special allowance together with his subsistence allowance shall be equal to the salary he was drawing at the time when he took his furlough,"—in accordance with this, allowances have been passed to Mr. Hathaway, so long as he held any acting appointment. After Mr. Hathaway, had ceased to hold any Acting appointment, the special allowances were withheld, until he was reappointed. The allowances that have been passed under the order above quoted are exhibited in the margin for the information of Government. I am unable to admit Mr. Hathaway's claim to the sum of Rupees 31-1-9, being the difference between the salary of his permanent Office as additional Sub Collector of Canara, and that of Sub-Judge of Cuddapah, for the period he was in transit from Madura to Salem; as the special allowances are only to be granted in cases of acting appointments.

Difference between the subsistence allowance of Mr. A. Hathaway, as 3rd Class Civil servant out of employ, and the salary of Sub-Judge of Cuddapah, when, he proceeded to Europe on Furlough on the 29th April 1855, from the date of appointment as Acting Collector of Madura, to the date previous of his assuming charge of his appointment viz., from 30th October to 10th November 1857, at Rupees 1073-5-4 per mensem Rupees 427-0-4

Difference between do. do. do. of do. and his salary of do. as do. from the date of his appointment as Acting Collector of Madura, to that previous of his assuming charge of the District, viz., from 30th March to 6th April 1858 at Rupees 1073-5-4 per mensem.... 283-14-7

Civil Fund at 4 1/2 Cent 28- 7- 0

Rupees 682- 7-11

The Report called for in Mr. R. G. Clarke's case in the same order above quoted will be forwarded in a day or two, as it is under preparation.

No. 9. From J. L. LUSHINGTON, Esq., Acting Civil Auditor; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 7th April 1859, No. 307.

SIR,

As promised in the concluding para. of my report of the 5th instant No. 293, to your address in reply to Extract Minutes Consultation No. 183 of the 24th ultimo, I have the honor to inform you that Mr. R. G. Clarke Sub-Judge of Combaconum, returned from Furlough on the 26th October 1857, and was appointed to act as Civil and Session Judge of Tinnevely on the 30th idem, which appointment he did not assume charge of, till the 19th December 1857 from a change of plans by Mr. Story the permanent Judge of that District.

Fort Saint George, Financial Consultation, 29th April 1859.

2. From my Audit Registers it would appear that Mr. R. G. Clarke did not draw the difference authorized in Extract Minutes Consultation No. 142 dated 3rd March 1859 from the date of his appointment to that of his joining it, and therefore he would seem to be entitled to the extra allowance sanctioned by the Supreme Government to the extent specified in the margin*

* From 30th October to 18th December 1859, @ Rupees 1073-5-4=1765-12-11.

3. With reference to the 2nd para. of Mr. Clarke's letter to your address I beg to state that on referring to the Books of this Office I find that Mr. Clarke relinquished charge of the Trichinopoly District on the 15th June and drew the deputation allowance up to the day previous, at Rupees 1168-10-8 exclusive of the subsistence allowance, but as Mr. Clarke held no appointment from that date to the 24th of June he is consequently not entitled to any extra allowance for the period he was of employ. From the 25th of that month he drew the full pay and allowances of Sub-Judge of Combaconum to which post he stands permanently posted.

No. 10. ORDER THEREON, No. 239; dated 26th April 1859.

As it was clearly the intention that Officers circumstanced as Messrs. Hathaway and Clarke are, should draw equal emoluments to those drawn by them on taking up their furlough, the Governor in Council resolves to confirm the view of the case taken by the Memorialists.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. A. P. W. Begbie.

under preparation.

Fort Saint George.
Civil Auditor's Office,
5th April 1859.
O. J. M.

Shave the honor to be,
Sir,
Your most obed^t Servt.
Lanshinton
Acting Civil Auditor

As per M. M. M. M.

Financial Department

N^o 239

Extract from the Minutes of Consultation
Under date 26th April 1859

Read again letters
from A. Hathaway Esq^r,
Acting Collector of Salem,
and R. G. Clarke Esq^r,
Acting Civil Judge of
Trichinopoly, dated 8th,
N^o 37 & 39, and recorded
in Vol^{ts} of the 28th Memo.

Read also the
following papers:

From A. Hathaway Esq^r, Acting
Collector of Salem.

(Dated 6th April 1859 N^o 59.)

From the Acting Civil Auditor

As it was clearly the intention
that officers circumstanced as
Messrs Hathaway & Clarke are,
sh^d draw equal emoluments
to those drawn by them on taking
up their families, the J. in C.
resolves to confirm the view of
the case taken by the Memorialists.

Resolved that copy
of the Civil Auditor's
reports be furnished to
Messrs Hathaway and
Clarke

Financial 1859. Department 728 dated 189 No 183
Sydney 59

The Acting Civil Auditor

D. J. H. Esq^r

Chief Secretary to Government

Dated 5th April 1859.
Received

No 293

No 119

S. C. W. 239

With reference to E.

M. Com. dated 24th March

Reports for previous year on
the Special Allowance of the
A. Hathaway of the 1858
Civil Service

C15.44
1821

Clarke respectively with
reference to their letters of
the 8th Ultimo - and that
they be informed that
the Government concurs
in the view therein
taken of their respective
claims.

JP

To A. Hathaway Esq^r
Ag. Collector of Salem.

" P. G. Clarke Esq^r
Ag. Civil Judge of Trichinopoly.

" Ag. Civil Auditor.

} Signs

Sept 29 April 57
Tues 1859 Alford

1859.

October 26 April 1859.

Sept 26 April 1859.
7 1/2 - 24

Concerning the
view taken by Mrs.
Hawley and S. L. Lusk
respecting the Claim to
Furlough a Laurence