M.R.O. 1—77,000—3-6-57.

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(2) Date of repair 8-7-58

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 118 Press Mis.

57-55

Dated 18-2- 1864.

57-55 7/8

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department, 18*th February* 1864.

No. 57. Read the following letter from Colonel T. McGOUN, Controller of Military Finance, Fort Saint George; to the Secretary to Government, Military Department. Fort Saint George, dated 9th February 1864, B.

Adverting to the Order of Government, No. 60, dated 23rd January 1864, disposing of the question of Major Ritherdon's Staff salary, I have the honor to state that the decision leads me to believe, that the grounds of my recommendation that Major Ritherdon should be permitted to receive the Staff salary of Rupees 250 in addition to his staff Corps pay, while Acting as Assistant to the Examiner Pay Department, may not have been fully apprehended.

2. I did not state them as fully as I might have done under the impression that my letter, applying for Major Ritherdon's services, and representing the particular position of the Examiner's Office, which induced me to apply for a Covenanted Officer, together with Major Ritherdon's own letter of the 28th May 1863, would bring the facts of the case to recollection.

Proceedings of Government, No. 39, dated 20th January 1863.

Proceedings of Government, No. 60, dated 23rd January 1864.

3. It will be remembered that for carrying on the work of the Examiner's Office with only one Examiner, I relied on the services of an experienced Assistant of superior qualifications; when it became necessary for Mr. Greenfield to proceed to England on Medical Certificate, I found it necessary to apply for the services of an Officer competent to give the Examiner the assistance which his onerous duties demanded; and in making the application to Government, it will be observed that my object was not so much to obtain the appointment of an Officer to act for Mr. Greenfield as to meet the exigencies of the service, and supply an actual want, created by the sudden departure of an Uncovenanted Officer of high efficiency and superior qualifications.

4. I therefore viewed the arrangement under which Major Ritherdon was appointed as a special one, and it was proposed as such to Government.

5. Mr. Greenfield did not hold any specific substantive appointment, but under the arrangement that has up to this time existed, pending the sanction of a fixed establishment, formed part of the Office Establishment of the Military Auditor General, for which an aggregate sum was allowed, his salary having been gradually increased as his duties extended up to Rupees 500, which he was on receipt of when he proceeded to Europe.

6. My proposal, therefore, was that Major Ritherdon should be appointed to act as Assistant to the Examiner on a salary of Rupees 250, which I proposed, because it was the amount available from Mr. Greenfield's salary.

7. I would observe, with regard to the rule laid down by the Government of India in Major Hamilton's case, that it had reference to Civil salary of less amount than the Officer's Staff Corps pay, and it appears to me that the special circumstances under which Major Ritherdon, a Commissioned Officer, was appointed to a Military Department render his case analogous to that of Covenanted Officers in such Departments, who in all cases (except the Heads where a high consolidated salary is assigned) draw Staff salary in addition to the pay of their rank, and similar, for the time being, to that of the Assistant to the Examiner of Commissariat Accounts in Bengal, for whom a salary, in addition to Staff Corps pay, is prescribed.

Proceedings of Government, 20th November 1862, No. 823.

8. It appears to me that the decision of the Government of India, communicated in letter to this Government, dated 11th May 1863, No. 1989, was passed under the impression that there was no special circumstances connected with the arrangement, and I consider it necessary to afford a more full exposition of these circumstances with a view to obtain a re-consideration of the case, to which I trust this Government will see no objection.

9. The question was so closely connected with that which was pending, regarding the necessity for a second Examiner, that I delayed its submission till I was prepared to make a report to Government on that point also.

Proceedings of the Madras Government, Financial Department, 18th February 1864.

No. 58. ORDER THEREON, 18th February 1864, No. 118.

His Excellency the Governor in Council sees no sufficient grounds for applying to the Government of India to re-consider the orders passed by them regarding the salary to be drawn by Major Ritherdon. Major Ritherdon is acting in an essentially Civil appointment, the permanent incumbent of which is an Uncovenanted Civil Servant, and the salary of which is less than that drawn by Major Ritherdon as a Major in the Staff Corps.

2. The Controller observes that Mr. Greenfield, for whom Major Ritherdon is acting, did not hold any substantive appointment, but that his salary has been gradually increased up to Rupees 500, which he was in receipt of when he proceeded to Europe, the permanent Office Establishment not having been yet fixed. The Governor in Council cannot take this view of Mr. Greenfield's appointment. His position may be changed hereafter, but it cannot be said that the salary assigned to Mr. Greenfield is other than his substantive salary; and, in fact, it is the salary which the Controller has recommended to be permanently assigned to the office. It must certainly be treated as the substantive salary of the office in determining the allowances to be drawn by Mr. Greenfield's *locum tenens*.

3. Nor can the Governor in Council recognize the distinction drawn by the Controller between the appointment of an Officer to act for another, and an arrangement made to meet the exigencies of the service, and supply an actual want created by the sudden departure of an Uncovenanted Officer of high efficiency and superior qualifications. The appointment of one Officer to act during the absence of another is invariably made to meet the exigencies of the service, and to supply an actual want created by the departure of the absentee. The efficiency and qualifications of the latter cannot be taken into account in fixing the allowances of his *locum tenens*, which are settled by the rules of the service as applicable to the particular appointment in question.

4. In the present case, Major Ritherdon's pay being higher than the salary of the Officer for whom he is acting, the Government of India have declined to permit him to draw any deputation allowance in addition; and the Government in Council sees no sufficient reason for applying to the Supreme Government to alter their decision.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. J. Tulloch.

B.

OFFICE OF CONTROLLER OF MILITARY FINANCE.
FORT SAINT GEORGE, 9th February 1864.

37

From

The Controller of Military Finance,
Fort St. George,

To

The Secretary to Government,
Military Department,
Fort St. George.

SIR,

Adverting to the order of Government, No. 60 dated 23rd January 1864, disposing of the question of Major Ritherdon's Staff Salary, I have the honor to state, that the decision leads me to believe, that the grounds of my recommendation, that Major Ritherdon should be permitted to receive the Staff Salary of Rupees 250 in addition to his Staff Corps Pay while acting as Assistant to the Examiner Pay Department, may not have been fully apprehended.—

2.— I did not state them as fully as I might have done under the impression that my letter applying for Major Ritherdon's services, and representing the particular position of the Examiner's Office, which induced me to apply for a Covenanted Officer, together with Major Ritherdon's own letter of the 28th May 1863, would bring the facts of the

P. & G. No. 39 - d/20th January 1863.

P. & G. No. 60 - d/23rd January 1864.

the case to recollection.—

3.— It will be remembered that for carrying on the work of the Examiner's Office with only one Examiner I relied on the services of an experienced assistant of Superior qualifications; when it became necessary for Mr Greenfield to proceed to England on Medical Certificate, I found it necessary to apply for the services of an Officer competent to give the Examiner the Assistance which his onerous duties demanded; and in making the application to Government, it will be observed, that my object was not so much to obtain the appointment of an Officer to act for Mr Greenfield, as to meet the exigencies of the Service, and supply an actual want, created by the sudden departure of an uncovenanted Officer of high efficiency and Superior qualifications.

4.— I therefore viewed the arrangement under which Major Rutherdon was appointed, as a special one, & it was proposed as such to Govt

5. Mr Greenfield did not hold any specific substantive appointment, but under the arrangement that has up to this time existed, pending

pending the sanction of a fixed Establishment, formed part of the Office Establishment of the Military Auditor General, for which, an aggregate sum was allowed, his Salary having been gradually increased as his duties extended, up to Rupees which he was in receipt of when he proceeded to Europe.—

6.— My proposal therefore was that Major Rutherdon should be appointed to act as Assistant to the Examiner on a Salary of Rupees 250, which I proposed, because it was the amount available from Mr Greenfield's Salary.—

7.— I would observe, with regard to the rule laid down by the Government of India in Major Hamilton's case, that it had reference to Civil Salary of less amount than the Officer's Staff Corps pay, and it appears to me that the Special circumstances under which Major Rutherdon a Commissioned Officer, was appointed to a Military Department render his case analogous to that of Covenanted Officers in such Departments who in all cases (except the Roads where a high

Consolidated

Consolidated Salary is assigned / draw Staff
Salary in addition to the pay of their rank, and
similar, for the time being, to that of the Assistant
to the Examiner of Commissariat Accounts in Bengal,
[illegible] a salary, in addition to Staff Corps pay,
as prescribed. —

8. — It appears to me that the
decision of the Government of India, communicated
in letter to this Government dated 11 May 1863 No. 1989,
was passed under the impression that there was
no special circumstances connected with the
appointment, and I consider it necessary to
afford a more full exposition of these circumstan-
ces with a view to obtain a reconsideration of
the case, to which I trust this Government will
see no objection. —

9. — The question was so closely
connected with that which was pending re-
garding the necessity for a second Examiner,
that I delayed its submission till I was prepared
to make a report to Government on that point
also. —

I have the honor to be,
Sir,
Your Obedient Servant

Colonel
Controller of Military Finance

7x

Financial Department

Proceedings of the Madras Government
Read the Collector's letter from the
Controller of Military Finance
(Recd 9th February 1864. No 9
Ordered that the Secretary
Ordered that the Secretary

9X

The Collector the Governor in
Council sees no sufficient grounds
for objecting to the Government
of India's recommendation that
Major Rotherdon
is an Inventurable Civil
servant, and the salary of
which is less than Rs 1000 per
Major Rotherdon as a
Major on the Staff Corps.
2. The Controller observes
that Mr Greenfield, for
whom Major Rotherdon is acting
did not hold any substantive
appointment, but that his
salary

Pro. 23 Jany 1864 No 60.

Mily Fin. 1864. Dept

No 657.

From

The Controller of Military Finance,

Fort St. George,

To

The Secretary to Government,

Military Department,

Fort Saint George.

10 Feb 118

Fort Saint George
11th February 1864.

Dated 9 Feby
Received 11th } 1864.

Enclosure.

Transferred to the
Financial Department

A Maskelyne
Secretary to Government

B. No. 92

Brings to notice certain
Circumstances connected
with Major Rotherdon's
appointment and requests
reconsideration of his
case

1225

Encl 60/0 55

salary has been gradually increased up to Rupees 500, which he was in receipt of when he proceeded to Europe; the permanent office Establishment not having been yet fixed. The Governor in Council cannot take this view of Mr. Greenfield's appointment. His position may be changed hereafter, but it cannot be said that the salary assigned to Mr. Greenfield is other than his substantive salary; and, in fact, it is the salary which the Controller has recommended to be permanently assigned to the office. It must certainly be treated as the substantive salary of the office in determining the allowances to be drawn by Mr. Greenfield's locum tenens.

3. Nor can the Governor in Council recognize the distinction drawn by the Controller between the appointment of an Officer to act for another, and an arrangement made to meet the Exigencies of the service and supply an actual want created by the sudden departure of an uncovenanted officer of high efficiency and superior qualifications. The appointment of one Officer to act during the absence of another is invariably made to meet the exigencies of the service and to supply an actual want created by the departure of the absentee. The efficiency and qualifications of the latter cannot be taken into account in fixing the allowances of his locum tenens, which are settled by the rules of the service as applicable to the particular appointment in question.

4. In the present case, Major Rutherdon's pay being higher than the salary of the office for whom he is acting, the Government of India have declined to permit him to draw any deputation allowance in addition; and the Governor in Council sees no sufficient

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reason
~~Grounds~~ for applying to the alter
Supreme Government to recon-
sider their decision.

Major Rutherfurd
allowances

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The Financial Sec. Defence

No 110

Secretary of State

Rs 1/5 "Telegram dated 11th

Council

The Military Department
The Controller of Military Finance } des[illegible] 22 ans