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(2) Date of repair _____

(3) Initials of the Reference _____

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 91	Press / Mis.
62-63	
Dated 27-2-	18 67.

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62-63

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
27th February 1867.

No. 62. Read the following letter from Mr. T. D'SILVA, late Head Book-keeper, Accountant General's Office, to the Chief Secretary to Government, Fort Saint George; dated Madras, 25th January 1867.

With reference to the Order of Government, No. 809, dated the 14th August last, passed on a Despatch from the Right Honorable the Secretary of State for India, No. 25, dated the 25th June 1866, copy of which was furnished to me by the Office of the Commissioner of Police on my application, and in obedience with the directions contained in the Resolution of Government just adverted to, I beg leave most respectfully to forward, herein enclosed, the accompanying original letter addressed by me to the Right Honorable Sir Charles Wood, Bart., and its accompaniments, and to request that you will do me the favor to submit the same to His Lordship the Governor in Council, for transmission to the Home Government, with such recommendation of my case as may seem to His Lordship in Council to deserve, unless His Lordship, taking into consideration all the facts and circumstances therein set forth, will do me the favor to dispose of my case himself without the intervention of the Home Government, seeing the extraordinary and unnecessary delay that has already taken place in the payment of the remuneration claimed by me, especially with advertence to the large amount of saving which has resulted to Government, by no one having been appointed to officiate as my Deputy when I was appointed to officiate as Head Book-keeper, and the duties of both appointments having devolved upon me during the long period of nearly two and a half years, an arrangement by which the entire pay of the Deputy at Rupees 200 per month, amounting in the aggregate to about Rupees 6000, became a saving to Government.

2. As an old retired servant of the Government, I consider it due to myself to explain that, when I submitted my papers to the Home Government *direct*, without the intervention of the Local Government, I did not for a moment lose sight of the respect due to the Local Government. As His Lordship will see from the papers now submitted the Madras Government of the day refused to submit my papers to the Government of India when I requested this favor of them *after* it had declined to grant me the extra remuneration which forms the subject of the present correspondence. This refusal was sufficient to satisfy me that any request preferred by me to the Madras Government for its submitting my papers to the Home Government must inevitably have shared the same fate. Hence it is that I addressed the Home Government *direct*.

To

THE RIGHT HONORABLE SIR CHARLES WOOD, G. C. B., BART.,
Secretary of State for India, London.

RIGHT HONORABLE SIR,

I beg leave most respectfully to address you, and to submit, for your kind consideration and orders, copies of the letters addressed by me to the Madras Government and Government of India, as marginally indicated, and which contain, likewise, the orders passed by them thereon—having reference to some back pay claimed by me, for having conducted the duties of the appointment of Head Book-keeper, and Principal Accountant—in addition to the duties of my own permanent appointment of Deputy Book-keeper in the Office of the Accountant General at this Presidency, during the long period of nearly two and a half years—an arrangement by which the *entire* pay of the latter appointment, at Rupees two hundred per month, amounting, in the aggregate, to about Rupees six thousand, became a saving to Government.

Letter to the address of the Madras Government, dated the 14th July, recorded in Proceedings, dated the 21st September 1864, No. 490.
Letter to the address of do. do. dated the 20th July and 21st October 1864, recorded in do. do. dated the 2nd November 1864, No. 558.
Letter to the address of do. do., dated the 10th May, recorded in do., dated the 22nd May 1865, No. 253.
Letter to the address of the Financial Secretary to the Government of India, dated the 23rd November 1864.
Letter to the address of the Government of India, dated the 8th June 1865.
Letter from the Accountant General at Madras to my address, dated the 24th July 1865, No. 1347.

2nd. The papers now submitted so fully explain the nature of my claim with the grounds thereof, that it is unnecessary for me to do more at present than solicit the favor of your kind consideration of the facts and circumstances therein set forth. Nevertheless, there are one or two

points arising out of, and connected with, the orders of the Madras Government, and Government of India, passed on my applications for extra remuneration, to which, in particular, I would most respectfully request the favor of your kind consideration, Right Honorable Sir, and that of the Council.

3rd. It will be seen from the letter of the Accountant General of this Presidency, forming one of the papers now submitted, that the Government of India have desired him to intimate to me, in reply to my second application to that Government, that the precedent of which I claim the full benefit is not applicable to Ministerial Officers. I beg respectfully to be permitted to explain that the nature of the duties which devolved upon me, by virtue of my appointment of Head Book-keeper and Principal Accountant—an appointment next in rank and pay to those of the then (Covenanted) 2nd Assistant Accountant General, constituted me, to all intents and purposes, an Officer not coming within the description of Officers excepted by the ruling from participating in its advantages, performing, as I did, *independent* duties in *direct* communication with, and under the *immediate* orders of, the Accountant General, in conducting the duties of that important Department, including the duties, not less important and responsible, involved in the preparation and revision, as well as perfect accuracy of the adjustment, and closing entries, for incorporation in the General, Territorial, and Military General books transmitted annually to the Government of India, and to the Home Government, at a time too when the Book Department was short-handed—no one having been appointed to conduct the duties of the Deputy when I was appointed to officiate as Head Book-keeper and Principal Accountant, and the duties of both appointments having, in consequence, devolved upon me during the long period already mentioned.

4th. I beg leave most respectfully to be permitted to add, further, that, since my application to the Madras Government, the Government of India have laid it down, as a general rule, that "when an officer holding a permanent appointment is required, by the exigencies of the "State, to discharge the duties of another or the second office not subordinate to his own, he "shall receive a *moiety* of the salary of the appointment in which he officiates, in addition to "the full salary of his own appointment, provided that no *extra* expense be entailed on the "Government." This ruling arose in consequence of a case which occurred in the North-Western Provinces, and the ruling has been since applied to a case which occurred at this Presidency. The cases are noted in the margin.

Captain Fanshawe, Inspecting Postmaster, Meerut Division, was appointed Postmaster and Superintendent Workshop at Allyghur, without being relieved of the duties of the former appointment, which he performed in addition to those of his own appointment. He received the *full* salary of his own appointment, with a moiety of the salary of the sitation in which he officiated. (Vide *Fort Saint George Gazette* for the year 1860, page 843.)
Mr. J. T. Fowler, and Colonel Pears, performed between them the duties of Mr. Caldwell, Inspector of Schools, in the 5th Division, during the absence of the latter on sick leave to England, in addition to the duties of their own appointments. They received the *full* salary of their own appointments, with a moiety of Mr. Caldwell's salary, which they divided between them. (Vide Order of Government, dated the 25th March 1860, passed on the application of A. J. Arbuthnot, Esq., while Director of Public Instruction.)

5th. So far from any extra expense to the Government, and *actual saving* of a large amount has been the result, in my case, equal to the *full* salary of my own permanent appointment of *Deputy* which I drew, and Rupees one hundred and fifty, *additional*, of the salary of the appointment of Head Book-keeper and Principal Accountant in which I officiated, Rupees three hundred and fifty per month, but not the *moiety* laid down by the ruling, namely, Rupees one hundred and seventy-five, being Rupees twenty-five per month less paid to me *at the time*, and which constitutes the claim now preferred by me.

6th. Under the explanation submitted herein, and in the correspondence to which it refers, and contrasting the nature of my duties, as already explained, with that of those of an Inspecting Postmaster, I feel confident, Right Honorable Sir, that you will concur with me in the opinion that the contrast weighs equally, if not more considerably, in my favor, entitling me to benefit under the Resolution of the Government of India already referred to.

7th. It will be seen from the letter of the Accountant General now submitted, that the Government of India have directed him to intimate to me "that the Madras Government, by allowing me to draw "the pay of the higher of the two appointments, have treated my case with sufficient liberality," but I leave it to you, Right Honorable Sir, to determine for me whether there has been any liberality at all shown by the Madras Government in my case, when they permitted me to draw the *full* salary of the appointment of Head Book-keeper and Principal Accountant, for conducting the duties of that important appointment *in addition* to the duties of another and separate appointment, namely, that of *Deputy* Book-keeper, without any compensation or remuneration whatever for having conducted the duties of the latter appointment, not for one or two months during the absence of the Principal on casual or sick leave, but during the long period of two and a half years—duties, the performance of which would and should have had to be paid for if the duties had not been thrown upon me on account of my departmental experience, and another had been appointed in my stead.

Proceedings of the Madras Government, Financial Department,
27th February 1867.

8th. Again, in the 2nd paragraph of the Accountant General's letter just referred to, that Officer intimates to me, at the instance of the Government of India, that my procedure in addressing the Government direct, or that submitting my claim through that Officer, was irregular. As an old retired servant of the Government, you will see, Right Honorable Sir, that I had not mistaken my course, nor lost sight of the respect which is due to the head of the Department to which I belonged when I applied to the Madras Government, and, eventually, the Government of India *direct*, without submitting my application through the Accountant General. These papers will suffice to explain to you likewise, Right Honorable Sir, my reasons for now addressing you *direct*, without submitting my application through the Madras Government. I allude to the refusal of the Madras Government to submit my application to the Government of India. This refusal was sufficient to satisfy me that any request preferred by me to the Madras Government for their submitting my papers to the Home Government which you represent, Right Honorable Sir, must, inevitably, share the same fate. In respect to the alleged irregularity of the course in not submitting my application through the Accountant General, I beg to be permitted to explain that I regarded my transfer to the Pension Establishment as disconnecting me from that Officer and his establishment, but if I have erred in this respect, I humbly beg, Right Honorable Sir, to be forgiven the error thus unwittingly committed, and not permit it to militate against, or stand in the way of, my receiving the remuneration claimed by me. I should even now correct the error by addressing the Accountant General, but this must now be deemed superfluous, and unnecessary, after the Resolution of the Government of India, as contained in their letter to the Accountant General, and by him communicated to me, as already explained.

9th. The grounds upon which I rely for a favorable consideration of my case for further remuneration applied for by, but not granted to, me *at the time* divested of all argument, are—

Firstly—That, in the cases cited by me, there has been no saving whatever, the party and parties who officiated for the Principal having drawn, and divided between them, the forfeited pay of the absentees.

Secondly.—That, in my case, no one was appointed to conduct my duties as *Deputy*, which I had to perform in *addition* to the duties of the higher and separate appointment of Head Book-keeper and Principal Accountant, without receiving the *moiety* of the salary of the latter appointment as did the others in the cases cited by me; or, in other words, that Rupees twenty-five per month was less paid to me for a period of two and a half years, as compared with what was paid in the cases cited by me under the ruling already referred to.

10th. The only point for your consideration, Right Honorable Sir, is, whether the *non-agitation* of my claim *at the time* by the head of my Department constitutes any just and reasonable ground for depriving me of the benefit of the Resolution already quoted, seeing that a similar Resolution would have been equally the result, in my case, if it had been fully and fairly represented to the Government and Government of India, as did the heads of the Departments in the cases referred to, and which led to the ruling in question.

11th. I would once more solicit the favor of your kind consideration to one most essential point in my favor. I allude to the large amount of saving which has resulted to Government in the manner already explained, and an explanation which, I humbly trust and hope, will satisfy you that there exists in my case a peculiarity not visible in the cases cited by me. The peculiarity to which I refer, as you will see yourself from the papers now submitted, lies in the fact that

there had been no saving whatever in the cases referred to, whereas in my case there has been an actual saving of Rupees six thousand, as already explained. It is out of this large amount of saving that I sought, and still seek to be remunerated, and humbly beg that authority may be granted to the Madras Government for passing to me payment of this amount, which may be certified by the proper Officer as to the amount to be paid to me, at the rate and for the period specified, under the ruling of the Government of India.

I have the honor to be,
Right Honorable Sir,
Your most obedient and humble Servant,
T D'SILVA.

No. 63. ORDER THEREON, 27th February 1867, No. 91.

Resolved that the Memorial received with the foregoing letter be forwarded to the Right Honorable the Secretary of State for India.

(True Extract).

Chief Secretary.

Exd. J. Tulloch.

No. 62. Read the following letter from Mr. T. D'SILVA, late Officiating Head Book-keeper, Accountant General's Office, Madras; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Coimbatore, 14th July 1864.

I beg leave most respectfully to address you, and to request that you will do me the favor to re-submit, for the consideration of His Excellency the Governor in Council, the question connected with my claim for remuneration, agitated in my letter to Government dated in February 1860.

2. As fully explained in that letter, I conducted the duties of *Head Book-keeper*, in *addition* to those of my *own* permanent appointment of *Deputy*, in the office of the Accountant General during the *long* period of nearly *two* and *a half years* (an arrangement by which the *entire pay* of the Deputy during that period became a saving to Government), and received in reply to my application the endorsement noted in the margin, signed by the Deputy Secretary.

From April 1852 to September 1854.

Amounting to about Rupees 6000 for two and a half years, at Rupees 200 per month.

The Petitioner's request is wholly inadmissible. He can have no claim whatever to more than the pay of the higher of the two appointments.

3. The endorsement of the Deputy Secretary refers to *ordinary* cases, wherein parties, *relieved of their own*, are appointed to officiate in *higher* situations; but this, I respectfully submit, was not my case. When I was appointed to officiate as Head Book-keeper, no one was appointed to officiate as my Deputy, and the duties of *both* appointments had to be performed by me.

4. Since my application to Government, the Government of India have laid it down, as a general rule, that "when an officer holding a permanent appointment is required by the exigencies of the State to discharge the duties of another, or second office, not subordinate to his own, he shall receive a moiety of the salary of the appointment in which he is officiating, in addition to the full salary of his own appointment, provided that no extra expense be entailed on the Government."

5. This ruling arose in consequence of a case which occurred in the North-Western Provinces, and the ruling has been since applied to a case which occurred in this Presidency. The cases are noted in the margin.

Captain Fanshaw, Inspecting Postmaster, Meerut Division, was appointed Postmaster and Superintendent Workshop at Allyghur, without being relieved of the duties of the former appointment, which he performed, in addition to those of his new appointment. He received the full pay of his own appointment, with a moiety of the pay of the situation in which he officiated—Vide *Fort Saint George Gazette*, for 1860, page 843.

Mr. J. T. Fowler and Colonel Pears performed between them the duties of Mr. Caldwell, Inspector of Schools in the 5th Division during Mr. Caldwell's sick leave to Europe, in addition to the duties of their own appointments. They drew the full salaries of their own appointments, and a moiety of Mr. Caldwell's salary, which they divided between them—Vide Order of Government, dated 25th May 1860, passed on the application of A. J. Arbuthnot, Esq., while Director of Public Instruction.

6. I received the *full* salary of *my own* permanent appointment of *Deputy*, and *Rupees* 150 out of the pay of the situation of Head Book-keeper in which I officiated, Rupees 350 per month, but not the *moiety* laid down in the ruling, namely, Rupees 175, being Rupees 25 per month less than the moiety payable. This Resolution of the Government of India supersedes the endorsement of the Deputy Secretary. It settles, for the first time, the question never before agitated as to the rate of remuneration to be granted in such and similar cases, and the only point for the consideration of His Excellency the Governor in Council is whether the non-agitation of my claim, *at the time*, by the Head of my Department constitutes any just and reasonable ground for depriving me of the benefit of the present Resolution, seeing that a *similar Resolution* would have been *equally* the result in my case, if it had been fully and fairly represented at the time to the Government and Government of India, as was done in the cases referred to, and which led to the ruling in question.

7. With the foregoing explanation, I conclude, and humbly beg that His Excellency the Governor in Council will refer my case to the Civil Auditor for verification of the fact that the *entire* pay of the Deputy, amounting to about Rupees 6000, became a saving to Government, by no one having been appointed to officiate as my Deputy when I was appointed to officiate as Head Book-keeper, and order payment to me of the difference of Rupees 25 per month, for the period during which the lesser allowance of Rupees 150 was passed and paid to me.

Proceedings of the Madras Government, Financial Department, 2nd November 1864.

No. 8. ORDER THEREON, 2nd November 1864, No. 558.

The Governor in Council sees nothing in the foregoing letter which would lead him to question the propriety of the Order passed under date the 21st September last, declining to give retrospective operation in his case to the Resolution of the Government of India, dated 16th March 1860, No. 2498.

(True Extract.)

Chief Secretary.

To Mr. T. D'Silva, late Officiating Head Book-keeper,
Accountant General's Office, Coimbatore.

Exd. T. Cartledge.

Proceedings of the Madras Government, Financial Department, 22nd May 1865.

No. 47. Read the following letter from Mr. T. D'SILVA, formerly Head Book-keeper in the Accountant General's Office, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Madras, 10th May 1865.

I beg leave, most respectfully, to submit the accompanying Resolution of the Government of India, dated 16th December, passed on my letter to the address of that Government, dated 22nd November 1865, having reference to some back pay due, and claimed by me, for having conducted the duties of *Deputy*, in addition to those of *Head Book-keeper*, in the office of the Accountant General at Madras, during the long period of nearly 2½ years, and which formed the subject of my letters to your address, dated 14th and 20th July, and 21st October 1864.

2. My application to the Government of India, for remuneration, embodied in the Resolution of that Government, referred to in the preceding paragraph, so fully explains the nature of my claim, with the grounds thereof, that it is needless for me to go over the same grounds, or to re-capitulate them here. It will be seen, from the tenor of the Resolution of the Government of India, that no exception is taken to my claim; but, viewing my letter as an appeal against the decision of the Local Government, the Resolution directs that my application be submitted through that channel.

3. I beg, respectfully, to explain that I have not been unmindful of my duty, and the respect due to the Local Government, in submitting, as I did, the application to the Government of India *direct*, inasmuch as I did myself the honor of addressing you on the several dates referred to in the preceding paragraph, submitting the present claim for remuneration for the consideration of His Excellency the Governor in Council, with a request that, if the Government here did not consider itself authorized to admit my claim, the same might be referred for the consideration and orders of the Government of India.

4. Under the circumstances now explained, I venture, once more, to entreat the kind support and recommendation of His Excellency the Governor in Council towards my claim, in submitting the same to the Government of India, as desired by that Government in their Resolution now submitted.

No. 48. ORDER THEREON, 22nd May 1865, No. 253.

His Excellency the Governor in Council declines to forward to the Government of India Mr. D'Silva's present appeal against the orders passed on his claim to compensation, for the period he performed the duties of Deputy, in addition to those of Head Book-keeper, in the Accountant General's Office.

(True Extract).

Chief Secretary.

To Mr. T. D'Silva, Madras (with three enclosures).

Exd. J. H. Burns.

Government

Ex. C. 15/ Date
Rec'd 24 Nov 1866

1 P
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To
The Honble A. J. Arbuthnot
Chief Secretary to Government
Fort Saint George.

Honble Sir

With reference to the Order of Go-
-vernment e No. 809, dated the 14th August last,
paped on a Despatch from the Right Honble
the Secretary of State for India e No. 25, dated
the 25th June 1866, copy of which was fur-
-nished to me, by the Office of the Commis-
-sioner of Police on my applications, and
in obedience with the directions contained
in the resolution of Government just ad-
-verted to, I beg leave most respectfully
to forward herein enclosed the accompa-
-nying original letter addressed by me
to the Right Honble Sir Charles Wood
and its accompaniments, and to request
that you will do me the favor to submit
the same to His Lordship the Governor
in Council, for transmission to the Home

Government

Government with such recommendation of my case as may seem to His Lordship in Council to deserve. Unless His Lordship taking into consideration all the facts and circumstances therein set forth will do me the favor to dispose of my case Himself without the intervention of the Home Government, seeing the extraordinary and unnecessary delay that has already taken place in the payment of the remuneration claimed by me, especially with advertence to the large amount of saving which has resulted to Government by no one having been appointed to officiate as my Deputy when I was appointed to officiate as Head Book-keeper, and the duties of both appointments on having devolved upon me during the long period of nearly two half years, - an arrangement by which the entire pay of the Deputy at Rupees 200. per month, amounting in the aggregate, to about Rupees 6000, became a saving to Government.

2. As an old retired Servant of the Government, I consider it due to myself to

to explain that when I submitted My Papers to the Home Government direct without the intervention of the Local Government, I did not, for a moment, loose sight of the respect due to the Local Government. As His Lordship will see from the Papers now submitted the Madras Government of the day refused to submit my Papers to the Government of India when I requested this favor of them after it had declined to grant me the extra remuneration which forms the subject of the present correspondence. This refusal was sufficient to satisfy me that any request preferred by me to the Madras Government for its submitting my Papers to the Home Government must inevitably have shared the same fate. Hence it is that I addressed the Home Government direct.

I have the honor to be
Honble Sir
Your most obedient and
humble Servant
Thos. Desiboy

formerly Head Book-keeper
& Princl. Accountt. of
Accts. Genls. Office.

Madras -
5th Home
25 January 1867.

Rec. 14 Augt 66-88-890

Finl. Ltr. to Engr. 9th Sep.
No. 5 of 1867.

Replied to - 8th May 67
N 57

62-63.

Financl. 1867 Sept
Recd. 27 Feby 1867.

From
Wm. T. DeSilva
Cake Hd. Bookkeeper
Accts. Genls Office

9/257
9/263 Jany 1867

Enclosures

No 34.

Forwards for transmission to Home Govt. papers regarding his claim to remuneration for the period he performed the duties of Deputy Cake Hd. Bookkeeper of the Accts. Genls Office

With an Order.

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Order thereon 27 February 1867 No. 91.

Resolved that the Memorial received with the foregoing letter be forwarded to the Right Honorable the Secretary of State for India. —

8 Encls