M.R.O. 1—71,000—5-6-37.

(1) Number of pages 1

(2) Date of repair

(3) Initials of the Endorsement

MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

G.O. No.	Press Mis.
Dated	18

34-35

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
23rd April 1863.

No. 54. Read the following letter from G. S. FORBES, Esq., Acting Second Member of the Board of Revenue, to the Secretary to Government, Revenue Department, Fort Saint George: dated Madras, 25th March 1863.

I beg to submit, for the decision of Government, a retrenchment directed against me by the Examiner of Claims. I also enclose a second letter from Mr. Donald, replying to a remonstrance which I had addressed to him, proposing to refer the matter to Government.

2. I am under the impression that a Junior Member, acting for an absent officer of higher grade, is entitled to acting allowance.

From W. DONALD, Esq., Examiner of Claims, Fort Saint George, to the Acting Second Member of the Board of Revenue; dated Fort Saint George, 18th March 1863, No. 289.

I have the honor to state that the Deputation allowance claimed by you from the 11th to 20th February, as Acting Second Member, was passed by me under a misapprehension of the meaning of the Order of the Madras Government, dated the 17th February 1863, No. 358, Revenue Department, as under the ruling referred to in paragraph 6, Chapter VIII., of the Civil Auditor's Manual, you are not entitled to the same. I request, therefore, that you will be good enough to deduct the amount so passed to you, Rupees 113-5-4, in the bill for your salary for the current month.

From W. DONALD, Esq., Examiner of Claims, Fort Saint George, to the Acting Second Member of the Board of Revenue; dated Fort Saint George, 23rd March 1863, No. 298A.

I have the honor, with reference to your letter received this day, to state that I am still of opinion that paragraph 2 of the Resolution of the Government of India, dated 31st March 1841, No. 235, Financial, applies to your case, and a reference to the correspondence alluded to at the head of that Resolution clearly shows that paragraph 3 does not in any way refer to cases dealt with in paragraph 2, but to those of an entirely different nature.

2. I may mention, in corroboration of the view I hold, that I cannot find any instance on the records of this office of a Junior Member of the Board of Revenue drawing Deputation allowance when acting for a Senior one.

No. 55. Order thereon, 23rd April 1863, No. 202.

Referred to the Accountant General for his opinion.

2. The Government are not satisfied that the Examiner of Claims has rightly applied the ruling of the Government of India, dated 31st March 1841, No. 235, Financial, paragraph 2 of which appears merely to decide that in a Board or Court where the duties of all Members are alike but the emoluments vary, one of the Members is not *as a matter of course* entitled to Deputation allowance during the absence of another enjoying higher emoluments.

3. The absence of any appointment by Government to officiate in the higher paid post appears to be the principle on which the ruling depends; for the following paragraph (referring to a distinct reference) states, that "It is the deputation to officiate in another appointment of superior emolument that constitutes the claim of the officer deputed to extra allowances," and in the Acting Civil Auditor's letter of 15th December 1849, which was under the consideration of the Government of India, no reference was made to the fact that the Junior Judge of the Provincial Court had been *appointed* to officiate for the Senior Judge, but the question was propounded whether "*in all cases*" Civil Servants were entitled to Deputation allowances when officiating in situations of superior emoluments. A Junior would officiate for his absent Senior whether appointed or not, if no other appointment was made.

4. Mr. Forbes' claim would, however, appear to be otherwise barred by the rule disallowing Deputation allowance till after the expiration of one month, in the case of one officiating for another holding a superior appointment in the same office.

5. With reference to paragraph 2 of Mr. Donald's letter of 23rd March, the Government desire to know whether a Junior Member of the Board appointed to act for a Senior Member absent on medical certificate does not draw Deputation allowance.

(True Extract).

Chief Secretary.

To the Accountant General.
" Examiner of Claims.

Ord. J. Talbot.

Fort Saint George,

The 26 March 1868.

My dear Mr Studleston

May I crave my
Colleague troubling you about
the Tax Case. As I
think it is only right that
you shd know all the grounds
upon which I defend the
opinion I have formed
in this matter I write to
say that I find (Gaz: 25
Nov '35 p. 737 & 23 Aug '37 p 58)
that Mr Dickinson was
appointed to act as 1st Ld Sp
pressly as Mr Forbes has been
appointed 2nd at 2? Number.
And that altho' so gazetted

thus Govt. upon 21 Septr '38, in
the Case referred to by the Ch
Auditr, disallowed Mr. D's
claim to Deputn Allce.

They refer to a rule as
barring the admission of
the Claim; but I cannot
lay my hand upon the
Sect of Ch: it is both to
me sorry I cannot either
Enclose it or tell you where
it is to be found.

I have the
honor to be
Sir
Your most faithfully Obt Servt
P. Donald

Since writing this Common Law
I was able to look further into
this matter with the above result.

No. 299 A.

Fort Saint George,
Accountant General's Office,
The 23 March 1848.

From

The EXAMINER of CLAIMS,
Fort Saint George.

To G. S. Forbes Esq
Actg 2d Member Board of Revenue

Sir,

I have the honor with reference to your letter No —— Received Thursday, to state that I am still of opinion that Para 2. of the Resolution of the Govt of India d: 31 March 1841, No 235 Finl applies to your Case, — and a reference to the Correspondence alluded to at the head of that Resolution clearly shows that Para 3 does not in any way refer to Cases dealt with in Para 2., but to those of an entirely different nature.

I may mention in corroboration of the view I hold that I cannot find any instance on the records of this office of a Junior Member of the Board of Revenue drawing Deputation Allowance when acting for a Senior one.—

I have the honor to be,
Sir,
Your most obedient Servant,
P. Donald
Examiner of Claims.

No. 280

Fort Saint George,
Accountant General's Office,
The 18th March 1868.

FROM

THE EXAMINER OF CLAIMS,
Fort Saint George.

To *G. S. Forbes, Esquire*
Member of the Board of Revenue

SIR,

I have the honor with reference to your _____ No _____ dated _____, to state that the Deputation allowance, claimed by you from the 11th to 29th February as acting 2d Member, was passed by me under a misapprehension of the meaning of the Order of the Madras Government, dated the 17th February 1863 No. 363 Revenue Department, as under the ruling referred to in Para 6 Chapter VIII of the Civil Auditor's Manual, you are not entitled to the same. I request, therefore, that you will be good enough to deduct the amount so passed to you, viz Rs. 113. 5. 4 in the Bill for your salary for the current month.

I have the honor to be,
Sir,
Your most obedient Servant,

J Donald
Examiner of Claims.

Revenue Board Office
Madras
25th. March 1868.

From
G. S. Forbes Esqre
Acting Second Member of the
Board of Revenue.

To
W. Hudleston Esqre
Secretary to Government
Revenue Department.

Sir

I beg to submit for the decision of Government a retrenchment directed against me by the Examiner of Claims. I also enclose a second letter from Mr. McDonald replying to a remonstrance which I had addressed to him proposing to refer the matter to Government.

I am under the impression that

that a junior Member acting
for an absent officer of higher
grade is entitled to acting allow-
-ance.

I have the honor to be
Sir
Your Most Obedient Servant

S. Fisher
Acting Second Member
Board of Revenue

Revenue Board Office
Madras
25th March 1868

To
The Secretary to Government
Revenue Department
with two Enclosures

Cpy Enclosed

Rev. 25 May 1841 to 1 & 2 just. Bk.

17 Feby 63 to 213 R.D.

Collector of Jessore

Letter 28 April.

34. 35.

Rev. 28 April
Financial
Rev. 1868 Deptt.

No. 974

From

The Actg. 2d Member of the
Bd. of Revenue.

To

The Secretary to Govt.
R. dept.

Dd. 25th March
Rd. 25. 2. 00 } 1868.
E.D. 22 April 2 Encs
Ro. 1964

Submitting for decision of Government a retrenchment directed against him by the Examiner of Claims.

28th April 1868 No. 202.

Approved the Actg.
Sr. in opinion. The Govt. are
not satisfied that the Sr. Offg. Jas
right in ordering the
Govt. of India of 31. March 1864 No.
235 Rl. para 2. of wh. appears
hereby to decide that in a Govt.
Dpt. the duties of all members are
alike but the emoluments are
one of the members is not to be
a matter of course entitled to
deputation allce during the time
part he is enjoying his own emoluments.
The absence of any
appt. by Govt. to officiate in the higher
pay that appears to be the principal
in the ruling depended. For the Govt.
para supposing had that effect, states
that "it is the deputation Officiate
in and the appt. of superior Emolument