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 (3) Initials of the Referencer long

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

FINANCIAL DEPARTMENT

G.O. No.	1796	Press.
B.P. No.		Mis.
Dated	24. 9-1881	197.

13/14

Not to be folded or roughly handled

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FINANCIAL DEPARTMENT.

Municipal—Establishment.

No. 1796.

FROM

THE HON. R. DAVIDSON, C.S.I.,
Chief Secretary to the Government of Fort St. George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

In submitting the remarks of this Government, as requested in paragraph 5 of the Resolution of the Supreme Government, No. 117, dated 9th November 1880, I am directed to express regret that, through oversight, the subject has been so long delayed.

2. The circumstances, under which the President of the Madras Municipality, being a Government servant and nominee, draws his absentee allowances from the State, will be found explained in the correspondence ending with the letter from the Assistant Secretary to the Government of India, Financial Department, dated 31st October 1872, No. 3943; the concession then granted being now embodied in Section 10 (c) of the Civil Pension Code.

3. As regards the acting incumbent, I am to point out that there is fixed, by law, a *minimum* rate of pay attached to the office, which, if not legally compulsory in the case of an *acting* officer, indicates, in the opinion of the Governor in Council, the least amount of remuneration which the Legislature considered should be attached to the duties. On the last occasion the Government thought it right to fix the acting officer's pay at this minimum, he being fully entitled, by relative standing with the permanent incumbent, to receive this amount, while the State was relieved of all charge on his account for the time being.

4. The distinction which appears to be drawn in the Resolution between pension and leave allowances seems to be opposed to the principle of the rule of "Contribution," which is that, in consideration of a percentage payment from his salary to Government by any Government officer lent to a Municipal body, the Government will bear all pension and leave charges on his account. When the contribution is waived as a matter of grace, and with the express object of aiding Municipal Funds, it would seem to follow that the Government continue to accept these charges.

I have the honor to be,

Sir,

Your most obedient servant,

OOTACAMUND,
24th September 1881.

Exd. T. O'Connor.

Chief Secretary.

Reg. No.

HOME

1881

DEPT.

From the Government of
Port St. George.

Dated 24th Sept. 1881.

Issued

Recd.

No.

Enclosure

Spent copies

D. No.

Progs.

L. No. 1706.

No.

Municipal—Establishment.—Regarding the payment of the leave allowances of the President of the Madras Municipality from General Revenue.

No. 114

Extract from the Proceedings of the Government of India, in the Home, Revenue and Agricultural Department (Municipalities),—under date Simla, the 9th November 1880.

READ again—

Notification of the Government of India, in the Financial Department, No. 2916, dated 15th September 1876.

RESOLUTION.

In the Notification cited above, it was declared "that all leave, acting and travelling allowances payable to public officers from provincial funds, shall, in the absence of express sanction of the Government of India, to the contrary, be subject to the rules which regulate the grant of such allowances from imperial revenues, and that no such allowances paid from local funds or from any other sources, under the control of any Government officer, shall, without the express sanction of the Government of India, exceed what would be admissible under the rules which regulate the grant of such allowances from imperial revenues."

2. The Governor General in Council has recently had under consideration the question whether the acting allowances of the public officers appointed to hold office in the Municipalities at the Presidency Towns should not, in future, be regulated in accordance with the provisions of the Notification of 15th September 1876.

3. The law on the subject is as follows:—

Section 38 of Bengal Act IV of 1876 declares that "in any case in which leave of absence shall be granted under the last preceding section, the Commissioners may, in meeting, other than an ordinary meeting, by a resolution in favour of which not less than two-thirds of the Commissioners present at the meeting shall have voted, with the sanction of the Local Government, out of the Municipal Fund, pay to the Chairman or other officer aforesaid such allowance during absence on leave as shall to them seem proper."

Section 46 of Madras Act V of 1878 declares that "the Governor in Council shall have power to direct the payment, out of the Municipal Fund, of such salary as he thinks fit to the officer* on leave and to the person so appointed to act in his place. Provided that the aggregate sums paid to such officer and person shall not in any case exceed the amount of the maximum salary which under this Act may be paid to the permanent holder of the office."

Section 59 of Bombay Act III of 1872 provides that "in the case of the Municipal Commissioner the Governor in Council shall fix the allowance to be paid during such absence on leave as shall to him seem proper."

4. The present practice appears in general to be for the acting officer to receive the full salary of the appointment, and for the entire amount of leave allowances to be paid from the general revenues. Under the terms, however, of Financial Resolution No. 2916, dated 15th September 1876, it appears to the Governor General in Council that the allowances of the officers acting as Chairman of the Corporation of the Town of Calcutta, President of the Municipal Commission in Madras, or Municipal Commissioner in Bombay should not exceed what would be admissible under the rules which regulate the grant of such allowances from Imperial revenues. Inasmuch as the funds of the Municipalities are under the control of the Local Governments concerned, there can be no doubt that allowances of the acting officers might be governed by those rules.

DISPOSED

24 SEP 81

BY B.O.N.

5. As at present advised, the Governor General in Council considers the ruling contained in the Resolution of 15th September 1876 to be quite reasonable, and the Local Governments concerned will be invited to report whether there is anything so special in the circumstances of the abovementioned officers of the Presidency Municipalities as to require their exemption from a general rule governing all service appointments. It should also be considered whether there is any good reason to continue payment of the absentee allowances of such officers from the general revenues. *Prima facie* it would seem that the Government already contributes sufficiently to municipal funds in accepting charges on account of their pensions; and it is not apparent why the Government should pay more than its share, by the Rule of Proportions, of the absentee allowances. His Excellency in Council is not disposed to give retrospective effect to any orders which may be issued in this behalf, or to make such orders applicable to the case of any officer now on leave; but in the absence of reasons to the contrary, he is of opinion that the Rule of Proportions ought for the future to be enforced, so far as the existing Municipal Laws allow; and, further, that, in the event of there being any legal obstacle to this course, the Local Governments should take into consideration the expediency of amending the law, when a convenient opportunity occurs.

ORDER.—Ordered, that a copy of this Resolution be forwarded to the Governments of Madras, Bombay and Bengal for the purpose indicated in paragraph 5; also to the Department of Finance and Commerce for information.

True Extract.

C. GRANT,

Offg. Secy. to the Govt. of India.

1796/28
The original letter from
the Govt of India No 117
of Nov 10 was sent to the
then Under Secretary on
the 23 Nov 10 but has
not appear to have been
disposed of—
A spare copy of the letter
has been sent up to
the Munition Office
for disposal.

24/11

C/L 3023 - 17-11

1996
4

26/4/81 Dr 732. Fruit off ✓
 11-1-81 - Dr 54.10 ✓
 21-1-81 - Dr 166.7 ✓
 21/3/80 Dr 665. - Fruit ✓
 15/4/80 Dr 781 - - ✓
 14/6/80 Dr 1182. - - ✓
 4/7/72 Dr 152.10 ✓
 24/9/72 Dr 1276.10 ✓
 2/9/70 Dr 1112.10 ✓
 25/10/72 Dr 1560.10 ✓
 21/11/71 Dr 675.10 ✓
 India. 15-9-76. 1896.

Financial (1881) DEPARTMENTS

From The Govt of India
Home Res Dept

No. 117.

11/9/61
 Dated 9th Nov 1900
 Recd. 17
Current Ac 3023

J.V. Co.

SUBJECT.

Commencing
 copy of Govt of India
 Resoln for information
 regarding halting &
 travelling all officers
 & public officers
 from Govt funds -

179-10-25-5-11

Encl. 1881 / Dept.
Cant - Mysore

Home, Rev. & Agri. Dept.,
Municipalities
The 23rd June 1881.

No. 91

To The Secretary to the
Government of India

Subject.
Leave allowances of
public officers serving
in the Municipalities
at the Presidency towns
in their exemption from
the general rule governing
all service appointments

SIR,

I AM directed to invite attention
to the communication marginally
noted,* and to request an early reply
thereon.

CURRENT No. 1663

I have the honour to be,

Your most obedient servant,

F. C. D. 160

Under Secretary to the Govt. of India.

9/30 June /81

all

...
...
...
...
...

1796
5

No. 117 dated 9th Nov /80
subsequent reminder
No. 22 dated 11th February /81
No. 40 dated 19th April /81

Home, Revenue & Local Govt. Dept.,
Municipalities
Simla The 11 August 1881

Mail (1881) Dept
(Colony - Simla)

No. 111

To The Secretary to the
Government of India

3 AUG 81

SIR,

I AM directed to invite attention
to the communications marginally
noted,* and to request an early reply
thereon.

I have the honour to be,

SIR,

Your most obedient servant,

F. Danks

Under Secretary to the Govt. of India.

Subject.
Leave allowances of
public officers serving
in the Municipalities
at the Presidency towns
and their exemption
from the general rule
governing all service
appointments.

* No. 117 dated 9th November/80

subsequent reminders

No. 22 dated 11th February 1881

No. 40 dated 19th April 1881

No. 91 dated 23rd June 1881

18 August/81

1796
6
Note
The papers requested are
put up

Govt. of India. 2nd the
Correspondence 1882
of the Fusion Code
provisions Sec. 8-(b)
& 10(c) as explaining
the cases under Sec. 10
President Municipalities

being a Govt servant
Province draws
his remuneration
from Govt. & therefore
the amt. so drawn
is fixed with effect of
the Govt Rules

As regards the
Acting incumbent
Govt. point out that
there is by law fixed
a minimum rate of
pay attached to the
office. & if not
legally compulsory

on the last
occasion

1796
in the case of an
Acting Officer. Acting
indicates the least
amt. of remuneration
wh. the Legislature con-
sidered shd. be attached
to the duties. & that
as the whole amt. was
available from Public
funds. we considered
it right to fix the Act-
ing pay at this amt. he
being fully entitled by
relative standing with
the permanent incumbent
to receive this amt.
While the State ^{was} ~~was~~ ^{was} ~~was~~
of a change in his

DEPARTMENT.

No.

From

From Port of India dated 11th Augt 81
expressing opinion on the question
raised in Resolution of 9 Nov 80 Hong

$$\begin{array}{r} 1796 \\ \hline 8 \end{array}$$

In the first place I would remark
that it is not very creditable that
the U.S. should have ^{had} heard three
reminders, and that nearly a
year should have elapsed before
an answer is sent & the simple
proposals proposed.

May be
to whether the allowances of public
officers appointed to hold office in
the Municipalities of Madras should
not in future be regulated by an
act in accordance with Representation 15th Sept
1876

1876
2. Whether there is any good reason
to continue payment of the aban-
-tee allowances of such officers
from the General Revenue.
Making first with the 2^d point -
I should say if such a
practice exists it ought at once to be
put a stop to and the payments of
leave allowances ordered to be made
in accordance with the provisions
of Sec 46 Act of 1878

The first query raises a very im-
portant point for consideration, a
point which in my humble opinion
was not ~~not~~ satisfactorily disposed
of in G.O. & D. 7.28. April 1861. No 732.
The G. S. take their stand on their
position in the F.D. of 15. Sept 1876 No 2916
which puts all bear, acting & travelling
allowances paid from local funds
(which includes Municipal) on the same
footing as in that allowances paid from
Provincial & Imperial sources, and

FOR ORDERS.

The Govt. of India request our
opinion on the question Whether
there are any special reasons
for the continuance of the
present practice of paying
home Allowances of the
Govt. of the Madras City.
out of General Revenue.

[Handwritten signature]

account Dr like
has no acting -

The distinction of the
S. I. seems disposed
to draw between Fusion
& Union almost as
seems to be opposed to
the principle of the
"Contributions" rule.

Q. is that in consid. of
the percentage paid from
his pay & Govt. by way
of stoppings but the a
Municipal. the Govt will
bear all running &
down charges on his
account -
When the

contribution is waived by Govt as a matter of course.
With the Society's help and financial friends, it
shows that the Govt sometimes accepts the charges
I don't understand that Govt. knew by "its charter
by the rules of the corporation". The Govt's advice is
liable to pay any charge if the Govt decide the
contribution. If they do decide it. They are liable
to pay the whole. L.A. 14/9/80.

practice was I think a
 voluntary offer by the S.D.
 I hear the Leave charges of
 for Officers & Secretaries
 have been as much of the
 M.H. The superior is not put
 up at all. I was I think
 in Col. Brown's case.
 The Board of the Comptroller
 shd. be looked up. many
 things by members.

There used to be an
 7 paces provision for the
 case in one of the Fin. Com.
 but I can't trace it in
 the 5th Ed.

There is also the question
 of the Supt. incumbent. It
 is the opinion that the
 whole charge is on him. It
 must be a great affect
 Supt. finance. & that as the
 whole pay attached to the
 office is available & the
 duties are very onerous. The
 sum is too small. I am sure
 the Adj. is an old hand
 & does it. While there are
 very good reasons why
 he shd. be

150 (Final) 1796/81
 Read 1st March 1881

Leave Allowance
 I think one
 practice is perfectly correct. It
 shd. be submitted to Govt.
 The meeting the meeting shd. be
 shd. be submitted to Govt.

FOR ORDERS

He has the power
 requiring will be
 made in regard to
 the delay. The
 before me. I
 might not be
 the later day.
 in charge.

Department

PROCEEDINGS of the MADRAS GOVERNMENT.

1796/81

Read the following letter

Secy. of India d 9 Nov 80 no 17

N^o 1796

Despatch 6/10/81

To the Secy. of India F. Dept

Sir

In submitting the remarks of
 this pt. as requested in para.
 5 of the Resolution of the
 Supreme Court. No 117, dated
 9 Nov 1880, I am directed
 to express regret that, though
 necessary, the subject has
 been so long delayed.

2. The circumstances,
 under which the President
 of the Madras Mty, being
 a postulant nominee,

draws his absence also
down from ~~the~~ the
State will be found
~~explained~~ explained in the correspond-
ence ending with the
letter from the Asst. Sec.
to the G. & S., Financial Dep't,
dated 31 Oct 1872, no. 3943;
the concession then granted
being now embodied in
section 10 (c) of the Civil
Pension Code.

3. As regards the acting
incumbent, I am to point
out that there is fixed,
by law, a minimum rate
of pay attached to the
Office, which, if not legally
compulsory in the case
of an acting officer, indicates,
in the opinion of the Jd Inf.

28
The least amount of re-
muneration, which the
legislature considered
should be attached to the duties.
On the last occasion, the
Govt. thought it right to
fix the acting officer's pay
at this ^{minimum} ~~amount~~, he being
fully entitled, by relative
standing with the permanent
incumbent, to receive this
amount, while the State
was relieved of all charge
on his account for the
time being.

4. The distinction, which
appears to be drawn in
the Resolution between
Pension & Leave Allow.,
seems to be opposed to
the principle of the rule
of "contribution", which is

that, in consideration of
 a ~~percentage~~ ^{percentage}
 payment from his salary
 & post. by any post officer
 sent to a Municipal
 body, the post will bear
 all pension & cane charges
 on his account. When
 the contribution is waived
 & as a matter of grace,
 & with the express object of
 aiding Municipal funds,
 it ~~shall~~ would seem to
 follow that the Govt
 continues to accept these
 charges

(From orders)

17 ^{Aug}

2-15 copies
 Collection 15

Gobt. of 188 } Madras.

Dated } 188 , No.
 Recd. }

Nos.
 508

Attestament
 24 Sept 1882

1796
 12

Rev 27/9

Govt. of ^{Soon} 1884 Madras.

Final Account

DISPOSED OF

24 SEP 81

BY G.O. NO. 1796.

(12) 127 (13)
CP Madras

Final - Estate Re
-garding the payment of the
bave allowances of the Govt.
of the Madras Army.
from
General Revenue.