

Financial (1895) Department.

ORDINARY PRINTED.

G.O., No 1014.

Dated 14th Dec. 1895.

INDEXED.

10/4

[Despatch Abstract.]

ARTICLE 1205 OF THE CIVIL SERVICE REGULATIONS.-

Permitting Accountant M.R.Ry.Sankara Aiyar to draw travelling allowance for his family for the journey from Madura to Trichinopoly and recording, for guidance, paragraph 3 of the letter from the Government of India stating the principle that governs----

BACK PAPERS.

No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

No.	Department.	Date.	G.O.	No.	Department.	Date.
115		1896				

No. 1014, FINANCIAL, 14TH DECEMBER 1895.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

Read—again the following papers :—

G.O., No. 354, Financial, dated 2nd May 1895.

Read—the following papers :—

Extracts from an Office-note from the Examiner of Public Works Accounts, to the Secretary to Government, Public Works Department, dated Madras, 4th February 1895, No. 379-A.

In reply to a reference made to the Accountant-General, Public Works Department, as to the interpretation of certain points in the application of Civil Service Regulation Article 1205, that officer has stated that the case with full particulars and dates should be submitted, through the Local Government, for the orders of the Government of India.

2. The actual cases that necessitate the present reference are given below, and I would beg that they may be referred to the Government of India for an authoritative interpretation.

* * * *

7. *Case II.*—M.R.Ry. S. V. Sankara Aiyar, Accountant, 7th grade, was transferred in June 1894 from Madura to Rushikulya, which he joined on the forenoon of the 14th July 1894, to act as divisional accountant *vice* M.R.Ry. S. Seshiah granted two months' privilege leave. It was subsequently arranged that Sankara Aiyar should continue in the Rushikulya division as a permanent arrangement. While at Rushikulya, Sankara Aiyar got ill and applied for one month and seventeen days' privilege leave supported by a proper medical certificate. This was granted to him with effect from 5th October 1894. His transfer to another division at the end of his privilege leave having been found necessary, he was posted to the Trichinopoly division and ordered to join that division on return from leave.

8. Sankara Aiyar did not claim any travelling allowance under Civil Service Regulation Article 1205 on the occasion of his transfer from Madura to Rushikulya, apparently not having taken his family with him. On his posting to the Trichinopoly division, he claims travelling allowance under the above article for his family from Sérmádévi (where he received the order of his transfer) to Trichinopoly.

9. From the wording of Civil Service Regulation Articles 1204 and 1205 (c), it would appear that travelling allowance to members of family is allowable only if they actually travel with him or follow him within the time prescribed by rule. If this reading of the rule is correct, the claim preferred by the accountant would be inadmissible, as his family did not travel with him from Rushikulya to Trichinopoly nor are they to follow him from the former place or any other situated in the route between the two stations.

10. At the same time, it appears to me that the claim preferred is an equitable one, for if the accountant, when transferred to Rushikulya, had taken his family with him, Government would have had to pay the expenses of their journey (i) from Madura to Rushikulya and (ii) from Rushikulya to Trichinopoly.

No. 478-C.

Transferred to the Financial Department for the necessary action.

7th February 1895.

(Signed) J. PENNYCUICK, Colonel, R.E.,
Secretary to Government, P.W.D.

Extract from a letter from the Accountant-General to the Government of Madras, to the Chief Secretary to Government, dated Fort St. George, 1st March 1895, No. 483.

4. As to the difficulty in the case of M.R.Ry. S. V. Sankara Aiyar raised in paragraph 9 of the Examiner's note I would observe that the claim on account of his family is in effect preferred in connection with his second transfer, viz., to Trichinopoly. It is presumed that M.R.Ry. Sankara Aiyar was on privilege leave at Sérmádévi, that he received the order of transfer at that station, and that his family either accompanied him from that place to Trichinopoly, or preceded, or followed him within the time specified in Article 1205. If the presumption is correct, there would be no foundation for the difficulty raised by the Examiner, as under Article 1214 travelling allowance can be claimed only from Sérmádévi to Trichinopoly, the cost being less than that for the journey from Rushikulya to Trichinopoly.

Order—No. 354, Financial, dated 2nd May 1895.

The Government of India will be addressed as regards the questions involved in points (2) and (3) mentioned in paragraph 1 of the Accountant-General's letter.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.To the Public Works Department,
Accountant-General.

G.O., No. 504, Financial, dated 8th July 1895.

ABSTRACT.—Communicating to the Public Works Department and the Accountant-General letter from the Government of India agreeing in this Government's interpretation of Article 1205 of the Civil Service Regulations.

G.O., Mis. Nos. 692, 693, Financial, dated 14th September 1895.

Read—the following papers:—

Extracts from an Office-note from the Examiner, Public Works Accounts, to the Secretary to Government, Public Works Department, dated 8th July 1895, No. 2420-A.

* * * * *

3. In the present case the *opinion* expressed in paragraph 4 of Accountant-General's (Madras) letter, that if the accountant's family either accompanied him from Sérmádévi to Trichinopoly or preceded or followed him within the time specified in Article 1205, he would be entitled to travelling allowance for his family from Sérmádévi to Trichinopoly, would be negated by the "decision" (in another case) contained in his paragraph 2, viz., that inasmuch "as the written orders of the head of the office had not been obtained before the journey was performed, the claim was inadmissible under the letter of Note I to the article."

4. The facts of the case under reference are briefly these:—

- (i) M.R.Ry. S. V. Sankara Aiyar, Accountant, 7th grade, attached to the Rushikulya division, was granted privilege leave on medical certificate with effect from 5th October 1894.

- (ii) He was at Rushikulya alone, his family being at Sérmádévi.
- (iii) At the end of his leave he was transferred to the Trichinopoly division.
- (iv) Not having known when he left the former division that he would not return to it, it was impossible for him to have obtained the previous orders of the head of his office as required by C.S.R. 1205, Note I.
- (v) He was at Sérmádévi when he received the order of transfer to Trichinopoly.
- (vi) He claims travelling allowance for his family between Sérmádévi and Trichinopoly.

The Government of India having since decided that a man is not entitled to travelling allowance for his family unless he obtains the previous approval of the head of his office to the proposed charges, the accountant would appear to be disqualified for the allowances claimed, unless the circumstance of his absence on leave at the time of his transfer is taken into consideration.

5. But the point on which an authoritative ruling appeared to be necessary was this: Are travelling allowances for a man's family admissible when it is located in another part of the country?

To take two extreme cases:—

- (i) A man who is without his family at Vellore is transferred to Madura where his family has resided for some time. Is he entitled to travelling allowance for his family from Vellore to Madura?
- (ii) A man who is stationed at Madras has his family at Mysore. Between what two stations is he entitled to travelling allowance for his family on his transfer to Calicut?

The case of Sankara Aiyar is somewhat parallel to the second of the above suppositious cases; and I am still of opinion that it needs a reference to the Government of India in the Financial Department, as Article 1205 clearly pre-supposes that a man's family is at the same station with him when he proceeds on transfer.

No. 2292-C.

Transferred to the Financial Department.

15th July 1895.

(Signed) J. PENNYCUICK, Colonel, R.E.,
Secretary to Government, P.W.D.

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George 3rd September 1895, No. 2361.

With reference to your endorsement, No. 1904, dated the 14th of August 1895, forwarding for my remarks office-note of the Examiner of Public Works Accounts regarding the question of the travelling allowance of Accountant M.R.Ry. Sankara Aiyar and his family on the occasion of his transfer to Trichinopoly, I have the honour to state that this office presumed, when giving the opinion contained in letter to Government, No. 483, dated 1st March 1895, that written orders passing his probable expenses had been obtained by M.R.Ry. Sankara Aiyar prior to his starting, as this point was not raised in the Examiner's letter.

If this was not the case, travelling allowance to the family is inadmissible under the letter of Note I to Article 1205, Civil Service Regulations.

As regards the cases put by the Examiner in paragraph 5 of his note, I beg to observe that in the first case travelling allowance on account of the family is clearly inadmissible. In the second case I incline to the same opinion, but the point is a little doubtful and it would be advisable, when a case actually arises, to refer it to the Government of India.

Order—Mis. No. 692, Financial, dated 14th September 1895.

The Government of India will be addressed.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Public Works Department.
" Accountant-General.

Letter—to the Secretary to the Government of India, Finance and Commerce Department, Mis. No. 693, Financial, dated 14th September 1895.

With reference to Article 1205 of the Civil Service Regulations, I am directed to submit the following case for the orders of the Government of India.

2. An Accountant, 7th grade, in the Public Works Department, was transferred in June 1894 from Madura to Rushikulya to act in a privilege leave vacancy. It was subsequently arranged that he should continue in the latter division as a permanent arrangement. He was at Rushikulya alone, his family being at Sérmádévi. While there, he fell ill and was granted privilege leave for one month and seventeen days with effect from the 5th October 1894. His transfer at the end of his privilege leave having been found necessary, he was posted to the Trichinopoly division, which he was ordered to join on the expiry of his leave. He has, in connection with the transfer to Trichinopoly, claimed travelling allowance under Article 1205 for his family from Sérmádévi to that station. Under the strict letter of Note I to the article, the accountant would appear to be disqualified for the allowances claimed since he did not obtain the previous approval of the head of his office to the proposed charges. He was, however, not aware when he left the Rushikulya division that he would not return to it, and it seems doubtful whether the circumstance of his absence on leave at the time of his transfer should not be taken into consideration.

3. In the course of the correspondence connected with this case the general question of the title of an officer, whose family is not at the same station as he is when he receives an order of transfer, to claim allowances under the article, has been raised. As an extreme case in point, the following question might arise:—

"An officer is stationed at Madras and his family at Mysore. Between what two stations is he entitled to travelling allowance for his family on his transfer to Calicut?"

The article seems to clearly presuppose that an officer's family travels with him, but I am to ask the favour of an authoritative ruling from the Government of India on the point.

(Signed) J. F. PRICE,
Chief Secretary.

READ—also the following paper:—

From R. NATHAN, Esq., Officiating Under Secretary to the Government of India, Finance and Commerce Department, to the Chief Secretary to the Government of Madras, dated Calcutta, the 4th December 1895, No. 5627-Ex.

I am directed to refer to your letter, No. 693, dated the 14th September 1895, requesting, with reference to the case of an accountant in the Public Works Department who was transferred from Madura to Rushikulya and thence to Trichinopoly (his family being at Sérmádévi), an authoritative ruling on the question of the title of an officer, whose family are not at the same station as he is when he receives an order of transfer, to claim travelling allowance under Article 1205 of the Civil Service Regulations.

2. As regards the particular case which has given rise to the reference, I am to say that the Government appears to have no concern with the stay of the officer's family at Sérmádévi. The utmost that could under the circumstances be conceded is travelling allowance for the family for the journey from Madura to Trichinopoly. This the Government of Madras are authorised to admit if they think fit to do so.

3. On the general question I am to say that the principle of the rule is that expenses of journey of family should be admitted only as far as they are caused by, and would not have been incurred but for, the officer's transfer.

ORDER—No. 1014, Financial, dated 14th December 1895.

The accountant will be permitted to draw travelling allowance for his family for the journey from Madura to Trichinopoly.

2. Paragraph 3 of the letter from the Government of India will be recorded for guidance.

(True Extract.)

Chief Secretary.

To the Revenue Department.
" Public Works Department.
" Accountant-General.

Ed. A. Raith.

Govt. of {1895} Madras.
FINANCIAL.

Issued

Recd.

Encl.

G.O., No. 1014, 14th December 1895.

DECEMBER.

Article 1205 of the Civil Service
Regulations.

Permitting Accountant M.R.Ry. Sankara Aiyar to draw travelling allowance for his family for the journey from Madura to Trichinopoly, and recording, for guidance, paragraph 3 of the letter from the Government of India stating the principle that should govern —.

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2,0. -15-8-95.

Current No. 3256 Financial
DEPARTMENT.

From

The Government of India
Finance and Commerce
Department

No. 5627 Ex

Dated 4

Received 8

Repts 9
Enclosures

8 } -12-95

SUBJECT.

Re letter no 693 dated
5 September 1895 stating
expenses of journey of
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as far as they are
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be incurred but for,
Yicer's transfer

3256
692-3:14-9-95
570: 7-8-95
504: 8-7-95
408-9: 22-5-95
969: 16-12-90.

No. 5627. Ex.
GOVERNMENT OF INDIA.

FINANCE AND COMMERCE DEPARTMENT.

Calcutta, the 4th December 1895.

To

The Chief Secretary to the
Government of Madras.

Sir,

I am directed to refer to your letter, No. 693,
dated the 14th September 1895, requesting, with reference
to the case of an Accountant in the Public Works
Department, who was transferred from Madurai to
Rushikulya and thence to Trichinopoly (his family being
at Shornadevi), an authoritative ruling on the question
of the title of an officer, whose family are not at
the same station as he is when he receives an order
of transfer, to claim travelling allowance under Article
1205 of the Civil Service Regulations.

2. As regards the particular case which has
given rise to the reference, I am to say that the
Government appears to have no concern with the stay
of the officer's family at Shornadevi. The whole

that could under the circumstances be conceded
travelling allowance for the family for the journey
from Madras to Trichinopoly. This the Government
of Madras are authorised to admit if they think
fit to do so.

3. On the general question I am to say
that the principle of the rule is that expenses
of journey of family should be admitted only as
far as they are caused by, and would not have
been incurred but for, the officer's transfer.

I have the honour to be,
Sir,

Yours most obedient servant
18 DEC 1895
CHIEF SECRETARY
GOVERNMENT OF MADRAS

Nathan

Offg. Under Secy. to the Govt. of Madras
Duf

C. No. 363 Ex. No. NAE postum marked 5 10.
para. 1, 2, 7, 8, 9, 10.

C. No. 545 para 4
Order only = A

Ex. No. 34, 45
C. No. 2184 = A
G. O. 11/12/95

Financial Dept.

Read again G.O. No. 354 Fmt. 7 2. 5. 95

(P) — G.O. No. 504 Fmt. 7 8. 7. 95

— G.O. No. 692/3 Fmt. 7 14. 9. 96

— C. No. 3256 — (A).

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Order. No. 1014 dt 14 Dec 95

P.S. The Accountant will be permitted

to draw travelling allowance for his
family for the journey from Madras
to Trichinopoly

2. Para 3 of the letter from the G.
of T. will be recorded for guidance

C.S.
11. 12. 95

Rev. Dept. 7

P. W. Dept. 11

Accl. Genl. 6

4/1/96

Article 1205 C.S.R.

Hm.
P.S.

No. 1014, FINANCIAL, 14TH DECEMBER 1895.

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FINANCIAL DEPARTMENT.

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2. The actual cases that necessitate the present reference are given below, and I would beg that they may be referred to the Government of India for an authoritative interpretation.

7. *Case*.—M.R.Ry. S. V. Sankara Aiyar, Accountant, 7th grade, was transferred in June 1894 from Madura to Rushikulya, which he joined on the forenoon of the 14th July 1894, to act as divisional accountant *vice* M.R.Ry. S. Seshiah granted two months' privilege leave. It was subsequently arranged that Sankara Aiyar should continue in the Rushikulya division as a permanent arrangement. While at Rushikulya, Sankara Aiyar got ill and applied for one month and seventeen days' privilege leave supported by a proper medical certificate. This was granted to him with effect from 5th October 1894. His transfer to another division at the end of his privilege leave having been found necessary, he was posted to the Trichinopoly division and ordered to join that division on return from leave.

8. Sankara Aiyar did not claim any travelling allowance under Civil Service Regulation Article 1205 on the occasion of his transfer from Madura to Rushikulya, apparently not having taken his family with him. On his posting to the Trichinopoly division, he claims travelling allowance under the above article for his family from Sérmadévi (where he received the order of his transfer) to Trichinopoly.

9. From the wording of Civil Service Regulation Articles 1204 and 1205 (c), it would appear that travelling allowance to members of family is allowable only if they actually travel with him or follow him within the time prescribed by rule. If this reading of the rule is correct, the claim preferred by the accountant would be inadmissible, as his family did not travel with him from Rushikulya to Trichinopoly nor are they to follow him from the former place or any other situated in the route between the two stations.

10. At the same time, it appears to me that the claim preferred is an equitable one, for if the accountant, when transferred to Rushikulya, had taken his family with him, Government would have had to pay the expenses of their journey (i) from Madura to Rushikulya and (ii) from Rushikulya to Trichinopoly.

c 13/12
R 13/12

No. 478-C.

Transferred to the Financial Department for the necessary action.

(Signed) J. PENNYCUICK, Colonel, R.E.,
 Secretary to Government, P.W.D.
 7th February 1895.

Extract paragraph 4 of a letter from the Accountant-General to the Government of Madras, to the Chief Secretary to Government, dated Fort St. George, 1st March 1895, No. 483.

4. As to the difficulty in the case of M.R.Ry. S. V. Sankara Aiyar raised in paragraph 9 of the Examiner's note I would observe that the claim on account of his family is in effect preferred in connection with his second transfer, viz., to Trichinopoly. It is presumed that M.R.Ry. Sankara Aiyar was on privilege leave at Sérmádévi, that he received the order of transfer at that station, and that his family either accompanied him from that place to Trichinopoly, or preceded, or followed him within the time specified in Article 1205. If the presumption is correct, there would be no foundation for the difficulty raised by the Examiner, as under Article 1214 travelling allowance can be claimed only from Sérmádévi to Trichinopoly, the cost being less than that for the journey from Rushikulya to Trichinopoly.

Order—No. 354, Financial, dated 2nd May 1895.

The Government of India will be addressed as regards the questions involved in points (2) and (3) mentioned in paragraph 1 of the Accountant-General's letter.

(True Extract.)

(Signed) J. F. PRICE,
 Chief Secretary.

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 „ Accountant-General.

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3. In the present case the *opinion* expressed in paragraph 4 of Accountant-General's (Madras) letter, that if the accountant's family either accompanied him from Sérmádévi to Trichinopoly or preceded or followed him within the time specified in Article 1205, he would be entitled to travelling allowance for his family from Sérmádévi to Trichinopoly, would be negated by the "decision" (in another case) contained in his paragraph 2, viz., that inasmuch "as the written orders of the head of the office had not been obtained before the journey was performed, the claim was inadmissible under the letter of Note I to the article."

4. The facts of the case under reference are briefly these:—

- (i) M.R.Ry. S. V. Sankara Aiyar, Accountant, 7th grade, attached to the Rushikulya division, was granted privilege leave on medical certificate with effect from 5th October 1894.

- (ii) He was at Rushikulya alone, his family being at Sérmádévi.
- (iii) At the end of his leave he was transferred to the Trichinopoly division.
- (iv) Not having known when he left the former division that he would not return to it, it was impossible for him to have obtained the previous orders of the head of his office as required by C.S.R. 1205, Note I.
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- (vi) He claims travelling allowance for his family between Sérmádévi and Trichinopoly.

The Government of India having since decided that a man is not entitled to travelling allowance for his family unless he obtains the previous approval of the head of his office to the proposed charges, the accountant would appear to be disqualified for the allowances claimed, unless the circumstance of his absence on leave at the time of his transfer is taken into consideration.

5. But the point on which an authoritative ruling appeared to be necessary was this: Are travelling allowances for a man's family admissible when it is located in another part of the country?

To take two extreme cases:—

- (i) A man who is without his family at Vellore is transferred to Madura where his family has resided for some time. Is he entitled to travelling allowance for his family from Vellore to Madura?
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No. 2292-C.

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(Signed) J. PENNYCUICK, Colonel, R.E.,
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(Signed) J. F. PRICE,
Chief Secretary.

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" Accountant-General.

Letter—to the Secretary to the Government of India, Finance and Commerce Department, Mis. No. 693, Financial, dated 14th September 1895.

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2. An Accountant, 7th grade, in the Public Works Department, was transferred in June 1894 from Madura to Rushikulya to act in a privilege leave vacancy. It was subsequently arranged that he should continue in the latter division as a permanent arrangement. He was at Rushikulya alone, his family being at Sérmádévi. While there, he fell ill and was granted privilege leave for one month and seventeen days with effect from the 5th October 1894. His transfer at the end of his privilege leave having been found necessary, he was posted to the Trichinopoly division, which he was ordered to join on the expiry of his leave. He has, in connection with the transfer to Trichinopoly, claimed travelling allowance under Article 1205 for his family from Sérmádévi to that station. Under the strict letter of Note I to the article, the accountant would appear to be disqualified for the allowances claimed since he did not obtain the previous approval of the head of his office to the proposed charges. He was, however, not aware when he left the Rushikulya division that he would not return to it, and it seems doubtful whether the circumstance of his absence on leave at the time of his transfer should not be taken into consideration.

3. In the course of the correspondence connected with this case the general question of the title of an officer, whose family is not at the same station as he is when he receives an order of transfer, to claim allowances under the article, has been raised. As an extreme case in point, the following question might arise:—

"An officer is stationed at Madras and his family at Mysore. Between what two stations is he entitled to travelling allowance for his family on his transfer to Calicut?"

The article seems to clearly presuppose that an officer's family travels with him, but I am to ask the favour of an authoritative ruling from the Government of India on the point.

(Signed) J. F. PRICE,
Chief Secretary.

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2. As regards the particular case which has given rise to the reference, I am to say that the Government appears to have no concern with the stay of the officer's family at Sérmádévi. The utmost that could under the circumstances be conceded is travelling allowance for the family for the journey from Madura to Trichinopoly. This the Government of Madras are authorised to admit if they think fit to do so.

3. On the general question I am to say that the principle of the rule is that expenses of journey of family should be admitted only as far as they are caused by, and would not have been incurred but for, the officer's transfer.

ORDER—No. 1014, Financial, dated 14th December 1895.

The accountant will be permitted to draw travelling allowance for his family for the journey from Madura to Trichinopoly.

2. Paragraph 3 of the letter from the Government of India will be recorded for guidance.

(True Extract.)

Chief Secretary.

To the Revenue Department.

" Public Works Department.
" Accountant-General.

Govt. of {1895} Madras.
FINANCIAL.

Issued

Recd.

Encl.

G.O., No. 1014, 14th December 1895.

DECEMBER.

Article 1205 of the Civil Service
Regulations.

Permitting Accountant M.R.Ry. Sankara
Aiyar to draw travelling allowance for his family
for the journey from Madura to Trichinopoly,
and recording, for guidance, paragraph 3 of the
letter from the Government of India stating the
principle that governs —

First copy sent to Press.

Returned for signature.

Despatched in print.

RECEIVED ADAM G.O., No.
139.

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILLED UP, BEING MEANT FOR DISPATCH
IN ORIGINAL.

N.B. —

A = Print in full.

B = Not to be printed.

P = Print abstract only.

Q = Print heading only.

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