

Financial (1895) Department.

ORDINARY MS.

G.O., No. 354-55

Dated 2nd May 1895.

INDEXED.

14/5

[Despatch Abstract.]

Civil Service Regulations.-

Addressing the Government of India regarding the interpretation of certain points in the application of Article 1205 of the-

PRINTED IN G.O., dated

5th July

1895 NO. 504

BACK PAPERS.

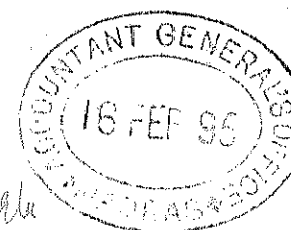
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C	1383		95	20584			
	1483		95	3-7-95			
	2184		95	692-95			
	642		96	11-9-95			

1895.

Public Works Department.



Final 363

Enclosure 1/14 2-95 no 296

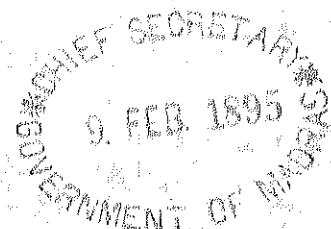
Referred to the accountant general for remarks.

No. 478C

Dated 7-2-1895

Despatched

Received 9.2.95



C/S 11/2

Not S. fense 2-6-95

Redrickhice Chief Secretary.

SUBJECT.

Transferring for necessary action office note from the Examiner P.W. Works regarding certain cases in regard to the interpretation of certain points in the application of C. S. R. article 1205 for orders of the Govt. of India.

TO BE RETURNED WITH REPLY.

Head-accounts for
G.O. No. 3572. 1894-5-75

KEEP-WITH

CURRENT No.

GOVT.
OF MADRAS.

1894

P. W.
DEPT.

dated

189

EXAMINER, P. W. ACCOUNTS.

Madras, 4 February 1894.

OFFICE NOTE No. 379

To
W.

In reply to a reference made to the Accountant General, P.W.D., as to the interpretation of certain points in the application of C.S.R. 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.

Case I.

3. Mr. D. Jeremiah, accountant 8th. grade was transferred in May 1894 from Bezwada to Nellore (a distance of over 200 miles by the ordinary route) to act for M.R. Ry. V. Subarayudu Pantulu the permanent accountant who proceeded on 3 months privilege leave. He joined at Nellore on the forenoon of the 29th. May 1894 and relieved M.R. Ry. Subarayudu on the forenoon of the 31st. idem. V. Subarayudu returned from leave on the forenoon

No 1014 Sub 8/14/12

1000

of 31st. August 1894 at Nellore but as his transfer to another division was indispensable, it was eventually found necessary to retain Mr. Jeremiah in Nellore in the same appointment.

4. The travelling allowance admissible under C.S.R. article 1205 has been claimed on behalf of Mr. Jeremiah on the grounds

(i) that the time spent in taking over charge at Nellore (2 days) caused the period of the original transfer to exceed 3 months, and

(ii) that the total period of the transfer considerably exceeds 3 months.

5. My own opinion is that the claim is inadmissible on the first ground; but, as the case may form a precedent, I request that an authoritative ruling may be obtained as to whether time spent in taking over charge of an appointment, should or should not be taken into consideration in fixing the period for which the transfer was made.

6. The second ground appears to me to possess some validity and to be in keeping with the spirit of C.S.R. article 1205; but I am doubtful whether such was the intention of the rule. One objection to it is that under Note I to the rule, it is necessary that a detailed statement of the charges to be incurred should be approved before the transfer takes place. The question will therefore resolve itself into this viz

whether claims once passed as for transfer not exceeding 3 months, may be revised if the period eventually exceeds 3 months.

Case II.

7. 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 17 days privilege leave supported by a proper medical certificate. This was granted 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 Trichinopoly Division and ordered to join that division on return from leave.

8. Sankara Aiyar did not claim travelling allowance under C.S.R. 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 Shermadevi (where he received order of his transfer) to Trichinopoly.

9. From the wording of C.S.R. articles 1204 and 1205(c), it would appear that travelling allowance to members of family is allowable only if they are 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 Trichinopolynor 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. .. Rushikulya to Trichinopoly.

H/r
C.

Res. 5.2.95

CO
7/2

disposal

362
No. 478 Cd/7 - Feb 1895

Transferred to the
Financial Department
for the necessary action

Col. R. C.
Secretary to Govt. P.W.D.

CO
5.9.95

Handwritten notes at top of right page.

Vertical handwritten note on the left side of the right page.

Fort St. George,
Accountant-General's Office,
1st March 1895.

No. 483

From

J. W. Rawlins Esquire,
ACCOUNTANT-GENERAL TO THE
GOVERNMENT OF MADRAS,

To

THE Chief Secretary to Government,
Financial Department

Sir,

With reference to your endorsement no 296 dated the 14th of February 1895 forwarding for my remarks, office note from the Examiner of Public Works^{accounts} in regard to the interpretation of certain points in the application of article 1205 of the Civil Service Regulations, I have the honour to state that the main points at issue in the cases cited by the Examiner are the following:-

- (1) Whether note 1 to article 1205, bars all claims for travelling allowance under that article, except when the officer had before starting obtained written order passing his probable expenses.
- (2) Whether time spent in taking charge of an appointment should be taken into consideration in fixing the period for which the transfer was made.
- (3) Whether claims once passed as for transfer

Handwritten note: "I am"

Handwritten note: "One"

exceeding 3 months, may be revised if the period eventually exceeds 3 months.

2. On the first point I would observe that in the case of a claim under article 1205 recently preferred by a non gazetted officer of the Revenue Department, I ruled that 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, to the article and reported my action in the case to the Government of India.

3. No decisions on the questions involved in points 2 and 3 have been passed. The proviso to article 1205 apparently refers to cases where the original transfer is made for a period exceeding 3 months and the orders of the Government of India on the points seem to be necessary.

4. As to the difficulty in the case of M. R. Ry V. Sankara Aiyar raised in para 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 Shermadavi, that he received 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 Shermadavi to Trichinopoly, the cost being less than that for the journey from Ruzhikulya to Trichinopoly.

I have the honour to be
Sir,

Your most Obedt Servt.

Blanchard
Accountant General

Dr
1/3.

Fin (1897) DEPARTMENT.

545

From

THE ACCOUNTANT-GENERAL,

MADRAS,

To

THE Chief Secy, Holpur
Financial Dept

No. 483

Dated

Received 2nd

Encl. 7 letters
363.

No.



Subject.

Offers his remarks
regarding the interpretation
of the article 1205 of the
Civil Service Regulations.

Financial Dept

Memorandum

No. 3709/4/95

The Secretary to the
Board of Revenue (Land Revenue)
is requested to be good enough
to return for reference the
enclosures forwarded in the
Financial G.O. No. 1012 dated
21st November 1894 regarding the
travelling allowance of Mr. B. V.
Chengalwarayar Esq. when proceeding
from Madras to Gopalpur.

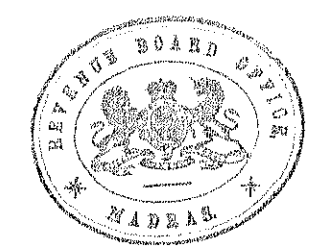
For St George
March 1895

To

The Secretary to the Board of Revenue
(Land Revenue.)

disps 15/3/95

3,000 copies.
24-12-94.



Proceedings of the Board of Revenue
(Land Revenue),

Dated 21. March 1895.
No. 728 Mis.
Routine.

READ. Memorandum from the Dy. Assistant Secretary
to Government, Financial Department, dated
14. March 1895, No. 570.

Resolutions

Forwarded

2. The Travelling Allowance bill has
been returned to the Collector of Gajipur.

(True Extract)

[Signature]
Secretary

To
The Assistant Secretary
to Government, F. D.
with a file of papers to
be filed.

[Signature]

1895.
Board of Revenue
(Land Revenue),
MADRAS.

To

The Assistant Secretary
to Government,
Financial Department.

Recd. 23/3
Regd 25/3

encls. 3 +
encls
57th
Crd 23/3

Proceedings, dated 21. March 1895,
No. 728 ^{Mis.} Routine.

Subject.

Forwarding to Government
required the encls. returned
the G.O. no. 1012 of 21. 11. 94
financial re the travelling
allowance of Mr. R. G. Ven-
kayya Iyer when
proceeding from Madras to
Alipat.

Ind. Des
-45

C. No. 363, 545, + 725

Memo No 719

With reference to para 2 of
his letter of 1. 3. 95, No. 483, the
Accl. Genl. is requested to state
~~whether~~^{if} the question as to
whether ~~the~~ note 1. to article 1205
of the C. S. R. bars all claims to
travelling allowance under that
article except when the officer
had before stating obtained ~~written~~
orders passing his probable
expenses, & is still under
reference to the Govt. of India.
It is requested that if any
reply on this point has been
received from the G. of I, copy
of the same ~~and~~ may be
furnished to this Govt.

Note The papers returned to
the Board with G.O. of 21. 11. 94
No. 1012 Ind. were obtained again
but there is nothing in the
A's letter ^{there} ~~post~~ ~~re~~ ~~the~~
India accepts his view

C.S.
26.3.95

C.S.
26.3.95

28/3/95
Accl. Genl. 29/3/95

No. $\frac{P}{3160}$

b Sir

Government of India.

Finance and Commerce Department.

Simla, the 22nd June 1894.

To

The Accountant General,

Madras.

Sir,

I am directed to acknowledge the receipt of your letter, No. 1517, dated 2nd June 1894, regarding the application of Article 1205 of the Civil Service Regulations in the case referred to in your letter.

2. In reply I am to say that in the opinion of the Government of India, the case is not one in which you should take any action in regard to a relaxation of the rule.

I have &c,

of R. A. Gamble,

Offg. Under Secretary to the Govt. of India.

(True copy)

Done at Madras

Treasury Account DEPARTMENT.

FORT ST. GEORGE,

Accountant-General's Office.

10th April 1895.

No. 928

68

From

J. W. Rawlinson Esq.,
ACCOUNTANT-GENERAL TO THE

To

GOVERNMENT OF MADRAS,

THE

Chief Secretary to Government,
Financial Department.

SIR,

With reference to your memorandum No. 71
dated the 1st instant, I have the honour to forward
copy of letter from the Government of India No. 311
dated 22nd June 1894, Financial Department, in
reply to my report in the case of a claim under
article 1205 of the Civil Service Regulations in
which I suggested that the first part of note 1
the article should be amended so as to admit of
claims being preferred in arrears.

I have the honour to

Sir

Your most obed^t Servant

W. Rawlinson

(189) DEPARTMENT.

From

THE ACCOUNTANT-GENERAL,

MADRAS,

To

THE Chief Secy to Govt
Financial Dept.

No. 928

Dated

Received

incl 1.

10 April 95

No.

SUBJECT.

Forwarding copy of a letter
received from the Govt of
India in reply to the Accountant-
General's report in the case of
claim under Act 1205
Civil Service Regulations

[G.]
25.

DA. 26-11-94.

Financial DEPARTMENT

C. No. 363, 545, 725 + 872

FOR ORDERS.

The original draft on C. No.
363 + 545 is resubmitted to the
Honorable Member with reference
to his queries thereon.

It will be seen from C. No. 872
that point (1) mentioned in para 1 of
the AG's letter of the 1st March 1895
(C. No. 545) has already been considered
& decided
by the G. of I.

Additions have been made
inserted into
to the last para of the draft.

This portion of the Hon'ble
Members' note will be communicated
to the P. W. Dept.

C.B.
17.4.95

24/4/95

The draft order
& letter can now
issue

BN
28/4/95

Article 1205 plus C.B.R.

FOR ORDERS.

Hm

[5]

Financial DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. 363 of 1895, dated 7. Dec from P. W. Dept.

Current No. 545 of 1-95, dated 1. Mond from The Acc. Genl.

725-572

ORDER. 2 May 1895, No. 354.

But why is not the question raised in point (1) & referred? I suppose it is because that is already under reference to India (para 2 of the A. G. letter) - If this has been ascertained to be the case, there can be no issue. But if it is not clear that the issue has been made on this point, I think it should be referred. I observe that no opinion is expressed. I should have thought that an opinion should be expressed. I am afraid

TO

The Public Works Department. (263-2. 545-4)

Accountant General. (545-4)

the Acc't on point (2) of his report (3) - But of course a decision in his favour on point (3) involves a decision in his favour on point (1).

Think more rapid might be made the transfer of a man from Madras to Keshkuliga - Could it they have arranged without transferring a man to the Madras Pres.?

11/3/95

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

DESIGNATED BY MAY 06 4/5. IN M.S.

LETTER.- No. 355. 4/5.

TO

The Secretary to the Govt. of India,

Finance & Commerce Department.

SIR,

I am directed to address you with reference to the interpretation of certain points in the application of article 1205 of the Civil Service Regulations. 2. Mr. D. Jeremiah, an Accountant in the Public Works Department, 8th Grade, was transferred

transferred in May 1894 from Bezvada to Nellore (a distance of over 300 miles by the ordinary route) to act for M.R.Ry. V. Subarayudu Pantulu, the permanent accountant, who had been granted privilege leave for 3 months. He joined at Nellore on the forenoon of the 29th May 1894 and relieved M.R.Ry. Subarayudu on the forenoon of the 31st idem. V. Subarayudu returned to Nellore on the forenoon of the 31st August 1894, but as his transfer to another division was indispensable, it was eventually found necessary to retain Mr. Jeremiah in Nellore in the same appointment.

The travelling allowance admissible under article 1205 has been claimed on behalf of Mr. Jeremiah on the grounds

- (i) that the time spent in taking over charge at Nellore (2 days) caused the period of the original transfer to exceed 3 months, and
- (ii) that the total period of the transfer considerably exceed^{ed} 3 months.

I am accordingly to request that you will ^{this point may be informed} be so good as to inform me whether time spent in taking over charge of an appointment, should or should not be taken into consideration in fixing the period for which a transfer is made and whether claims once passed as for a transfer

not

not exceeding 3 months, may be revised if the period eventually exceeds 3 months.

Cb.
8/3/95

9/8/95

H. B. The Governor has advised that it should be taken into consideration.

Article 1205 of the C.B. R

Also
his

Original draft
of G. No 363/54

When given for copying
When copied
When examined
When signed

189

Read again G.O. No.
189

DATED

CURRENT No.

ENCLOSURE TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BRING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A. in Copy in full.
B. in Not to be copied.
P. in Copy abstract only.
Q. in Clasp heading only.