

Financial (1895) Department.

ORDINARY MS.

G.O., No. 440-41

Dated 10th June 1895.

INDEXED.

9/10

[Despatch Abstract.]

DAILY ALLOWANCE TO MR. CLARKE AND HIS ESTABLISHMENT.-

Exempting the Sub-Judge of Nilgiris and his establishment from the operation of Article 1159 of the Civil Service Regulations during their halts at Coimbatore; requesting the Government of India to sanction the raising of the rate of daily allowance admissible to Mr. Clarke, and allowing the peons to draw the full allowances admissible under Article 1170-A of the Civil Service Regulations.

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	1934	600 20-8-95	1895				

Treasury Account Department.

No 621.

Fort Saint George,
Accountant General's Office,
13th March 1895.

From

W. H. Michael Esquire,
Dy. Accountant General to the
Government of Madras.

To

The Acting Registrar of the High Court
of Judicature, Appellate side, Madras.

Sir,

With reference to your letter No 610 dated
the 5th of March 1895, I have the honor to state
that whenever the sub-judge halts at Coim-
batore for more than 10 days the sanction of Gov-
ernment should be obtained under article
1159 Civil Service Regulations to the grant of
Daily allowance to him for the period in excess
of 10 days. The grant of a carriage allowance
in addition to daily allowance as proposed
is not permissible under the Civil Service Regu-
lations.

As regards the establishment which
accompanied the Sub-judge to Coimbatore,
I beg to observe that the sanction of Govern-
ment is necessary to the grant of daily al-
lowance to the clerks for halts in excess of 10
days under the article already quoted, but that

— the

the peons may draw the allowance without
the sanction of Government under article
1162 (f)

The latter class of officers however
cannot under Government Order No 347.
Financial dated 4th June 1889 be allowed
to exchange their daily allowance for mileage
for journeys by road unless such journeys
were performed by boat or by public convey-
ance.

I have &c.

(Signed) W. H. Michael,

Ag: Accountant General.

No. 1004.
(True Copy).

High Court of Judicature,
Appellate Side, Madras,
4th April, 1895

D. W. Mil

Ag: Registrar.

E. W. M.

Enclosure No. I to letter from the
High Court of Judicature, Appellate Side, Madras,
dated 4th April 1895 No. 1004.

Copy of the Accountant General's
report on the subject of daily
allowance to the Sub-judge of
Nilgiris and his establishment.

Subj. 1004

1063-1729

1422
CURRENT No. 1729
Judicial {1895} Department.

No.
FROM
The Registrar of the High Court
of Judicature, Appellate Side,
Madras.

80347/89 2nd
1895/94 1st
80816/95
Dated 4th April } 1895.
Received 5

No. 1004
Enc. 1
Requesting sanction to the grant of
daily allowance to the Subordinate
Judge of Nilgiris and his establish-
ment for the full period of their
stay at Coimbatore in December,
January and February last, under
G.O. d/29th November 1894, No. 2895
Judicial.

To await return of G.O. d/29-11-
94, no 2895 to Refd.
9/4/95 Read & forward
4/6/95

5
CURRENT No. 1063
Encl. 1
Transferred to the Financial
Department
Colonel Davidson
As. Under Secretary

4/6/95
To the Finl. Dept.
Repts in the file 7th May 1895
Enc. one.
1063-1729

GOVERNMENT OF MADRAS
5. APR. 1895

No 1004.

CURRENT
1729
High Court of Judicature,
Madras 4th April 1895.

From D. W. G. Lowie Esquire,
Ag: Registrar of the
High Court of Judicature,
Appellate side, Madras.

To
The Honorable J. F. Price, C. S. I.
Chief Secretary to Government,
Fort Saint George.

Honorable Sir,
G. O. dated 29th November 1894,
No 2895, Judicial, and the notification pub-
lished thereunder directed the Subordinate
Judge of Coimbatore to hold his Court at Coim-
batore for ten days or for a shorter period in the
months of December, January and February
last. Upon a reference made by the District
Judge as to whether the period of ten days therein
referred to was intended to include Sundays and
other authorized holidays, the High Court held
that the ten days meant ten working days
and should be computed exclusive of authorized
holidays. Mr Clarke, the subordinate judge,
consequently had to halt at Coimbatore for
more than ten days in each month, a longer
period

Every letter, whether printed or in manuscript, should be doc-
keted and abstracted on the back ;
and the abstract should state clearly the purport of the letter and
not merely its title subject.

Enclosures and statements also, whether sent with letters, or
merely under cover, should be numbered, docketed and abstracted.
The headings of statements should be written in full to prevent
mistakes, (G. O., 8th April 1893, No. 239, Public.)

period than that for which he was entitled to daily allowance under article 1159, Civil Service Regulations. Further his establishment had to arrive at Coimbatore a day earlier than he in order to get the necessary records from the District Court and to arrange for the sittings. As the stay of the Judge and his establishment beyond ten days was absolutely necessary in the interests of the public service, I am directed to request that Government will be pleased to sanction the grant of daily allowance to both as a special case for the full period of their stay at Coimbatore in the months of December, January and February last.

2. I am also to state for the consideration and orders of Government that Mr. Clarke has represented that he found it difficult and expensive to hire a carriage for his use at Coimbatore and requests that as a special case he may be allowed the expenses thus actually incurred by him during his stay at Coimbatore. The District Judge is of opinion that the daily allowance of Rs. 4 admissible under the rules is, in the circumstances of Mr. Clarke's case a very inadequate compensation for the special work imposed on him and the personal inconvenience resulting therefrom

therefrom and recommends the grant of Rs. 2 per day as carriage allowance. He also supports Mr. Clarke's recommendation that mileage be paid to his peons for the distance travelled by them by road between Coimbatore and Ootacamund. These two requests seem inadmissible. A copy of the Accountant-General's report on the subject matter of this letter is herewith forwarded for the information of Government.

I have the honor to be,
Honorable Sir,
your most obedient servant,
D. Lowe

Ag. Registrar.

C. No. 1063.

FOR ORDERS.

The draft put up

(i) exempts Mr. Clarke and his establishment from the operation of § 1159 of the C. S. R. during the periods of their leave at Coimbatore

(ii) admits the persons of the Sub. Judge's establishment to the benefits of § 1170 A of the C. S. R.

and (iii) requests the sanction of the G. of D. to the daily allowance admissible to Mr. Clarke [Entry No. 62 in Appendix No. 25 C. S. R.] ~~from the same~~ being raised

There seems to be no objection to (i) as, although no Camp Equipage was maintained, the Sub. Judge and his establishment must have been put to extra

13

expense.

As regards (ii) the A.G. has pointed out that under G.O. 188-188A and 347/8 Feb the peons cannot be allowed to exchange their daily allowance for mileage.

Daily Allowance of Sub. Judge Orlacamm and his Establishment whilst at Coimbatore

I
K

FOR ORDERS.

Hon. H. W. Bliss C. S. J.
Hon. J. Grose

Article 1170 A of was not in the first edition of the C. S. R. (issued on 1st May 1889) and the orders quoted by the A.G. were passed before its introduction. There seems to be no objection to (ii)

The G. of I. is not likely to accede to (iii) The entries No 57A, 60, and 61 of Appendix 25 of the C. S. R. (refer to "Assessing Judges". Mr. Clarke did not apparently go to Coimbatore as such.

We cannot ask

quoted in para 3 of the 11/5/95 draft letter

C.S. 20.5.95

23/5/95

C. No. 1063.

ORDER of 10th June 1895 No 440

The Sub-Judge and his establishment will be exempted from the operation of article 1159 of the C.S.R. during their halts at Coimbatore.

3. The Govt. of India will be requested to raise the rate of daily allowance admissible to Mr. Clarke in the special circumstances of the case

3. The peons will be allowed to draw the full allowances admissible under article 1170 A of the C.S.R.

C.S. 21.5.95

TO
The Accountant General (A)
Hon. the Chief Justice (with C.L.)

DESPATCHED
17 JUN 95
(M) M.S.

No. 441

LETTER

TO
The Secretary to the Govt. of India,
Fin. and Com. Department.

SIR,
Owing to the accumulation of arrears in the District Court of Coimbatore, this Govt. at the

suggestion

23/5/95
22/6

25

suggestion of the High Court, directed that Mr. W. E. Clarke, Sub-Judge of Ootacamund, should hold his Court at that station for about 10 days in each month during the cold weather of 1894-95 for the disposal of such civil appeals as might be transferred to him by the District Judge.

2. Mr. Clarke remained at Coimbatore for more than 10 days in each of the months of December, January and February last, and has been permitted by the Govt. to draw daily allowances for the ^{entire} period of his halt at that station. He has, however, represented that he found it difficult and expensive to hire a carriage for his use and has requested that he may be allowed the expenses ^{on this account} actually incurred by him. The District Judge is of opinion that the daily allowance of Rs. 4 admissible under the rules [Entry No. 62 of App. No. 25 of the C.S.R.] is a very inadequate compensation for the special work imposed upon Mr. Clarke and the personal inconvenience resulting therefrom and recommends the grant of Rs. 3 per diem as carriage allowance.

3.

I am directed to request that the ordinary rate of daily allowance (Rs. 4) payable to Sub Judges and Magistrates, in this particular instance, be raised to the amount (Rs. 7-8) drawn by Assistant Sessions Judges in other Provinces (vide Entries 57 A, 60 and 61 of App. 35).

4. Should this proposal not meet with the approval of the Govt. of India, I am to ^{ask} that the ordinary rate admissible under article 1167 of the C.S.R. (Rs. 5) may be allowed to Mr. Clarke.

CB.
21.5.95

LD
23/5/95

When given for copying _____
When copied _____ } 189
When examined _____
When signed _____

AGAIN G.O., No.
189

DATED

Initials of
attender.

M. M.
M. M.

ms

VERNMENT

GOVERNMENT.

NOT W. DITTO.

NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.--

A = Copy in full.
B = Not to be copied.
P = Copy abstract