

Financial (1895) Department.

ORDINARY MS.

G.O., No. 645

Dated 2nd Sept. 1895

9/10

[Despatch Abstract.]

EXCHANGE COMPENSATION ALLOWANCE

Stating that the consideration of the question as to whether Mr. Gadsden should refund the amount drawn by him as -- since April 1894 will be deferred until after the decision of the Government of India on his case has been received.

BACK PAPERS.

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

FURTHER PAPERS.

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

ORDINARY, MS.

Finance DEPARTMENT.

G.O., DATED 2-9-95
No. 645

INDEXED.

When given for copying. 4/9

[Despatch Abstract.]

Stating that the consideration
of the question as to whether
the Government should refund
the amount raised by loan
as Exchange for the
loan was made April 1894
will be deferred until after
the decision of the Court of
India on his case has been
received.

FURTHER PAPER, No. 148/96

7.1.899/96

Do 660/96

3837/98

READ AGAIN ORDER OF GOVERNMENT, DATED
189, No. MISCELLANEOUS

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—

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

ho 185-9

Combatore Central Jail
6 August 1895.

From

E. H. Gaddes Esq

Superintendent

Central Jail, Combatore.

S.

The Inspector-General of Prisons.
Coimbatore.

Sir

With reference to the order of
Government no 525 of 16 July 1895. I
have the honor to request that you
will lay the following facts before
the Government and point out the great
hardship that would be entailed on me
if I am called upon to refund the
Exchange Compensation Allowance
drawn since April 7 1894.

2. I drew Exchange Compensation
allowance under the orders of an
officer who had authority at the time
to admit it and I most certainly believed
that I was entitled to draw it.

3. In the concluding portion of
your letter no 9514 of 3 March 1894
you pointed out to Government, if
the rule referred to in G.O. of 2 Nov 93

no 1076 is addressed to, Officers of
undoubted European parentage and
bringing up, will be deprived of the
allowance because their fathers
were once in the employ of E. I. Co.,
and stated that such a result
would be productive of well founded
dissatisfaction. The result in my
case is, I venture to say, not only
productive of dissatisfaction, but
of real hardship. I am, I believe, the
only European officer in my depart-
-ment to whom the Exchange Com-
-pensation allowance has been denied,
and I am, I believe, the only European
officer in my department, who is
remitting money to England, for the
bringing up and education of children.
Moreover, the Exchange Compensation
allowance has been granted to certain
Tailors and other Subordinates in the
Department. If they are entitled to
it, surely I am. It can never have
been contemplated by the Government
of India that the rule of domicile
would create anomalies of this kind.

4. As regards the question of making

we refund the allowance from the.
7th April 1894. I earnestly beg you will
impress upon Government the great
kindship this would Cause. The sum
would amount to about the 220/-,
a sum I am at present quite unable
to pay. Were it otherwise, I should not
mind so much, though it would be
unpleasant under my circumstances,
as it is now, owing to home circum-
stances and two life insurances, (one
of which I have to pay ⁱⁿ sterling) my
^{balance} ~~Credit~~ at my bankers is something
under the 20/- and the payment of such
a large sum would involve me in a
debt it would take me a long time
to pay off. Government ask whether
I have been informed of my liability
to refund. In your order no 1175 of
13 March you sanctioned the con-
tinuance of my drawing the allowance
"Subject to any decision that may
ultimately be arrived at." This I think
can hardly be stated to be information
of my liability to refund. It certainly
conveys no warning of that kind to
me. I trust therefore the Government

will be content to suspend payment
of the allowance pending decision
on my claim, and that they will
not direct me to refund what has
already been drawn.

5. I beg now to be allowed to make
a further representation to Government
on the subject of my claim & the
allowance. The rules regulating the
grant of Exchange Compensation
allowance were published under
Finance Department Resolution
No 36244 of 8 August 1893. Rule 3 of
these rules reads thus - "In case of
doubt the Local Government will
decide whether any officer^{is} domiciled
in India or not so domiciled for
the purpose of these rules. But any
European or Eurasian officer to whom
the rules in Chapter VIII of Civil Service
Regulations apply may be assumed
without further proof to be entitled
to the allowance admissible under
the said rules." The very fact of term-
ing him a European shows, I submit,
that he is entitled to the allowance.
As regards the point raised by me, I would say that there is no doubt.

would be officers domiciled in India
to whom the allowance should be
granted, and the terms of the rule are
so clearly stated that only one
interpretation can be placed on them
under Resolution No 2959 P of 22 June
by the Government of India in the
Finance and Commerce Department,
published in the South Sea Islands Gazette
9 July 1895 page 785. I am now
serving under the rules of Chapter VIII
of the Civil Service Regulations and
as the orders published in this re-
solution have retrospective effect
from the 11 October 1893. I submit,
I am entitled to the Exchange Com-
pensation Allowance from that date
and that as prior to that date my
claim to the Allowance had not been
questioned, I should not be called
upon to make any refund.

Should Government decide that
under these rules I am now entitled
to the allowance, I beg that definite
orders may be passed to that effect
and that the Accountant General

may be instructed to pay me the
allowance and that the Government
of India may be informed that
my claim to it has been admitted.

I am the honor to be

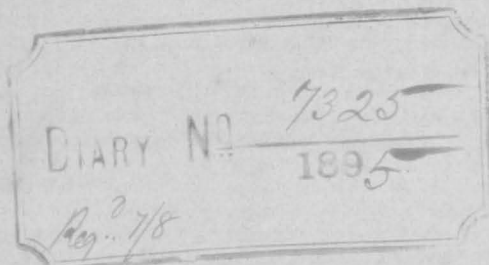
Sir

Your most obedt servant

C. Foxenden

Superintendent.

From



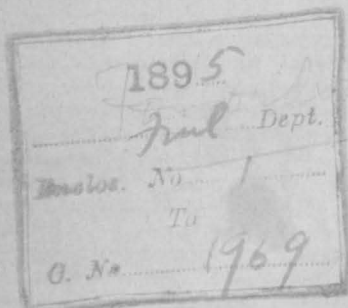
E. H. Gadsden Esq
Supt of Central Jail
Coimbatore

To

The Insps General Prisons
Orissamund

Dated 6th } August 1895
Received }

No. 1859



Representing the hardship he will
be put to, in being denied exchange

Comp: allow^{ce}, in being called upon

to refund En: Comp allow^{ce} drawn

on 1st April 1894.

No. 4735

OFFICE OF THE INSPECTOR-GENERAL OF PRISONS, MADRAS,

Dated Ootacamund, the 10th August 1895.

From

A. G. CARDEW, Esq., M.A.,

INSPECTOR-GENERAL OF PRISONS,

MADRAS,

To

THE HONOURABLE MR. J. F. PRICE C.S.I.

CHIEF SECRETARY TO GOVERNMENT,

SIR,

One Enclosure.

In reply to para 2 of Gp. 16th July 1895 —
 N^o 525, I have the honour to report that the presumption
 therein mentioned is correct and that in this office
 order N^o 1175 dated 13th March 1895, Mr. Gadsden (in
 common with other officers whose claims to the
 Exchange allowance were submitted to Government)
 was informed that he could continue to draw the
 allowance subject to any decision which might
 ultimately be arrived at. It was, of course, not then
 anticipated that so great a delay in passing orders
 would occur.

2. When this intimation was made to Mr. Gadsden
 it was intended thereby to warn him of his liability
 to be called upon to refund any allowance he might
 draw, if the final decision were adverse to his claim.
 Subsequently, however, Gp. 3rd August 1894, N^o 598 Final
 was received and it seemed to me that as Mr. Gadsden
 was drawing the allowance under a Certificate granted
 by the Collector, his case could, if Government saw fit
 be brought under the terms of that order.

3. I do not understand

I propose to order Mr. Gadsden now to refund the allowance which he has drawn since April 1894, and therefore it does not seem necessary to trouble the Government with any remarks on that point at present. The question of refund can be left to be decided when the final orders on Mr. Gadsden's claim to the allowance are passed by the Government of India. It seems unlikely that the ultimate decision will be adverse to Mr. Gadsden, whose claim to the allowance appears to me to be unquestionable.

4. Mr. Gadsden has submitted a further representation No. 1859 dated 6th August 1895, which is herewith enclosed, on his case. The first 4 paragraphs deal with the question of refund and need not for the present, be remarked on. In paragraph 5 Mr. Gadsden adduces a fresh argument, in support of his claim, viz: that he is now an officer to whom the rules in Chapter XIII of the Civil Service Regulations apply and that, therefore, he ought to be assumed to be entitled to the allowance without further proof. As a matter of interpretation, it appears to me that Mr. Gadsden's view of Rule 3 of the Rules regulating the grant of the allowance is correct, but it would hardly be convenient to adopt this view as it would admit all officers of European descent coming under Chapter XIII, though clearly domiciled in the country, to the benefit of the allowance. Mr. Gadsden's claims as an officer of undoubted European birth and bringing up, rest on much stronger grounds than this doubtful interpretation, and I am unable to believe that they will eventually be rejected.

I have the honour to be

Sir,

Your Most obed^t. Servant

R. G. Cardew.

Imp. Secy. of India

CURRENT No. 1969

JUDICIAL.

JAIL (1895) DEPARTMENT.

Financial Dept

From

THE INSPECTOR-GENERAL OF PRISONS,

Madras,

To

THE CHIEF SECRETARY TO GOVERNMENT,

525: 16.7.95
217/8: 7.3.95
88: 30.1.95
27/8: 12.1.95
962/3: 7.11.94
681/2: 4.9.94
662: 31.8.94
598: 3.8.94
425: 1.6.94
371/2: 9.5.94
258: 2.4.94
1312: 26.12.93
1076: 2.11.93
194 of 95
R126 of 95
176 of 94 + 49 of 94

Dated 10th
Despatched
Received 12th

August 1895.

No. 4735

CHIEF SECRETARY
12 AUG 95

ENCLOSURE. one

Subject.

Submits, with remarks, a presentation No. 1859 dated 6th Aug: 95 from Mr. Gadsden, Superintendent, Central Jail, Coimbatore, stating that "will be put to much hardship being denied the Exchange Compensation allowance and being called upon refund the same drawn since April 1894."

Financial DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated 16th July 1895, No. 525 — (12)
Again G.O., dated 189 , No.
Current No. 1969 of 1895, dated 10 Aug from The I.G. of Prisons
" " " 189 , " " "
" " " 189 , " " "

ORDER. 2 September 1895, No. 645.

In the meantime, he should not continue to draw it

Note This has already been said in para 1 of G.O. 525 of 16.7.95
C.S. 2.9.95

C.S.

Despatch?

C.S. 2.9.95
2/9

Office des
ad
45

The consideration of the question as to whether Mr. Gadsden should refund the amount drawn by him as Exchange Compensation. Allowances since April 1894 will be deferred until a decision of the Govt. of India in his case has been received.

2. With reference to para: 4 of the I.G.'s letter his attention will be drawn to article 41-B of the C.A. Code and to the ruling of the G. of I. in S.O. 79th August 1895, No. 575. Full (copy enclosed).

C.S. 24.8.95

29/8/95

I.G. Prisons - (12)
Accl. Genl - (A) 9/9/95
9/9

For

Exchange Commission

Mr. Garrison

Wm
Garrison

When given for copying
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When examined
When signed

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURE TO G. No.

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