

(1895) Department.

ORDINARY MS.

G.O., No. 558-9

Dated 20-7-97

INDEXED.

9/9

30/3/97

[Despatch Abstract.]

Asking the Government of India for an authoritative ruling as
regards the interpretation to be put on article 530 (1) of
the C.S.R. in the matter of taking into account acting allowances
in the calculation of average emoluments for Pension.

PRINTED IN G.O., dated

14th Sept-1897, No. 775

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
		<i>C. No. 2792 G.O. 2792 27/5/97</i>					

Pension (1897) Department.

CURRENT No. 439

Order

From The Acctt General
Madras

No. 248
41

Dated 21st May 1897

Received 22nd — do —

Registered 22nd — do —

Enclosures —

Spare copies —

SUBJECT.

Requesting to obtain an
authoritative ruling from the
Govt of India on the exact
interpretations of certain articles
in G. S. Regulations on the
subject of taking into account
acting allowances in the Cal-
-culation of average emolu-
-ments for pension.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Pension DEPARTMENT.

18
FORT ST. GEORGE,

Accountant-General's Office,

No. *9.22* *21st May 1897*
41

From

W. A. Michael Esqre.

OFF ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE *Secretary to Government,*
Pension Department.

SIR,

I have the honour to invite attention to the marginally noted correspondence on the subject of taking into account acting allowances in the calculation of Average Emoluments for pension, and to state that on reconsideration the interpretation put upon Article 530(c) of the Civil Service Regulations does not seem to be correct. This office held that the acting allowances drawn by an officer appointed to act in an office though not provisionally or sub problem under Articles 109 or 110 might be taken into account so long as

Aug 4
May 13
M.G. reference No 69 dated 24 July '94
circumstances of general letter of 226 dated
15th August '94

as the office is either substantively vacant or temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowances. Clause (i) of Article 530 of the Civil Service Regulations, however, clearly lays down that only allowances drawn by an officer appointed provisionally or substantively protempore to an office which is substantively vacant should be taken into account in calculating pension. The word 'provisionally' used therein refers apparently to the allowances drawn by an officer appointed under Article 109 of the Civil Service Regulations and not to the acting allowance of an officer appointed to act in an office for the time being. The principle seems to be that if the officer is appointed either subprotem or provisionally under Article 110 or 109 his allowances as such should be taken into account in calculating pension, but when no provisional or subprotem appointment is made, Article 530 (i) cannot apply.

It however the point is not free from doubt

28
doubt. I request that you will be so good as to obtain an authoritative ruling from the Government of India.

I have the honour to be,
Your most obedt. Servant,

W. Michael
Offg. Accountant General.

P. P.

Go 1156/94

Financial (1897) Department.

CURRENT No. 2032

Reference.

Assessment Call for original (charts)

An urgent memorandum to the Revenue

Cue 8
87-82

8797

Papers sent 13.7.97.

From

The Pension Dept.

Order

No. 490

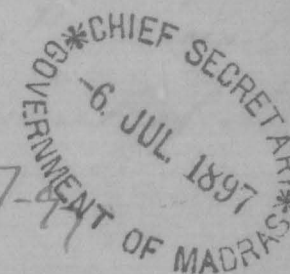
Dated 5/7/97

Received

Registered

Enclosures 2

Spare copies nil



SUBJECT,

Ordering that the accompanying letter be addressed in the Financial Dept. to the Govt. of India in regard to the interpretation of art. 530(i) C.S.R.

1007

File

2

2032

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[P. S. F.]
21
400-7-8-96.

4 reading only.

2032
C. No. 439.

Pension Department

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper

From the *Accountant General* dated 21st May 1897, No. *244*
41.

Order thereon, 5th July 1897 No. 490.

Ordered that the following
letter be addressed in the Financial
Department to the Government of India.
(True Extract)

Atknapp.
for Secy. to Govt.

To.

The Accountant General
Financial Department.

with the letter to the Govt. of India,
(+ the Acct. Genl's letter above in original
to be kindly returned)

DMB
17/6/97

Gobt. of {189 } Madras.
PENSION.

To

Dated

Reed.

Enclosures.

Mis., G.O., dated 189 , No.

Subject.

ORDER

G.I.F.
31.
100-7-8-96.

No. 494
The G.O. will be addressed

Letter From 14/7/97

W. 558 of 20 July 97

T. R. R. Price, C. S. I.

The Honble Mr. G. Stokes, I. C. S.,

SECRETARY TO THE GOVERNMENT OF MADRAS,

THE SECRETARY TO THE GOVERNMENT OF INDIA,

Finance and Commerce Department.

Dated 5 July 1897.

SIR,

I am directed to ask for an authoritative ruling from the Government of India, as regards the interpretation to be put on Article 530(1) of the Civil Service Regulations in the matter of taking into account acting allowances in the calculation of average emoluments for pension.

2. In August 1894, Mr. T. W. Rawlins, the then Accountant-General, Madras, to whom a reference was made on the subject, agreed with this Government in considering that the acting allowances drawn by an officer appointed to act in an office which was substantively vacant, or temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowances, should be included in the calculation of his average emoluments for pension. The late Officiating Accountant-General, Mr. W. H. Michael, questioned the correctness of the above view and observed that under clause (1) of Article 530 of the Civil Service Regulations, only allowances drawn by an officer appointed provisionally or substantive pro tem pore to an office which is substantively vacant should be taken into

account in calculating pension. Mr. Michael was of opinion that the word "provisionally" used in the clause above quoted refers apparently to the allowances drawn by an officer appointed under Article 109 and not to the acting allowances of an officer appointed to act in an office for the time being, and that Article 530(1) cannot apply when the appointment is neither provisional under Article 109 nor sub pro tem under Article 110. His Excellency the Governor in Council, however, considers that the matter is not free from doubt, and I am directed accordingly to make a reference on the point to the Government of India.

I have the honour to be,

Sir,

Your most obedient servant,

Ag. Secretary to Government.

FINANCIAL MIS. SERIES.

Disposal No.	Date of Disposal.	Date of Despatch to Secretary of State for India.	Numbers and Dates of previous Proceedings.	Receipt Nos.	Despatch abstract or purport of paper.
● 553	1897. 19th July	..	..	2139	<i>Account of the Local Revenue and Expenditure of the Government of Madras.</i> —Recording proceedings of the Local and Municipal department on the G.O. of the Financial department, recording, with remarks, — for the month of March 1897.
● 557	20th "	..	No. 508 of 1895.	2038	<i>Leave Rules.</i> —Recording resolution of the Government of India directing that certain additions be made to the list of officers to whom the — contained in chapter XIII of the Civil Service Regulations have been extended.
Seen by H.E. The Governor	558 559	20th "	..	..	<i>Pension.</i> —Asking the Government of India for an authoritative ruling as regards the interpretation to be put on article 530 (i) of the Civil Service Regulations in the matter of taking into account acting allowances in the calculation of average emoluments for —.
560	20th "	..	..	2145	<i>Famine Appointments.</i> —Drawing the attention of the Famine Commissioner and of the Collector of Kurnool to article 161 (ii) of the Civil Service Regulations which empowers the appointing authority to grant, in the case of vacancies in appointments on less than Rs. 100 per mensem, even the full pay of the appointment.
● 561	21st "	..	..	1998	<i>Expenditure in all Branches of Public Works Department</i> —Communicating to the Accountant-General proceedings of the Public Works department communicating telegram from the Government of India requesting a restriction of — and a report by wire of the estimated savings in funds up to 31st December.
● 562	21st "	..	..	2090	<i>Pay of Karnams.</i> —Recording proceedings of the Revenue department approving and submitting to the Government of India for sanction the proposals made by the Board of Revenue for raising the —.
● 566	22nd "	..	No. 359 of 1897, Edl. No. 790 of 1896.	2002	<i>Establishment.</i> —Directing that the entertainment of a gymnastic instructor in the lower secondary school, Jeypore, be postponed and the Director of Public Instruction informed accordingly.

● Not seen by Honourable Member.

Rev-8-97

Cur-97

CHIEF SECRETARIAT.

List showing papers in the Judicial, Financial and Public Departments issued without being circulated to the Honorable Member during the week ending 24th

July 1897

SUBMITTED for perusal of

The Honorable ^{Sir} Mr. H. W. BLISS, K.C.I.E.

See in, 1/plate

AV

See

G.O. No. 558-9 F. and P. Dept.
20.7.97

See
6/10/97

Ref. to original Pension G.O.

Thank please Cms

Original returned to the Secy.

See
1/10/97

See
1/10/97

The papers marked with an asterisk are those which were not circulated to the Honorable Member.

The Hon'ble Sir Henry Bliss, K.C.I.E.

G.O. No 558/59 F. and P. Dept. 20.7.97 and the original Pension Dept. order No 490/91 of 15.7.97 are submitted

Cms
19/8/97

20/8/97

4/8/97

21/8/97

Given for copying _____
 Copied 23.7.
 Examined 24.7.
 Signed _____

189

AGAIN G.O., No.
 189

DATED

ENT No.

URRS TO C. No.

OF GOVERNMENT A A A A A A A

OF GOVERNMENT.

ENT WITH DITTO.

FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.—

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