

Financial (1896) Department.

ORDINARY MS.

G.O., No. 587-88

Dated 29-7-97

INDEXED.

W.2
3/7

[Despatch Abstract.]

Requesting ~~the~~ instructions of the Government of India
as to the correct interpretation of rule XIII of the revised
rules for exchange compensation allowance.

PRINTED IN G.O., dated

30 Sept 1897, No. 809

BACK PAPERS.

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

FURTHER PAPERS.

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

Financial Public Works (1897) Department.

CURRENT No. 6312

38
N 6952. of 21 July 1897
Order sent.

CURRENT No. 1982

Transferred to From
the Financial Department. The Examiner
O. W. Stearns to
Madras
No. 3174

on
Recd 2/7/97
Regd 3/7/97
Encl 1

Dated 28th June 1897
Received 29.6.97
Enclosures
Spare copies

SUBJECT.

Exchange Compensation
allowance.
Revised rules
regarding —

BACK PAPERS.

FURTHER PAPERS.

G.O.	No.	Department.	Date.
	491	Finance	26.6.97

G.O.	No.	Department.	Date.

N.B.—In any future communication on this subject, the number and date of this letter should be quoted, and the communication should be addressed to the Examiner, Public Works Accounts, Madras, and not to any officer by name.

4646. 587-88/9 July 1997 [E. No. 94.]
3,000—26-4-97.
28

FROM E. A. DENNYS, Esq.,
EXAMINER OF P. W. ACCOUNTS, MADRAS,
To

The Secretary to Government,
Public Works Department.

No. 3174 Madras, 28^x June 1897.

SIR,

Lo 491 Finance
26.6.97

At testamum

A

31

With reference to the revised rules governing the grant of Exchange Compensation allowance as contained in Government of India Resolution No. 2422-Ex dated 31st. May 1897 published in Part I Gazette of India of 5th. idem, I have the honour to ask that, in anticipation of the "lists of offices, Services and departments" promised in para 6 of that Resolution, the orders of Government of India may be obtained on the question of the correct method of applying Rule XIII of the Subsidiary Rules annexed thereto.

2. If Rule XIII is intended to be applied retrospectively, i.e. with effect from 1st. April 1897, it is not clear whether, seeing that Exchange Compensation allowance apparently ceases with the first promotion,

(a) the first increase in salary will have to be reduced by the amount of Exchange Compensation allowance drawn on 1st. April 1897, and continue to be reduced by that amount, monthly, until the total amount of the allowance drawn since 1st. April 1897 has been made good to Government,

or

(b) whether the whole amount of an officer's increase in salary will have to be surrendered monthly until the amount drawn since 1st. April 1897 has been made good to Government as above -

3. If, on the other hand, Rule XIII is not to apply retrospectively, I take it that an officer will continue to draw the allowance until promoted, when the amount of his increase in salary will be taken at once in reduction or extinction of his claim as the case may be, and that, thereafter he will merely draw the pay or salary proper of the grade to which promoted.

I have the honour to be,

Sir,

Your Most Obedient Servant,

E. A. De Souza

Examiner, P.W. Accounts, Madras.

*Am
18/6/97*

EXCHANGE COMPENSATION ALLOWANCE

Financial Dept:

G.No.1982

FOR ORDERS

In the above current the Examiner of P.W. Accounts requests orders as to the correct method of applying rule XIII of the revised rules for exchange compensation allowance contained in G.O.No.491 Finl d/ 24th June 1897. Rule XIII states that the new rules shall come into force with effect from the 1st of April 1897 "provided that officers to whom exchange compensation would not be admissible under these rules, but who have been admitted to it under the rules previously in force, will continue to draw it to the extent of the salaries they were drawing on the 1st of April 1897; but any increase in their salary after that date will be taken in reduction and ultimately in extinction of the claim to the allowance." and para 12 of the resolution on page 4 of G.O.No.491 Finl., d/ 24th June '97 intimates that rule XIII, so far as it provides for the withdrawal of the allowance from officers who have been admitted to it under past rules, will not be brought into force until the proposed lists of appointments called for in para 6 of that resolution ^{have been} considered and determined. The Examiner

Examiner of P.W. Accounts points out that if rule XIII is intended to be applied retrospectively, that is, with effect from the 1st of April 1897, it is not clear whether (a) the first increase in salary will have to be reduced by the amount of the allowance drawn on 1st April 1897 and ^{continued to be reduced by that amount monthly until the total amount of the allowance drawn since 1st April 1897} has been made good to Govt. or (b) whether an officer's the whole amount of increase in salary will have to be surrendered monthly until the amount drawn since 1st April 1897 has been made good to Govt. as above. If rule XIII is not to apply retrospectively, the Examiner understands that an officer will continue to draw the allowance until promoted, when the amount of his increase in salary will be taken at once in reduction or extinction of his claim, as the case may be, and that thereafter he will merely draw the pay or salary proper of the grade to which promoted.

2 It does not appear that the Govt. of India intended that rule XIII should have any retrospective effect in the sense understood by the Examiner. ^{Seems to} All that was intended was, as he understands in the latter part of his letter, that all increases in the salary of officers admitted to the allowance under the old rules but who are not eligible under the new rules will, after the 1st April 1897, be deducted from their salaries or ^{as} in other words, an officer's salary (including in that term exchange compensation allowance) will not really increase until he has reached a stage of salary which

I don't follow this way of putting it
and that in the case of such officers ex. comp. shall not be calculated on a higher salary than they were drawing on 1st April 1897

This seems the right way to put it. P. S. a man gets Rs 300 + 30 Exch. Comp. His pay is increased to Rs 325 - He

will then get Rs 325 + 5 Exch. Comp. - His pay, later on, is increased to Rs 350 - He will get Rs 350 only. To prevent mistakes, however, better ask India - If the Examr reads the rules in any other way, Whoshall say that the Examr is wrong?
RS
20/7/97

which exceeds the pay proper plus exchange compensation allowance which he was drawing on the 1st of April 1897.

Comp. 16.7.97

19/7/97

C28.7.97.
R29.7.97

EXCHANGE COMPENSATION ALLOWANCE

His Excellency the Governor

liu bura
Draft for approval
A

TO

The P.W.D. (P.W.)

A.H.
29.7.97

Defil
29/7/97

Financial Dept:

48

C.No.1982

ORDER

W. 587 29/7/97

addressed.

The Govt. of India will be

(from orders)

Cmb
26/7/97

LETTER

To

The Secy. to the Govt. of India,

Fin: & Com. dept:

Sir,

Rule XIV of

B *these* in regard to the grant of exchange compensation allowance forwarded with Fin: & Com: dept. resolution No.2422 Ex., d/ 31st May 1897, ~~Rule XIII~~ states that the new rules shall come into force with effect from the 1st ^{of} April 1897 "provided that officers to whom exchange compensation would not be admissible under these rules, but who have been admitted to it under the rules previously in force, will continue to draw it to the extent of the salaries they were drawing on the 1st of April 1897; but any increase in their salary after that date will be taken in reduction and ultimately in extinction of the claim to the allowance." ~~and~~ *quod above* Para 12 of the resolution intimates that rule XIII so far as it provides for the withdrawal

of the allowance from officers who have been admitted to it under past rules, will not be brought into force until the proposed lists of appointments called for in para 6 of that resolution have been considered and determined. The local Examiner of P.W. Accounts points out that if rule XIII is intended to be applied retrospectively, that is, with effect from the 1st of April 1897, it is not clear whether (a) the first increase in salary will have to be reduced by the amount of the allowance drawn on 1st April 1897 and continued to be reduced by that amount monthly until the total amount of the allowance drawn since 1st April 1897 has been made good to Govt., or (b) whether the whole amount of an officer's increase in salary will have to be surrendered monthly until the amount drawn since 1st April 1897 has been made good to Govt. as above. If rule XIII is not to apply retrospectively, the Examiner understands that an officer will continue to draw the allowance until promoted, when the amount of his increase in salary will be taken at once in reduction or extinction of his claim, as the case may be, and that thereafter he will merely draw the pay or salary proper of the grade to which promoted.

2. It does not appear to H.E. the Governor that it was intended that rule XIII should have any retrospective effect in the sense understood by the

Examiner

5-P
Examiner. The correct reading of the rule appears to be that the salary (including in that term exchange compensation allowance) of an officer who has been admitted to the allowance under the old rules but who is not eligible for it under the revised rules will, after the 1st of April 1897, not really increase until he has reached a stage of salary which exceeds the pay proper plus exchange compensation allowance which he was drawing on that date.

3. The point is, however, not free from doubt and I am therefore directed to request instructions as to the correct interpretation of the rule.

I have etc.

(from orders)

Cms
20.2.92

20
27/7/92

then given for copying 31/7
 then copied 2
 then examined 5/8
 then signed _____

189

AD. AGAIN G.O., No.
 189

DATED

PRESENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTERS OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.-

- A = Copy in full.
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