

Financial (1895) Department.

ORDINARY MS.

G.O., No. 610-11

Dated 3.8.97

INDEXED.

W3/8

[Despatch Abstract.]

Inquiring the G.O. I know the rules re
the grant of Exchange Compensation
allowance should be applied in the
case of Europeans who are statutory
natives of India.

PRINTED IN G.O., dated

19 April 1898, No. 381

18/97

BACK PAPERS.

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

FURTHER PAPERS.

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

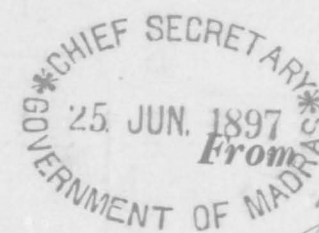
Financial (1897) Department.

Written to acc. for Rs.
No. 6482 27.2.94

CURRENT No. 1911

See
25.6.97

Recd. of 1st inst. 25.6.97



From
The Accountant General,
Madras.

Order

No. 1904

Dated 25 June 1897

Received 25 June 97

Registered 25 June 97

Enclosures 1

Spare copies

SUBJECT.

Forwarding with remarks
Copy of a letter from Surgeon Major
W. F. Thomas, District Medical and
Sanitary Officer, Cuddappah,
in which he inquires whether
he is entitled to any Exchange Compen-
sation allowance under the new
rules.

630/see

BACK PAPERS.

G.O.	No.	Department.	Date.
	491	File	26.6.97 (also)
	390	"	15.5.95
	914	"	30.10.94
	648	"	27.8.94
	484	"	5.6.94

+ 8x: Comp: file -

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 1950
3-6-97

Office of the District Medical & Sanitary Officer,
Cuddapah; 3rd June 1897.

From,

Surgeon Major W. F. Thomas, M.D.,
Ag: District Medical and Sanitary Officer,
Cuddapah.

To

The Accountant General, to the
Government of Madras,
Madras.

Sir,

To 491
26.6.97
A

With reference to the new rules of the
Exchange Compensation Allowance promulgated
on 1st June 1897, I have the honour to be informed
if I am now entitled to Exchange Compensation
Allowance.

2. I was appointed in England as an European
Officer in the Military Service (Indian Medical
Service).

3. My father was the son of Lieut. Thomas
born in Wales; it was not my father's intention
habitually to reside in India; but he died in India.
My mother was the daughter of Lieut. Col. F. W. Todd
and both her parents went to England in 1848, her
mother died in England in December 1895 and her
father died in England in 1896. I lived 6 years in
England; married in England; all my children are in
England, I have a little property in England; and
it is my intention when I retire to live in England.
I am in no sense a "Statutory Native of India".

4. My subscription and donation to the Indian Military Service Fund are paid in Sterling; my Premium on Life Assurance Societies are paid in Sterling money and I have to remit money home every month for my children.

5. If by the new rules I am entitled to Exchange Compensation allowance will I become entitled to any back allowances (this Exchange Compensation allowance having been denied me from September 1894). I was on furlough in England from 28 June 1895 to 5 June 1896.

I have &c

(Signed) W. F. Thomas, M.D.,
Surgeon Major,
Ag: District Medical & Sanitary Officer.

(True Copy)

W. Harrison
Offg: Accountant General.

172



Gazetted audit.

DEPARTMENT.

CURRENT NO 1911

FORT ST. GEORGE,

Accountant-General's Office,

24th June 1897.

No. 1904

From

J. C. Harrison Esq.,

Offg: ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Chief Secretary to Government,
Financial Department.

SIR,

I have the honour to forward herewith copy of a letter No: 1950 dated 3rd June 1897 from Surgeon Major W. F. Thomas, District Medical and Sanitary Officer, Kuddapah, in which he enquires whether under the new rules regarding Exchange Compensation allowance, communicated with the Government of India Resolution No 2422 Ex: Financial dated 31st May '97, he is entitled to Exchange Compensation allowance, and if so, whether he would be entitled to any back allowance. Dr. Thomas was not allowed Exchange Compensation allowance under the former rules because his domicile was India, vide Madras Government order to the effect dated 27 August 1896. Now he can apparently claim the allowance under para 3 of the Government of India Resolution. If however Government has any doubt in the matter I would respectfully suggest a reference to the Government of India.

I have the honour to be,

Your most obedient servant,

W. Harrison

Offg: Accountant General.

172

From
THE ACCOUNTANT-GENERAL,
MADRAS,

To
THE

No.

Dated

Received

No.

SUBJECT.

Surgeon Major Thomas's claim to
Exchange Compensation Allowance

Financial dept:

C.No.1911

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

rcm

FOR ORDERS

The Acct. Genl. forwards copy of a letter from Surgeon Major W.F. Thomas, Dt. Medical and Sanitary Officer, Cuddapah, enquiring whether under the new rules regarding Exchange Compensation allowance he is entitled to the allowance and, if so, whether he would be entitled to any back allowance. The Acct. Genl. considers that Surgeon Major Thomas can ^{apparently} claim the allowance under para 3 of the Govt. of India resolution recorded in G.O. No.491 Finl., d/ 24th June 1897.

2. Surgeon Major Thomas's claim to exchange compensation allowance was rejected under the old rules (please see G.O's Nos.648/9 Financial, dated 27th August '94 No.914 Financial, dated 30th Octr. 1894 and No.390 Finl., d/ 15th May 1895) ^{as he} ~~he~~ was ^{from the allowance} debarred under the domicile ruling which has now partially disappeared. The facts of his case are as follows:--

His grandfather came out to India in the service of the East India Company in 1810, thereby acquiring an Indian domicile, and died in India without resuming his English domicile. Surgeon Major Thomas's father was born and educated in India and died in the country having spent his entire

entire life here. Surgeon Major Thomas himself was born in India, left it for the first time after attaining his twenty-third year and was, except for ^{his} ~~few~~ ^{months} years spent in England, educated in India.

5. It will be seen from the rules in G.O.No.491 Finl., d/ 24th June 1897, that Surgeon Major Thomas's case now falls to be dealt with as that of an officer appointed in England. Para 3 of the Govt. of India resolution states that all Europeans so appointed are entitled to exchange compensation allowance unless their salaries are fixed in sterling, or unless they are specifically excluded from it by the terms of their Engagement.

The salary of Surgeon Major Thomas is not fixed in sterling and he is not specifically excluded from the allowance by the terms of his agreement. It therefore remains to decide whether he is a European within the meaning of the rules. Rule II on page 5 of G.O.No.491 Finl., d/ 24th June 1897, and para 2 of the resolution on page 3 state that Europe shall be deemed to include the English-speaking colonies and that Eurasians who are not statutory natives of India are to be reckoned as Europeans. A Statutory native of India, the definition of which is reproduced in para 4 of the resolution, ^{is} a person born and domiciled within the dominions of Her Majesty in India, of parents habitually resident in India, and not established there

for

This is not at all my view - The statutory native question comes in according to the reading of the rules. Also (and principally) in regard to officers app'd in India. Grant that Dr. T. is a pure Eur., if he would not be entitled if app'd in India. Para 2 of the Resn. practically says that an Eurasian who is a statutory native is not to get the back: Comp. also - But how about a Eur. who is a statutory native? That doesn't seem to me at all clear. It seems to me that a Eur. to India is desirable on this point.

Yes, I think a reference to India is desirable

Let us refer to India.

J.H.H.

asking?

for temporary purposes only. From the statement flagged T in G.O.Nos.648/9 Finl., d/ 27th August 1894, ^{it would appear} that Surgeon Major W.F. Thomas is a European as both his father and mother were Europeans. He seems to be entitled to the allowance under the new rules on the condition of not being a statutory native of India & is apparently to be applied ^{only} in considering whether Eurasians are to be reckoned as Europeans. Surgeon Major Thomas is, it is submitted, a statutory native of India, for he was born in India, his parents were habitually resident in India, his father having been born in and having died in the country, and whatever his intentions as regards future domicile may be his present domicile is India. With reference to the ^{question} of ^{intention} to change ^{Such change} domicile without actually changing place please see extracts flagged U in the original of G.O.No.1174 Finl., d/ 22nd Novr. 1893. As stated above, however, the fact of Surgeon Major Thomas being a European seems to bring him clearly within the rules. The point as regards Eurasians is raised because it will be seen from G.O.No.648/9 Finl., d/ 27th August 1894 that there are several cases in the Indian Medical service of this Presy. of medical officers who are Eurasians by birth. It is understood that under the new rules ^{even those app'd in England} all Eurasians who are statutory natives of India are excluded from the benefit of the allowance.

4. The second question asked by Surgeon Major Thomas is whether he would be entitled to any back allowance. Please see

of
rule XIII / the rules on page 6 of G.O.No.
491 Finl., d/ 24th June 1897, where it
is stated that the new rules come into
force with effect from the 1st of April
1897. Up to that date the allowance is
governed by the old rules and Surgeon
Major Thomas's claim having been negatived
under the old rules, he cannot, it is
submitted, get any benefit from the re-
vised regulations farther back than the
1st of April 1897. This view is strengthened
by para 2 of the Govt. of India resolution
in the linked file where, in dealing with
the claims of certain memorialists which
turned on the test of domicile and which
were rejected by the Secy. of State,
the Govt. of India directs that these memorialists should
be informed that if any of them are
eligible for the allowance under the new
orders contained in the resolution recorded
in G.O.No.491 Finl., d/ 24th June 1897,
their claims will be "considered and de-
cided under these orders" in due course.

B A

20/7/97 25
22/7/97

C.No.1949

V

P.E.H

24.7.97

A

Cms
16.7.97

20
19/7/97

Exchange Compensation Allowance

- (1) The Hon'ble Sir Henry Bliss K.C.I.E.
- (2) His Excellency the Governor

(Draft of letter to India for approval)

TO

The Acct, Genl. (a)

See also at
first of draft.

ORDER

W.P. 610 of 3rd Aug 97

The Govt. of India will be
addressed.

(from orders)

LETTER

W.P. 611 of 3rd Aug 97

TO

The Secy. to the Govt. of India,

Fin: & Com: Dept:

Sir,

In rule II (1) of the ~~revised rules~~
for the grant of exchange compensation
allowance communicated with Fin: & Com:
dept. resolution No.2422 Ex., d/ 31st May
1897, it is stated that Europeans appoint-
ed in England form one of the classes of
public servants who fulfil the condition
laid down in rule I as regards the grant
of the allowance and it is directed at the
end of that rule that Europe shall be deem-
ed to include the English-speaking colonies
In para 2 of the resolution quoted above
it is intimated that Eurasians who are not
statutory natives of India are to be re-
reckoned as Europeans. The case of Europ-
eans who are statutory natives of India
does not seem to be clearly provided for
and I am to request instructions as to
whether

of this class who

whether ~~any~~ Europeans ~~are~~ are appointed
in England can be admitted to the allowance.

2. I am also to draw attention to
the fact that the word "hereafter" in
the first line of rule IV (1) of the
revised rules appears to be redundant
as rule XIII ~~as~~ provides for the case
of offic^{ers} ~~als~~ already in the service of
Govt.

I have etc.

(from orders)

Cut
26/2/42

h2
27.7.42

Note Para 2 is added with reference
to the Hon'ble Member's note on Fin.C.
No. ²⁰⁷⁶ ~~2766~~ linked. It is not clear whether
the P.M. wishes the point to be brought
to the notice of India.

Cut
24/2/42

When given for copying 4/8
When copied 6/8
When examined 4/8
When signed 4/8

189

AGAIN G.O., No.
189

DATED

CURRENT No.

INCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—

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