

Financial (1898) Department.

ORDINARY MS.

G.O., No. 380

DATED 19.4.98

10/11

[Despatch Abstract.]

Stating that the Acctt. of ~~the~~ has correctly interpreted the rules in the question as to when the first increment of pay accrued in the case of Mr. Gillespie the Dy. Registrar of the High Court

T
21.4.98

BACK PAPERS.

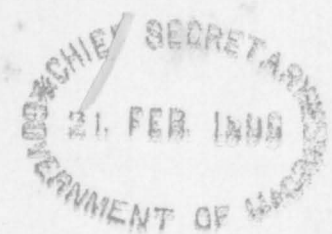
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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

Judicial (1898) Department.

CURRENT No. 852



From

The Registrar,
High Court of Judicature,
Madras.

CURRENT No. 127

Order
recd 4/29/25-2-98.

Endowment

Transferred to the Final Dept.

Refer Bur No. 127.

Admnstr.

Dated 16 February 1898.

Received

Registered

Enclosures

Spare copies

At.

24/2/98.

Encl. No. 63289th March 98.

Referred to the Accountant

General for remarks with reference

to paragraphs 3 and 4 of

the letter from the Registrar

of the High Court No. 127. D

16 February 1898

SUBJECT.

Forwarding for decision the
question whether Mr. Gillespie's
first increment of pay accrued on
1st November or 1st December 1897.

H. Arnold

Chief Secretary

C.M.S.

8/3/98

To the Final Dept.

BACK PAPERS.

G.O.	No.	Department.	Date.
	1789	: 16-12-97	Min
	1624	: 3-11-97	R
	1584	: 3-10-96	Min
	1282	: 12-8-96	cop
	164	: 27-1-96	cop

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Enc. 1.

Pay slip No.A.D.S./51.

Accountant-General's Office,
Madras, the 18th January 1898.

A Mr. J. T. Gillespie, Deputy Registrar, High Court, Appellate Side, Madras, is informed that under Madras Government order No.1789, dated 16th December 1897, Judicial Department, he is entitled to draw pay at the rate of Rs.760 per mensem with effect from 1st December 1897 less the amount already drawn.

To facilitate work in this office, he is requested to enter No.88 as the audit number on the top of his salary bills each month.

(Sd.) J. O. E. Power,
For Assistant Accountant-General.

(True Copy.)

High Court of Judicature,
MADRAS,
16th February 1898.

C. L. Hanay
18.2.98

Registrar.

Ref. on Cu. No. 127.

High Court of Judicature,
Madras, 19th January 1898.

From

J. T. Gillespie, Esquire,
Deputy Registrar of the High Court of
Judicature, Appellate Side, Madras.

To

F. C. Harrison, Esquire,
Accountant-General, Madras.

Sir,

With reference to payslip A.B.S./51, dated 18th instant, I have the honor to point out that I have been acting in the post of Deputy Registrar, Appellate Side, High Court, since the 7th October 1896 and drew acting allowance from that date. Therefore under the footnote to article 163, Civil Service Regulations, I had earned my first increment on 1st November 1897, the broken period 6th to 31st October being neglected under article 165, Civil Service Regulations. I am therefore entitled to draw pay at the rate of Rs.760 per mensem with effect from the 1st November 1897, and not from 1st December only as the payslip under reference states, and I request that a revised payslip may be issued to me accordingly.

I have &c.,
(Sd.) J. T. Gillespie,
Deputy Registrar.

(True Copy.)

High Court of Judicature,
MADRAS,
16th February 1898.

A. L. Hannay
Registrar.

1898
Jenl
No. 3
853

Enc. 3.

Gazetted Audit Department.

Fort Saint George,
Accountant-General's Office,
31st January 1898.

No. 354.

From

F. C. Harrison, Esquire,
Accountant-General to the Government of Madras.

To

J. T. Gillespie, Esquire,
Deputy Registrar, High Court, Appellate Side,
Madras.

Sir,

With reference to your letter No. 127, dated the 19th of January 1898, I have the honor to state that you drew salary for 30 days from 7th October to 6th November 1896 at Rs. 665 per mensem, after which date you drew Rs. 700 a month. When you were last officiating before being made permanent in the appointment, you were in receipt of Rs. 700 a month which is one of the stages of the appointment, and your pay was therefore fixed at that amount and you count for increment the time during which you were drawing that salary, that is from 7th November 1896, vide article 170 (a) of the Civil Service Regulations.

The broken period from 7th to 30th November 1897 being neglected, you are entitled to first increment from 1st December 1897.

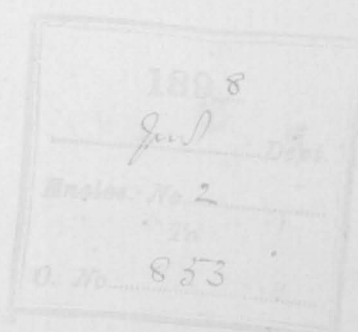
I have &c.,

(Sd.) H. G. Tomlins,
Assistant Accountant-General.

(True Copy.)

High Court of Judicature,
Madras, 16th February 1898.

A. L. Hanuman
Registrar.



Ref. on Cur. No. 127.

High Court of Judicature, Madras.

16 February 1898.

From

853

A. L. Hannay, Esquire, Esq.,

Registrar of the High Court of Judicature, Madras.

To

THE HON'BLE MR. A. T. Arundel,

Chief Secretary to the Government of Madras.

HON'BLE SIR,

I

1. Payslip No. A.E.S./51, dated 13th January 1898, from the Assistant Accountant-General.

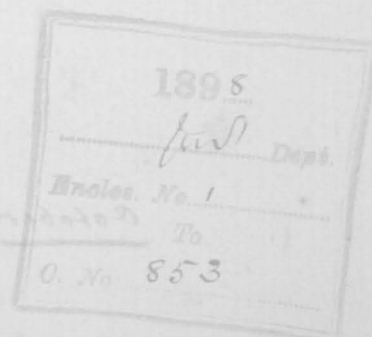
2. Deputy Registrar's reply thereto, Ref. on Cur. No. 127, dated 19th January 1898.

3. Accountant-General's letter No. 354, Gazetted Audit Department, dated 31st January 1898.

I am directed to forward to you the enclosed copies of correspondence between Mr. Gillespie, Deputy Registrar, High Court, Appellate Side, and the Accountant-General, and to request the favor of a decision by Government of the point in issue, which is:-whether Mr. Gillespie's

first increment of pay accrued on 1st November or 1st December 1897.

2. Mr. Gillespie took over charge as Deputy Registrar, Appellate Side, on the forenoon of the 7th ~~December~~ *October* 1896. He therefore completed one year's tenure of office on 6th October 1897, but as under article 165 of the Civil Service Regulations broken periods are to be neglected in the calculation, the first increment of pay could not ~~be~~ accrue before 1st



November 1897

3. The Accountant-General maintains that the accrual of the first increment should be further delayed for one month, i.e., till 1st December 1897, because under article 120, Civil Service Regulations, for the first 30 days of his acting tenure Mr. Gillespie drew only three-fourths of the full acting allowance admissible under article 125, Civil Service Regulations. However, it is clearly laid down in the footnote to article 163, Civil Service Regulations, that "the whole of the acting tenure, whether continuous or not, should be taken into account with the exception of so much of it as under article 120 gave no claim to acting allowance." Article 168 deals with acting tenures and appears to be more applicable to the case than article 170, which is obviously intended for the determination of a different matter altogether, viz., the initial pay of an officer when substantively appointed to a progressive appointment.

4. There was no part of Mr. Gillespie's acting tenure which gave no claim to acting allowance and therefore the whole of that acting tenure should be taken into account in calculating the date of accrual of the first increment of pay, with the exception of course of the period, 7th to 31st October 1896, expressly excluded by article 165.

I have the honour to be,

Honourable Sir,

Your most obedient servant,

A. L. Hannay
18.1.98

Registrar.

Fail
Judicial (1898) Department.

CURRENT No. *1867* 963



From *The Accountant General,*
Madras

Order

No. //73

Dated 22nd March 1898.

Received } 24.3.98

Registered } *644 mil*
Enclosures *c 5-3 ret'd with Encls*

Spare copies

SUBJECT.

Stating that the note under article 168 C.S.R. applies when Mr. Gillespie is officiating in a progressive appointment, & that when he is confirmed in that appointment he becomes subject to the provisions of article 170 C.S.R.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Gazetted Audit

DEPARTMENT.

CURRENT No. 1367

963

FORT ST. GEORGE,

Accountant-General's Office,

22nd March 1898.

No. 1173

From

T. C. Harrison Esq.

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE *Chief Secretary to Government,*

Judicial Department.

SIR,

*With reference to Government Endorsement No 632
Judicial, dated the 9th of March 1898, referring for my
remarks letter from the Registrar, High Court of Judicature
Madras relating to Mr Gillespie's claim to increment. I
have the honour to state that the note under article 168
Civil Service Regulations which gives an officer a claim to
count the whole of his acting tenure with the exception
of that portion for which no allowance is admissible under
article 120 Civil Service Regulations applies when he is
officiating in a progressive appointment. But when he is*

confirmed

confirmed in that appointment he becomes subject to the provisions of article 170 Civil Service Regulations Mr Gillespie drew when he last officiated Rs 700/- a month which is one of the stages of the appointment; and he consults for increment the time during which he was drawing that salary, that is, from 6th November 1896. His first increment after his confirmation in the appointment therefore falls due on the 1st December 1897.

I have the honour to be,
Sir,
Your most obedient servant.

W. H. M. M.
Accountant-General

[G. A.]
500-8-12-97.

C1574/99
Kuspu/gf

Financial DEPARTMENT.

C. Nos: 644 & 963.

SUBJECT.

Date of Mr. Gillespie's first
increment of pay.

HMM

FOR ORDERS.

Mr. J. T. Gillespie was appointed to act as Dy. Registrar of the High Court, Appellate Side, on the 7th October 1896 and was confirmed in that appointment on the 13th June 1897. The pay of the appointment is Rs. 700-60-1,000 (vide Secretary of State's despatch No. 48, Judicial, dated 21st November 1895, on page 1 of recorded in G.O. No. 164, Judicial, dated 27th January 1896).

In G.O. No. 1789, Judicial, dated 16th December 1897 Mr. Gillespie was declared entitled to draw the increments.

2. The point for decision is whether Mr. Gillespie's first increment of pay accrued on the 1st November or on the 1st December 1897.

3. Article 165 of the C.S.R. states that an increment accrues from the beginning of the calendar month following that in which it is earned, any intermediate broken period being neglected.

Seems to make this clear.

4. According to article 170 (a) of the C.S.R. when an officer is appointed substantively to a progressive appointment in which he has already officiated, "if the salary which he drew when last officiating is equal to one of the stages of the pay of the appointment, his pay shall be fixed at that stage, and he shall count in that stage the time during which he has been drawing the said salary"

5. The Accountant-General holds that Mr. Gillespie's first increment accrued on the 1st December 1897. He bases this opinion on the facts that for the first 30 days of his acting appointment, *ie from 7 October to 6 Nov 1896 -* Mr. Gillespie drew Rs. 665 under article 125 of the Civil Service Regulations as he officiated for an officer on privilege leave; that according to article 170(a) C.S.R. he only counted for increment from the 7th November 1896, the date when he began to officiate on Rs. 700, one of the stages of the appointment; and that excluding the broken period from 7th to 30th Novr. 1896 under article 165 he actually began to count from December 1st 1896.

6. The foot note to article 168 of the C.S.R. lays down that "when calculating the salary of an officer who acts in an appointment the whole of the acting tenure, whether continuous or not, shall be taken into account with the exception of so much of it as under article 120 gave no claim to acting allowance"

Article

Article 120 states that "no acting allowance is given to an officer acting in an higher appointment or grade in consequence of the absence of another officer on privilege leave for the first thirty days of such acting appointment unless the acting officer is transferred from another station in which case he may draw three-fourths of the acting allowance otherwise admissible".

The Registrar of the High Court contends that article 168 is more applicable to Mr. Gillespie's case, as it deals with acting tenures, than article 170 which is intended to determine the initial pay of an officer when substantively appointed to a progressive appointment. He contends that as there was no part of Mr. Gillespie's acting tenure which gave no claim to acting allowance the whole of that acting tenure should be taken into account in calculating the date of accrual of the first increment.

7. The Accountant-General's reply to this is that the note to article 168 C.S.R., on which the High Court relies, applies in the case of an officer ~~only when he is~~ officiating in a progressive appointment, but that when he is confirmed he becomes subject to the provisions of article 170.

8. The Accountant-General is, it is submitted, right. The use of the term salary in the note to article 168 seems to make this clear.

I think the A.G. is clearly right.

Act 14.4.98

1574/98

Curb.

CS
 644
 C. No. ~~644~~ + 963.
 Order No. 380, of 19th April 1898.
 Mis

~~Proport~~ H.E. The
 Governor in Council considers
 that the Accountant General
 has interpreted the rules
 correctly

Cmb.
 16.4.98
 (From Order)
 18.4.98

The Hon. the C. J. (with C.L.) 644 = g. 963 = a ✓
 - Acct. Genl 644 = p. 963 = g ✓
 - Judicial Dept. (with g) - with Clk in original to be refd

When given for copying
 When copied 21/4
 When examined 12/4 } 1898
 When signed

READ AGAIN G.O., No
 189 DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO

PAPERS NOT FILLED 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