

Financial (1898) Department.

ORDINARY MS.

G.O., No. 17578

OF

DATED 1-9-98

INDEXED.

15/15

[Despatch Abstract.]

Addressing the G.O. of the subject of the applicability of art 1205 of the C.S.K. to jail wardens & third grade head wardens in this Presy so far as to permit them to recover the actual charges incurred by them in moving their families while on transfer.

PRINTED IN G.O., dated

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
and 4 of 1898 5210/1898 310/1898	364-5 13.2.99						

Financial (1898) Department.

CURRENT No. 3014



From

The Inspector-General of Prisons

Order

Enrolment N. 1603 of 22nd July 1898

No. 3874.

Transferred to the Finl. Dept.

Dated 19th July 1898.

Received

Registered

Enclosures

Spare copies

SUBJECT.

Requests to move the Govt of India to declare that the provisions of Art. 1205 C.S.R. so far as they permit an officer on transfer to recover actual charges of moving his family with him, are applicable to Jail Warders and 3rd Grade Head Warders under Art. 1218(h) C.S.R.

To the Finl. Dept.

BACK PAPERS.

G.O.	No.	Department.	Date.
(110 :	18-1-98	SC	
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FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 3874.

OFFICE OF THE INSPECTOR-GENERAL OF PRISONS,
Dated Ootacamthe, 19th July 1898.

From

A. G. CARDEW, Esq., M.A., J.C.S.,

INSPECTOR-GENERAL OF PRISONS,

To

THE CHIEF SECRETARY TO GOVERNMENT.

Sir,

Enclosures.

I have the honour to request that the Government may be pleased to move the Government of India to declare that the provisions of Article 1205 of the Civil Service Regulations so far as they permit an officer on transfer to recover rail fares or other actual charges of moving his family with him, are applicable to Jail Warders and Third Grade Head Warders under Article 1218 (h) Civil Service Regulations.

2. Since Article 1205 was revised in its present form it has been considered in this Office that the provisions of Article 1205 already applied to Warders and Head Warders. On correct principles of interpretation this is probably the case, but the Accountant General has taken a contrary view, and as the matter is not free from doubt, it should, it is submitted, be made quite clear that the subordinates in question are entitled to the concessions

3
allowed

allowed by Article 1205.

3. Drs. Walker and Lethbridge the Jail Commissioners

appointed by the Government of India in 1888, in their Report

(Chapter 6) laid great stress (para 21) on the importance of

arranging that no Officers, "from the Jailor down to the lowest

paid Warder" are employed in their own Districts. They proposed

that Warders should be recruited in Central Jails and sent from

these to District Jails, and that every Warder should be liable

to be transferred to any Jail in the Province (para 80). In

para 15 of Home Department Resolution No. 10 Jails-610-623, dated ¹¹⁰ 18.1.93. 9

9th November 1892, the Government of India approved of these

recommendations and expressed the hope that local Governments

would carry them out as far as possible. Rule 125 of the Jail

Code accordingly lays down that every Jail Warder is liable

to serve anywhere in the Presidency.

4. The principle that Jail Warders shall not, as far as is

possible, be local men being thus laid down, there is no possible

ground of equity or expediency for excluding them from those

concessions in regard to the recovery of the expenses of transfer

which are given to all other non-gazetted Officers drawing less

than Rs 400 per mensem by Article 1205 of the Civil Service

Regulations. On the contrary, the case for allowing Jail Warders

and Third Grade Head Warders to recover the actual expenditure

incurred in removing their families from one Jail to another is

stronger than that for giving the same privileges to better paid

Officer.

Officer. The Jail Warder moved from Trichinopoly to Palamcottah or from Vellore to Rajahmundry cannot walk the distance between the two Jails. Like all other classes of the community, he has to use the Railway, and he must necessarily either take his family with him by rail or leave them behind. It is essential, at any rate in this Presidency, to the success of the plan advocated by Drs. Walker and Lethbridge and enjoined by the Government of India that a Warder should, when transferred, take his family with him, for no Officer of that class can live with decency and comfort unless he has his female-relatives with him to cook for him and keep his house. But it would obviously be unreasonable to require a Warder on Rs 7, 8, 9 or 10 per mensem to spend a month's pay or more in moving his family from Trichinopoly to Palamcottah. If the Clerk on any salary not exceeding Rs 400 per mensem needs help on such occasions, still more does the Warder on Rs 7. On the other hand the allowances which would be drawn on this account by the Warder, who travels third class, will be much less than those drawn by the Clerk who often travels second class. On every ground, therefore, the Warder or Head Warder in inferior service should, it is submitted, be eligible for the privileges accorded by article 1205 of the Civil Service Regulations so far as the cost of removing family is concerned, and I strongly recommend that, in the interests of Jail Administration and in the furtherance of the objects set forth in the passages cited in

Drs.

Drs. Walker and Lethbridge's Report that the meaning of the rules
of the Civil Service Regulations may be placed beyond doubt on this
point.

I have the honour to be,
sir,
your most obedient servant,

R. G. Cardew.
Inspector-General of Prisons.



Financial Dept

C. No 2023

Sub N: 1679.

*Referred to the Accountant
General for remarks.*

mm/s

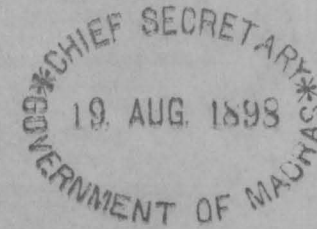
*W. H. S.
Chief Secretary*

*Col. Cardew
10 - August 1898*

TO BE RETURNED
WITH REPLY.

Financial (1898) Department.

CURRENT No. 2276



*From The Accountant General
Madras*

Order

No. 4000

Dated 17 August 1898

Received

Registered

Enclosures 2 Nos. 2023 & memo 1679 per?

Spare copies

SUBJECT,

*Reporting that the sanction
of G. S. will be necessary
to apply the provision of
art. 1205 of the C. S. & C. to Jail
wardens & 3rd grade 1st wardens*

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CURRENT NO. 3276

Treasury Account DEPARTMENT.

FORT ST. GEORGE,

Accountant-General's Office,

17th August 1898.

No. 4000

48

From

T. Hestath Biggs Esq.,

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Chief Secretary to Government,
Financial Department.

SIR,

With reference to your endorsement No. 1679
* herewith returned dated the 10th of August 1898 forwarding for
permarks a letter from the Inspector General
of Prisons requesting that the provisions of
Article 1205 of the Civil Service Regulations
so far as they permit an Officer on transfer
to recover Railway fare or other actual
charges of moving his family, may be
made applicable to Jail Warders and
3^d Grade Head Warders, I have the honour
to report that the sanction of the Government
of India to the concession will be necessary as
the

the article is apparently as it stands not applicable to officers in inferior service, their cases being dealt with in articles 1216 & 1218 of the Regulations.

I have the honor to be,
Sir,
Your Most Obedient Servant;

Frank W. P.
Accountant General.

17/18

Sept 25/8 Jul 2023
1276

Rep

By the ~~Finance~~ Finance
Committee's report short
nothing?

Cust
578/22

There is nothing in the Finance
Committee's report as regards travelling
expenses of the families of inferior
servants on transfer

AS
7/8/98

C. No. 2023

SUBJECT.

Payment of actual travelling
expense to families of jail
warders on Rs 7, ^{to 10} ~~200~~ on
transfer.

FOR ORDERS.

Article 1087 of the C. S. R.
rules that, ^{save as specially} ~~except as spe-~~
^{provided in the Regulations} ~~cially provided in the arti-~~
~~cles quoted below~~, no al-
lowances can be granted
to meet the expenses of the
families of officers accom-
panying them when travel-
ling on duty.

Article 1204 declares that
the officers noted in the
margin* are entitled to
free passage or refund
of passage money for each
member of their families
during journeys by sea or
river steamer. There is no
provision made here for
officers of the 4th class
(^{inferior service}) ~~inferior~~ servants.

[G. 25] c 22/8
500-10-5-98.

HIS MAJESTY THE GOVERNOR.

THE HON'BLE SIR HENRY BLISS, K.C.I.E.

THE HON'BLE MR. GROSE, C.I.E.

1. Warrant officers
2. Hon. Commissioned Military Officers
3. European soldiers.
4. Officers of the 2nd or 3rd
class whose pay is less
than Rs 200.

Article 1205 lays down the scale of travelling allowances ^{and expenses} admissible to non-gazetted officers on Rs 400 and less, their families, servants and personal effects. This article is headed "Transfers of subordinates" but inferior servants are implicitly excluded from its scope as Articles 1216 to 1218 provide separately for their travelling allowances.

Article 1216 says that as a general rule inferior servants are not entitled to travelling allowance on transfer except with the sanction of the Local Govt., which may ~~transfer~~ delegate its powers.

Numerous exceptions are, however, made, among these being Head wardens and wardens of jails here transferred from one jail or subsidiary jail

It is not clear however that article 1205 does not apply to such inferior servants as are eligible for T. A for journey on Konrofer Club

Jail to another. (Article 1218 (h)). But no provision is made for the grant of Travelling allowance to families in any class of inferior servants.

2. The J. G. of Prisons says that in his office it had all along been understood that under article 1205 the wardens in inferior service were entitled to the actual charges for moving their families with them.

The Asst. General ~~now~~ now appears to have taken a contrary view, & the J. G. requests that India may be addressed so as to make the concession in article 1205 applicable to inferior servants in the jail dept.

He represents that the Jail Commissioners lay much stress on the importance of making these subordinates understand

understand that they should hold themselves in readiness for transfer to any district, that this recommendation met with the approval of India, and has been embodied in the Jail Code, that if a clerk in superior service ^{is} to be given the allowances for his family, there ~~was~~ ^{is} all the more reason why the concession should be extended to poorly paid servants in inferior service, as it is really hard to make a man on Rs 7 to 10 to spend a month's pay or more ~~to~~ ^{to move} at his own cost; his family without which, it is impossible for him to maintain himself with any degree of ^{decency} comfort in a strange place.

But the ~~very~~ large number of such servants in the Land Revenue, Police and other depts. makes it impossible to extend

Besides, such men are not transferred from district to district

As

any

any concession to them, either in the way of ~~increase~~ of pay or other allowances, owing to the increase in the total cost involved, and it is for this reason, evidently that the C.S.R. ~~contemplated~~ ^{requested} the grant of ~~a~~ t. a. to inferior servants ^{as provided in} ~~except under~~ Articles 1216 to 1218.

The same reasons that urge the I.G. to recommend t. a. to the families of warders hold good in the case of inferior servants in all other depts., and it is very doubtful if India will be prepared to make an exception in the case of warders.

These men are enlisted on the understanding that they are liable to transfer at any time.

Submitted therefore that no necessity exists for addressing India ^{as}

suggested by the J. G. of
persons.

AB
3/8/88

The arguments in the foregoing
note ~~do not~~ ~~stand~~ against a com:
-pliance with the J. G's request
do not appear to be sound for the
reason that the wardens of jails
have been specially exempted by
article 1218(h) of the C. S. R. from
the operation of article 1216. & the

~~of the C. S. R.~~ which
prohibits the grant of T. A, except with the sanction of Govt.
to subordinates in inferior
services in ordinary cases of
transfer. The case position of
these subordinates has thus been
specially recognised and the J. G's
case is that since they are
allowed T. A for themselves they
are eligible for T. A for their
families under article 1205.
The J. G. quotes Sir Walker
Stethridge in regard to the necessity
for employing wardens out of
their own districts & for transferring
these subordinates within a

province. The A. G. has not had
his say in the matter yet & it
is subd. that the current may
be referred to him for remarks.

Draft is subd. below

Cub
9.8.88

h
M. J. M.

C.S.

Please see A. G's reply in C.
No 2276. He takes the view
that article 1205 does not
apply to officers in inferior
services and that its application
to Jail Wardens and 3rd Grade
Head Wardens will require
India's sanction.

It is submitted that
India may be addressed on
the subject

Cub.
20.8.88

A. G.

It is necessary to advise India
if it seems necessary to do so. (What is to be done?)

AB

23/8/98 A. G.
31.8.95

M. J. M.

Sh/c. 30/8.
R 1/9

Financial Department.

C. Nos. 2023 & 2276

H.R. The Secy. H.L. The Governor

ORDER:- No 757, 8th September 1897

The Government of India will be addressed.

(from orders)

To The I.G. of Prisons. C of 2023 A of 2376
,, Accountant-Genl. P of 2023 C of 2376

Payment of actual travelling expenses & families of jail wardens & hampers.

Cms. 20/8/97

29/8/97

Despatch with 29/8/97

LETTER:- No 758

To The Secretary to the Govt. of India, Fin. & Com. Department.

Sir,

It is laid down in article 1087 of the C.S.R. that save as specially provided in the Regulations, no allowances ~~are~~ granted to meet the expenses of the families of officers accompanying them when travelling on duty.

2. Article 1204 declares that officers of certain classes specified ~~in the~~ including officers of the second or third class whose pay is less than Rs.200, are ^{in cases of hampers} entitled to free passage for each member of their families during journeys by sea or river steamer; no provision is however made for

for officers of the fourth class.

3. Article 1205 lays down the scale of travelling allowances admissible to non-gazetted officers whose salaries after transfer do not exceed Rs. 400

per mensem on account of their families and servants. *This heading above this* ~~the~~ article ~~is~~ is

~~headed~~ "Transfers of subordinates" ~~and~~ and

inferior servants are impliedly omitted from its scope, as their cases are dealt with separately in articles 1216 to 1218.

4. Article 1216 states that, save as provided in articles 1217 and 1218, officers in inferior service may not draw travelling allowance for a journey on transfer except under the special orders of the Local Govt., which is authorized to delegate its powers.

Among the exceptions to this rule 1218(h) mentions ~~head~~ warders & ~~warders~~ of Jails, who may be granted travelling allowance when transferred from one jail or subsidiary jail to another.

5. The articles quoted above make no specific provision for the grant of travelling allowance to the families of any class of inferior servants, and it is not clear whether article 1205 applies to such inferior servants as are eligible for travelling allowance for journeys on transfer.

6. In the Jail department in this Presidency it has hitherto been understood that warders and third grade head warders, who although in inferior service

Note. §§ 434 & 435, C.S.R. and Page 227 C.B.E.

Chap. VI para. 21 of the Committee's Report 1889.

Para: 80 *ibid*

N. R.
80. 110 *Just*
18.1.93

service are under 1218(h) of the C.S.R. entitled to travelling allowance on transfer, are also eligible for the benefits of article 1205 of the C.S.R.

The Accountant-General however holds that, as it stands, article 1205 is apparently not applicable to officers in inferior service, their cases being dealt with in articles 1216 to 1218.

7. Drs. Walker and Lethbridge, the Jail Commissioners appointed by the Government of India in 1888, laid great stress ~~on the importance~~ *on the importance of arranging that no* ~~officers~~ *from* "the jailor down to the lowest paid

"warder" are employed in their ~~native~~ *native* districts. They proposed that, when

possible, warders should only be recruited in Central Jails and after being trained should be sent to Dt. Jails to fill vacancies, and that every warder should clearly understand that he is liable to be transferred to any Jail in the province. In para. 15 of the Govt. of India Home Dept. Resolution No. 10(Jails)-610-623, dated

9-11-92, the Governor General in Council approved of these recommendations and expressed the hope that local governments would carry them out as far as possible. The Madras Jail Code accordingly lays down that every jail warder is liable to ~~serve~~ *serve* anywhere in the Presidency.

8. The principle that jail warders shall not, as far as it is possible, be local men has thus been clearly

laid

~~dianing zhenzhen zhen zhen zhen zhen.~~

9. ~~Minimum~~ the opinion of the Governor in Council that it is in the interests of jail administration that the provisions of art. 1205 of the C.S.R., so far as they permit an officer on transfer to recover rail fares or other actual charges incurred in moving his family with him, may be made applicable to Jail warders and third grade Head warders in the Presidency.

The special exemption of jail wardens

No. 4000, d/ 17-8-98.

11. A copy of the Accountant-General's letter on the subject is enclosed.

(from orders)

Ms. 18.1.11

15

When given for copying _____
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 When signed _____

189

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 _____

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