I.
21/9/98.

20/9
3-45 P.M.

Financial (1898) Department.

ORDINARY PRINTED.

G.O., No. 785

DATED 12-9-98

INDEXED. 26/26

[Despatch Abstract.]

Article 1162 of the C.S.R (Halts at Head-quarters)

Cancelling paras 5 & 6 of G.O. No. 196 Finl dt 24 Mar 96 as amended by G.O. No 420 Finl dt 13 July 96 and issuing fresh rulings in regard to Claims under ——

Recd from
5-30 P.M.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1898} of Madras.

FINANCIAL.

Recd. } 1898. *Enclosures*

Regd. } 1898. *Spare copies*

G.O., No. 785, 12th September 1898.

SEPTEMBER.

Article 1164 of Civil Service Regulations (Halts at Head-quarters).

Cancelling paragraphs 5 and 6 of G.O., No. 196, Financial, dated 24th March 1896, as amended by G.O., No. 420, Financial, dated 13th July 1896, and issuing fresh rulings in regard to claims under —.

✓

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

Read—again the following papers:—

N G.O., No. 196, Financial, dated 24th March 1896.

Abstract.—Laying down two rules by which all claims under article 1164 of the Civil Service Regulations are to be governed in future, and requesting all officers to note the points that are necessary in order to establish a claim under the article as it now stands.

K G.O., No. 302, Financial, dated 29th April 1896.

Abstract.—Communicating to the Revenue Department a letter from the Government of India stating that the District Forest Officer who, leaving his camp equipage, returned to head-quarters and was detained on urgent business under the orders of the Collector, may be permitted to draw the allowances admissible under the Civil Service Regulations, article 1164 (*a*).

O G.O., No. 420, Financial, dated 13th July 1896.

Abstract.—Making certain amendments in the rules prescribed in paragraphs 5 and 6 of G.O., No. 196, Financial, dated 24th March 1896, for governing claims under article 1164, Civil Service Regulations.

Read—also the following papers:—

From the Public Works Department, Madras, dated 11th January 1898, No. 153/C.
" Accountant-General, Madras, dated 10th February 1898, No. 496.
" Public Works Department, Madras, dated 16th March 1898, No. 1633/C.
" Accountant-General, Madras, dated 14th May 1898, No. —.
" Public Works Department, Madras, dated 12th July 1898, No. 637/D.
" " " " " 24th August 1898, No. 847/D.

Order—No. 785, Financial, dated 12th September 1898.

Paragraphs 5 and 6 of G.O., No. 196, Financial, dated 24th March 1896, as amended by G.O., No. 420, Financial, dated 13th July 1896, are cancelled. The following rulings will in future be applied in regard to claims under article 1164 of the Civil Service Regulations:—

(1) The ten days mentioned in article 1164 (*a*) shall be held to refer to the first ten days after the return of an officer from camp.

(2) In order to establish a claim under article 1164, not only must it be necessary to maintain camp equipage, but camp equipage must actually be maintained.

* * * * *

(True Extract.)

G. STOKES,
Chief Secretary.

To the Public Works Department.
" the Accountant-General.
" all Departments of the Secretariat.

Exd. W. D'Moss.

[F./23]
1,000—11-6-97.

Read-also 4 heading

Financial (1898) Department. 3

CURRENT No. 131

ACCOUNTANT GENERAL'S OFFICE
25 JAN 98
MADRAS

From

The Public Works Department.

Order

Endorsement. No.166.

Referred to the Accountant-General for remarks.

Fort St. George,
21st Jany. 1898.
M. E. Couchman.
for Chief Secretary.

No. 153/C.

Dated 11th
Received 14th
Registered 15th
January 1898.

Enclosures C.No.11733 of D.P.W.

Spare copies

SUBJECT.

Referring to the Financial Department the claim of Mr. Lambert, Executive Engineer, to actual expenses, which was declared inadmissible by the Examiner, Public Works Accounts.

O.S.R.
16th/98

TO
The Accountant-General, Madras.

4

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

5

14

Financial (1898) Department.

W3 20-1-98

Despd. Fair Copy 20/1/98

CURRENT No. ~~131~~ 1617/98

Endt. No. 166 d/ 21-1-98.

1 copy sd. d/ 21-1-98

Referred to the Accountant-General for remarks.

NA 20.1.98

Curs. 17.1.98

Order

From Chief Secretary

The Public Works Dept

No. 153C

Dated 11th January 1898

Received 14

Registered 15 Jan 1898

Enclosures Cr. No. 11733 of D.P.W.

Spare copies

SUBJECT.

Referring to the Financial Department the claim of Mr Lambert, Executive Engr., to actual expenses, which was declared inadmissible by the Examiner, P.W. Accounts.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

6

P.W.C. No. 11733 J

NOTE FOR THE P. W. Dept.

Please refer the whole case to Financial first, as it is desirable to take the AG's opinion

Cuts 22.X.10 92

MA 6.1.98

CURRENT No 131 Finl.

C No 153C dated 11th January 1898.

Referred accordingly to the Financial Department.

Ag. Secty to Govt. P.W.D.

To The Finl: Dept with papers in original, and complete file R.S.

✓ 6 Reading

Financial (1898) Department.

CURRENT No. 468

CHIEF SECRETARY
11. FEB. 1898
GOVERNMENT OF MADRAS

From The Accountant General, Madras.

Order

No. 496

Dated 10th February 1898.

Received } 11 " "
Registered }

Enclosures C.No. 131 Finl of 98 with Enclosures

Spare copies

SUBJECT.

Passing remarks on the correspondence from P.W.D. relating to the claim of Mr. G. Lambert, Ex. Engineer, Madras, to actual expenses under Art. 1164(a) C.S.R.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

17

8 CURRENT No. 468 Finl

Gazetted audit

DEPARTMENT.

FORT ST. GEORGE,
Accountant-General's Office,
10th February 1898.

No. 496

From

F. C. Harrison Esquire,

ACCOUNTANT-GENERAL TO THE
GOVERNMENT OF MADRAS,

To

THE Chief Secretary to Government,
Financial Department.

SIR,

B

With reference to Government Endorsement No. 166, Financial dated the 21 of January 1898 forwarding for my remarks correspondence from the Public Works Department relating to the claim of Mr. G. B. Lambert, Executive Engineer, North Arcot Division to actual expenses under Article 1164 (a), Civil Service Regulations I have the honor to state that Mr. Lambert was ~~not~~ at Head quarters for more than 10 days. He can in my opinion be given actual expenses not exceeding daily allowance for the first 10 days exclusive of days, if any, on which journeys exceeding 5 miles are performed. But it is not, I think, open to him to choose which ten days of a long

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long halt he will ask to be taken into account.

I have the honour to be,
Sir,
Your Most obedient Servant.

H. Harrison

Accountant General.

OCS 803
1617 (S)

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~~78~~

12

Financial Dept

C. No. 131 & 468.

No 471, D/ 18-2-98

To.

P. W. Dept.

Please see the A.G's opinion in C. No. 468 which appears to be correct

C

Cur D.
16/2/98

A.L.A. 17.2.98

[F./2]
500—4—98.

4 Cheadup

Financial (1898) Department.

CURRENT No. 905

From The Pub: Works Dept.

Order

No. 1633 C

Dated 16. 3. 98.

Received }
Registered } 19. 3. 98.

Enclosures C 1617 P.W.D with Encl.

Spare copies

SUBJECT.

Requesting to be informed how the Fin: Dept wd wish the further ~~proceedings~~ disposal of the papers re: Mr. Lamberts claim to certain allowance to proceed.

BACK PAPERS.

G.O.	No.	Department.	Date.
Finl	196·	/24·3-	96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CURRENT No 905 No. 1633C

12

Government of Madras.

PUBLIC WORKS DEPARTMENT.

Curs
G.O.

Madras, dated 16th March 1898.

OFFICE NOTE.

From

The Under Secretary
P. W. D.

To

The Under Secy,
Financial Dept.

Will Financial dept kindly say how it would wish the further disposal of these papers to proceed. It will be seen that an authoritative decision from the Govt of India has to be obtained.

C H B Barlow.
Under Secretary

With file intact.

[P-W. 48. / 200—23-2-97.]

[G./25]
1,000-22-11-97.

13

C. No. 905

Financial DEPARTMENT

CHIEF SECRET
16 MAY 1898
GOVERNMENT OF MADR

SUBJECT.

~~HIS EXCELLENCY THE GOVERNOR.~~
~~THE HON'BLE SIR HENRY BLISS, K.C.I.E.~~
~~THE HON'BLE MR. GROSE, C.I.E.~~

Interpretation of article 1164(a) and explanation Civil Service Regulations.

--

~~C.S.~~

FOR ORDERS.

ACCOUNTANT GENERAL'S OFFICE
29 APR 98
MADRAS

§1052 (4th Edn)

f.D.3

98-99

-.4-98.

Ref 905

Article 1154(a) of the Civil Service Regulations states that a daily allowance is intended to cover the ordinary daily charges of an officer on tour; and that it is to be drawn only during absence from head quarters on duty including the period of halt on duty, or on an authorized holiday, during such absence.

§1059 (4th Edn)

2. Article 1164(a) and the explanation thereto lay down that a Local Govt. may, by general or special order, permit any officer to draw, during a halt at head-quarters, the~~ir~~ actual expenses (not exceeding the daily allowance) of keeping up camp equipage, but that such allowance shall not be drawn for more than 10 days except in Sind ~~and~~ or Rajputana.

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G

§1059 (4th Edn)

3. G.O.No. 196, Finl., dated ~~24th~~ 24th March 1896, as amended by G.O.No. 420, dated 13th July 1896, lay down that ~~on~~ in the application of article 1164 of the C.S.R. and subject to the

explanation

explanation to clause (a) of that article, a short journey which does not necessitat~~ing~~e the moving of camp from head quarters shall not be considered to break the continuity of a halt so as to enable an officer to recommend a new period of halt; that the days on which an officer does not maintain camp equipage should be excluded in computing the lengths of halts for the purposes of article 1164; and that in order to establish a claim under article 1164 not only must it be necessary to maintain camp equipage, but camp equipage must actually be maintained.

"A halt is not interrupted for the "purpose of this rule by an absence "on duty from the place of halting "for less than three nights."

4. Mr. Lambert, Executive Engineer, North Arcot Division, returned to his head quarters (Vellore) from a tour on the 14th February 1897, and stayed at head quarters till the 14th March ~~[illegible]~~, with short trips between the 4th and 9th idem, which, however, were for short periods and distances, and did not break the continuity of the halt at head quarters.

K, L

Mr. Lambert claimed halting allowance for 10 days, viz.

(1) 15th - 17th February = 3 days
(2) 1st - 3rd March = 3 days
(3) 10th - 12th March = 3 days
(4) 14th March = 1 day
Total 10 days.

and (5) daily allowance for 4 days, viz., 4th - 7th March.

5. The Examiner, P.W. Accounts, admitted items (1), (2) and ~~(4)~~ (5) granting daily allowance for 10 days, but disallowed (3) + (4) ~~the halting allowance claimed for the 4 days, March 10th to 12th and 14th~~ under article 1164 (a) of the C.S.R.

the

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the explanation thereto and G.O.No.196, Finl., dated 24th March 1896. ~~and~~ He based the disallowance on the grounds that Mr. Lambert's absence on the 4th, 5th, 7th and 8th March did not interrupt~~ing~~ the continuity of the halt; and that during this halt of a month travelling allowance for 10 days having been passed to him up to the 7th March, his claim to actual expenses for the 10th to 12th and 14th March was inadmissible ~~disallowed~~ as being in excess of the period authorized for which the claim could be admitted. The Examiner explained that Mr. Lambert had evidently thrown out of calculation, for the purpose of arriving at his 10 days limit, the days on which he drew travelling allowances other than actual expenses during this period, that is to say, he excluded from his reckoning the 4th, 5th 6th and 7th March, the days on which he drew daily allowance, but as the marches made during that period did not interrupt the continuity of the halt, they could not be ignored in computing the length of the halt for the purposes of the rules.

E

6. Mr. Lambert contends that the disallowance by the Examiner was incorrect; ~~and~~ that under G.O.No.196, Finl dated 24th March 1896 he is entitled to halting allowance (actual expenses not exceeding the daily allowance) for 10 days and not for the first 10 days of his halt at head-quarters; and that whereas he had to maintain his equipage all through his halt at head-quarters, he claimed the actual ex-

F

expenses for only 10 days.

7. The Examiner points out that if the first 10 days rule had been applied ~~effect-~~ to Mr. Lambert's case, the actual expenses passed to that officer for the 1st to 3rd March would also have been disallowed. The Examiner suggests that a reference had better be made to the Govt. of India, and he holds that in as much as that Govt. has laid down that the intention of the rule in article 1159, C.S.R. governing the grant of halting allowance during tours, was to admit the allowance for the first 10 days only, the same construction should be placed on the rule in article 1164(a) regarding halting allowance (actual expenses) while at head-quarters.

G.O. No. 2059.W. d/ 27th July 1883.

8. The Accountant-General ~~who has been consulted in the matter, gave it as~~ ~~is of~~ Stated his ~~his~~ opinion that as Mr. Lambert was at head-quarters for more than 10 days, ~~and~~ ~~that~~ he can be granted ~~given~~ actual expenses, not exceeding the daily allowance, for the first 10 days exclusive of days, if any, on which journeys exceeding 5 miles were performed, but that it is not open to Mr. Lambert to choose which 10 days of a long halt he will ask to be taken into account.

C. No 468.

9. The P.W.D. transfers the papers to the Financial Dept. for the purpose of an authoritative decision being obtained from the Govt. of India. It remarks that the effect of the interpretation of the Accountant-General would be that Mr. Lambert would get halting allowance for February 15th to 24th = 10 days and daily allowance for 4th to 7th March = 4 days; total 14 days.

10. As regards ~~an application~~ the reference to India regarding the interpretation to be placed on article 1164, attention is solicited to para 3 of Finance and Commerce Dept letter No. 5456 d/ 13. Octr 1897 flagged M in G.O. No 196 Finl: d/ 24th March 1896, where India has clearly intimated that any rules in regard to the application of article 1164 are for the Local Govt. to lay down.

11. With reference to the last note in the Public Works Department ~~as~~ (para 9 supra) it seems advisable, before going further, to find out if that Dept. has correctly interpreted the Acct. Genl and it is suggested that the whole file may go unofficially to that officer for remarks.

AH 25.4.98.

Cms
22.4.98

To
The Acct. Genl.
(u.o).

Endt. No. 1002 d/ 27-4-98.

Current No. 1419

Financial Deptt

18

It is the practice in this office to exclude short Marches in calculating the duration of a halt for the purposes of Article 1164 Civil Service Regulations. I consider that in this the Examiner is more correct in including these marches in the ten days limit, but I do not understand what system he has adopted in selecting the days 15 to 17 February and 1 to 7 March for admission, out of a months halt from the 14 February, and objecting to the others. Article 1164 (a) unquestionably refers to the first ten days after the return of the officer from camp, and not to any ten which the officer may select out of a long halt. [The article is intended to obviate the inconvenience of breaking up and reorganizing camp equipage for a short period for which an officer may have to return to head quarters before continuing his tour and the limit set to this arrangement for Madras is ten days. If this is exceeded, the camp should be broken up, or such arrangements be made by the officer as may suit him best, but Government ceases to have anything to do with it after the camp has been at head quarters for ten days. No reference to the Government of India seems necessary.

14/5/98 Accountant General.

Now Art 1057(a) CSR

CA
17/7

P. W. Current No: 4634 A

EXAMINER,
P. W. ACCOUNTS
4 - JUN 1898
No. 1065A

Financial Dept

C. No. 131, 468, 905, 1419. Encls 1 file
Recd. 1-6-98

No 1166 d/ 19th May 98.

To.

P. W.D.

Very important

Please see the Accountant General's note of 14th May 1898 and obtain the Examiner's remarks thereon

Cu
17.5.98.

18.5

To.

P.W.D. u.o
(with file to be returned)

No. 2700C d/ 2.6.98.

To C

For favour of remarks.

AeR
26.5.98.
D.W.

C

E.B.
For brief report
4.6.98

with file - to be returned

Government No. 1412

Financial Deptt

P.W.D-

Chn

RS 26-5-98

OS/37

Accountant General.

[Pub./29]
500—22-2-98.

Financial 20/ Sheadong

~~Public~~ (1898) Department.

CURRENT No. 1924

Order

From

The P. W. D.
Madras

No. 537 D

Dated 12
Received 12 } July 1898
Registered 13

Enclosures Cno. 131, 468, 905, 1419
with enclosures returned

Spare copies Recd 14/7/98

SUBJECT.

Forwarding letter from the Examiner P. W. Accounts No 793 dated 28-6-98 regarding the grant of Actual Expenses and the interpretation of Art. 1164(a) of the C.S.R.

BACK PAPERS.

G.O.	No.	Department.	Date.
196	24.3.	96 530:	17.6.86
420	13.7.	96 396/7:	7.5.86
302	29.4.	96 1277:	19.11.82
53:	16.1.	92 1979:	6.9.83
825:	17.11.	90 2059	4: 27.7.83
619/20:	14.8.	94 SC	
475:	18.6.	94 "	
557:	18.7.	88 "	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Arrival No. 1924

8

No. 637 D

2)

Government of Madras,

Public Works **DEPARTMENT.**

MEMORANDUM.

Dated ~~Madras,~~ Ootacamund 12th July 1898.

Office Note from the Examiner, P. W. Accounts, Madras, No. 793 A/E, dated 28th June 1898.

Forwarded to the Financial Department with reference to office note in that Department No. 1166 dated 19th May 1898.

Z

Secretary to Government.

To

The Financial Department,
with complete file.

P. W. 41.
1,000—28-2-98.

Recd 12/7/98

[illegible] Financial Deptt

[G. / 78]
28-5-98.

~~refs~~ G.O. 9899
Rely officials 14/7/98

22

Financial DEPARTMENT.

C. Nos 1317
468, 905 1419
& 1924 }

ACCOUNTANT GENERAL'S OFFICE
16 JUL 98
MADRAS

CHIEF SECRETARIAT
-6 AUG 1898
GOVERNMENT OF MADRAS

NOTE FOR THE C.S.

Please see P. W. D. reply (C. No 1924) to the last reference of the 19th May. Submitted that the A.G. may be asked for his remarks on the Examiner's last note and that the ~~papers~~ file may be referred u.o to the A.G. for that purpose.

C.m.S.
14.7.98

To. Endt No 1550 F/14.7.98.

The Acct Genl u.o.
(with file, to be returned)

14/7/98.

23

II

1. As already stated in my note of 14th May 1898, I agree with the Examiner in including the short marches in calculating the duration of a halt for the purpose of Article 1164 Civil Service Regulations - I do not therefore understand the Examiner's reference again to the matter.

2. I adhere to my view that article 1164(a) unquestionably refers to the first ten days after the return of an Officer from Camp, and not to any ten days which the Officer may select out of a long halt at Head Quarters.

Y

3. In para 3 of his note the Examiner states that in this particular case Mr. Lambert preferred no claim from the 18th to the 28th February 1898 (should be 28th February '97) and that under 5(b) of F.D. order No: 196 of 24th March 1896 this period was excluded in computing the length of the halt. This does not however appear to be correct, because Mr. Lambert in his letter No. 936 M of 20th August 1897 marked E states that he kept up Camp equipage during the whole of his halt. If therefore the Examiner does not himself select the days, he seems to allow officers to do so.

F

24

4. The method of applying Article 1164 Civil Service Regulations described by the Examiner in paras 2 & 3 of his note and adopted in his Office is apparently to see that the Officer making the claim certifies he maintained camp equipage, and that it was necessary for him to do so, and then to apply para 5(b) of G. O. F. D. No: 196 of 24th March '96 to the case and exclude days on which camp equipage was not maintained [This interpretation can never have been contemplated when the rule was framed, since it would enable an Officer to come back from Camp without Camp equipage, and then to engage and keep it up after his arrival at head quarters or to come to head quarters with Camp equipage dismiss it, and again engage and keep it up provided ten days is not exceeded.]

F

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5. I agree with para 4 of the Examiner's note.

Y

3-8-98.

3/8

Accountant General.

3/8

Bl
som
A complete note please draft

Cud

Recd 8/8/98

Fin. / Financial **CURRENT NO.** 2319

No. 847 D

V5.

Recd 24/8/98

Regd 25. " "

Enclos: 1.

Government of Madras,

Public Works **DEPARTMENT.**

Endorsement

~~MEMORANDUM.~~

Ootacamund

Dated ~~Madras~~, 24th August 1898.

Letter from the Superintending Engineer, IV Circle, No. 433 W dated 9th August 1898.

Transferred to the Financial Department in continuation of endorsement No. 637 D dated 12th July 1898.

A. Russell.

Under Secretary.

The Financial Department.

P. W. 41.
1,000—24 3 98.

12

[G./5] 1,000 -22-11-97.

Slip c 7/9
a 9/9

U6 Financial DEPARTMENT

C. Nos. 131, 468, 905, 1419, 1924, and 2319 and A.G's. un-official note dated 3-8-98.

SUBJECT·

~~HIS EXCELLENCY THE GOVERNOR.~~

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

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

Interpretation of article 1164(a) of the Civil Service Regulations.

FOR ORDERS.

Article 1154(a) of the Civil Service Regulations lays down that a daily allowance is intended to cover the ordinary daily charges of an officer on tour, and that it is to be drawn only during absence from head-quarters on duty, including the periods of halts on duty, or on an authorized holiday, during such absence.

2. Article 1164(a) empowers a Local Govt. to permit, by general or special order, any officer or class of officers to draw, during a halt at head quarters, the actual expense (not exceeding the daily allowance) of keeping up camp equipage (when it is necessary to do so) during a halt; provided that such actual expense may not be drawn for more than [illegible] [illegible] days ~~except~~ except in Sind ~~and~~ or Rajputana. [illegible]

An explanation is added to this article to the effect that a halt is not interrupted for the purpose of this rule by an absence on duty from the

place

place of halting for less than three nights.

3. Clause (b) of article 1164 requires that to obtain an allowance under this article for a halt at head quarters, an officer must certify that he has during the period for which the claim is made kept up the whole or part of his camp equipage as the case may be, and that the expense so incurred is not less than the halting allowance claimed.

4. The question as to whether the 10 days limit in article 1164(a) referred to the first ten days of a halt was raised in the P.W.Dept. in 1895 in connection with a claim for halting allowance made by Mr. Clerk, Executive Engineer, North Arcot. It was then ascertained that the Examiner, P.W.Accounts was in the practice of disallowing halting allowance after the first ten days of a halt, his authority for the procedure being the Madras P.W. Code, para.8, appendix N. The P.W.D.was, G1 however, not able to account for the insertion of the first ten days limit in the Code, but thought that the insertion was not based on any interpretation of the Govt. of India, but was suggested by the Code Committee and approved by Govt. in 1887.

Please see notes in G.O. No.196, Finl., d/ 24-3-96. Z
flagged N and N

5. The Accountant-General then held that the ten days need not necessarily be the first ten days, that in computing the length of a halt in such such cases the practice in his office was to ignore the days on which an officer did not maintain camp equipage and

vide his letter No.2626, d/ 23rd Sept. 1895. H

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and to exclude all marches which do not interrupt the continuity of the halt, i.e. marches not involving absence from head quarters for 3 nights or more.

6. As regards Mr.Clerk's case it was decided that inasmuch as that officer belonged to the P.W.Dept., he should abide by the Examiner's decision based on the departmental code. It was, however pointed out that the retention of the first ten days rule was unnecessary and the P.W.D. was requested to cancel it. The following general rules were at the same time laid down for governing all claims under article 1164.

G.O.No.196, Finl., d/ 24-3-96 Z
as amended by G.O.No.420, G
d/13-7-96.

(a) A short journey which does not necessitate the moving of camp from head quarters shall not be considered to interrupt the continuity of a halt so as to enable an officer to recommence a new period of halt. This rule is subject to the explanation to article 1164(a) of the Civil Service Regulations.

(b) The days on which an officer does not maintain camp equipage shall be excluded in computing the lengths of halts for the purposes of article 1164.

(c) In order to establish a claim under article 1164 not only must it be necessary to maintain camp equipage, but camp equipage must actually be maintained. (It does not matter where the camp equipage is maintained, whether at head quarters or at any other

G.O.302, Finl., d/29-4-96. S

29

other place, so long as it is actually maintained).

7. There is no mention of the first ten days here. The idea clearly was to discontinue the first ten days limit ~~another~~ and this would appear to have been always the view e.g. in permitting Police Gazetted officers to draw halting allowance at head quarters, no mention is made of the first ten days limit.

G.O.No.1970,Finl.,d/6-9-83. I

8. The question of the interpretation of the ten days limit in article 1164 again arises in connection with a claim by Mr.Lambert, Executive Engineer, North Arcot Division. This officer returned from a tour to his head quarters (Vellore) on the 14th February 1897 and stayed there until the 14th March 1897, with short trips on the 4th, 5th, 6th and 7th March 1897, which the Examiner construed into marches not breaking the continuity of the halt at head quarters.

9. The movements of this officer were as follows:-

15th to 28th February .	Stay at head quarters, Vellore	Claimed actual expenses for 3 days 15-17	Admitted by Examiner.
1st to 3rd March. . .	do	1 - 3 (3 days)	do.
4th to 7th ,, . . .	Vellore to Kangambadi & back	Claimed daily allowance for 4 days.	do.
8th to 10th ,, . . .	Railway journey		
10th to 12th ,, . . .	Stay at Vellore	Actual expenses claimed for 3 days.	Disallowed
~~13th~~ ~~,, . . .~~	~~short trip of 12 miles.~~	~~Daily allowance~~	~~(admitted~~ ~~apparently not~~ Do
14th ,, . . .	At Vellore	~~Actual expenses claimed~~	Disallowed

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Thus Mr.Lambert claimed actual expenses for 10 days in all, besides the 4 days on which he ~~drew~~ claimed daily allowance :-

(1) 15-17 Feb.	3 days		Actual expenses
(2) 1-3 March	3 days		
(3) 10-12th	,,	3 days	
(4) 14th	,,	1 day	
		10 days	
(5) 4-7 & 13	,,	~~4~~ 5 days daily allowance	

Office No. 971.A.S. 23.11.97
~~Letter~~ No.~~936-A~~,d/~~20-8-97~~. EV

10. The Examiner ~~while~~ admitted items (1),(2) and (5) thus granting daily allowance for 10 days, but disallowed items (3) and (4)

The Examiner based his disallowance on the grounds

(1) That the claim for actual expenses for 4 days viz. 10th - 12th and 14th March was disallowed under art. 1164(a) and explanation,

Z No. 196,Finl.,d/ 24-3-96. G

(2) That the disallowance was not made with reference to the first ten days of the halt (as supposed by Mr. Lambert) but with reference to the very G.O. (as amended by G.O.No.420 of 1898) on which Mr.Lambert based his claim,

(3) That Mr.Lambert's absence on the 4th, 5th, 7th & 8th March 1897 did not interrupt the continuity of the prolonged halt under art.1164 and explanation, and travelling allowance having been passed for 10 days in all up to the 7th March his further claim for actual expenses for the 10th ~~to~~ 12th ~~and the 14th~~ and 14th March was inadmissible,

Halting allowance for 6 days		
Daily	,,	4
		10 days.

(4)

(4) That Mr.Lambert omitted from his calculations the 4 days on which he drew daily allowance (the 4th,5th, 6th & 7th March) but that this was wrong ~~and~~ as the marches on those days and The absence from head quarters did not interrupt the continuity of the halt. The Examiner further pointed out that if the first ten days rule had been applied, Mr.Lambert's claim for actual expenses on the 1st to 3rd March would also have been disallowed, (for then the claim could only cover the period 15th to 24th Feby. 1897).

11. The Examiner further suggested that a reference should be made to India for an authoritative interpretation of the ten days limit in article 1164. He argued that India had ruled that the ten days in article 1159 (halting allowance while on tour) meant the first ten days (consecutively) and that it was therefore reasonable to infer that the intention was the same in the case of halting allowance while at head-quarters.

1002G
~~2059 W~~ 20.7.83
Letter No. ~~5456~~,d/ ~~13-10-97~~.
in G.O. ~~186, Finl., 26-3-98~~.
2059W d/ 29.7.83.

12. The Accountant-General was of opinion that Mr.Lambert could be granted actual expenses not exceeding daily allowance, for the first ten days excluding days on which journeys exceeding 5 miles were performed, but that it was not open to ~~me~~ Mr.Lambert to choose what ten days of a long halt should be taken into account.

Letter No 496 / 10.2.98. C

On a further reference the Accountant-General stated that in calculating the duration of a halt for the purpose of article 1164 the practice in his office has been to exclude days on which short marches are made, but that he considered that in this matter the Examiner is more correct in including these marches in the ten days limit. The Accountant-General could not, however, understand the system under which the Examiner selected the days for admission out of a month's halt. Article 1164 (a), in the Accountant-General's opinion, unquestionably refers to the first ten days after the return of an officer from camp and not to any days which the officer may choose out of a long stay, the intention of the article being to obviate the necessity of breaking up and reorganizing camp equipage for a short period for which an officer may have to return to head-quarters before continuing his tour. The limit set to the arrangement, in Madras is, the A.G. points out, ten days and if this is exceeded the camp should be broken up or such arrangement should be made by the officer as may suit him best, Govt. ceasing to be concerned in the matter after the camp has been at head-quarters for ten days. The Accountant-General considered that no reference to India was needed.

U.O. Note dated 14-5-98. II

15th -17th Feb. 3 days
1st-7th March. 7
10 days

14. The Examiner replies that the practice in the Accountant-General's office of excluding short marches is evidently wrong; that no selection of

Note dated 28.6.98 Y
No 793. A.E.

of days for admission of actual expenses is made in his (the Examiner's) office, but that if camp equipage is maintained and it is necessary to do so the claim under the rules is admitted; that on days for which allowance was not claimed by Mr.Lambert it was assumed that he did not maintain camp equipage under p.5(b) of G.O.196,Finl., of 1896; and in making the assertion that art. 1164(a) "unquestionably refers to the first ten days after the return of the officer from camp", the Accountant-General apparently overlooks G.O. 196,Finl.,dated 26-3-96 under para.5(b) of which days on which camp equipage is not maintained have ~~the~~ to be excluded from the computation of the lengths of halts for the purpose of article 1164. The Examiner further suggests that para. 5(b) of G.O.196,of 1896 Finl., had better be cancelled, and that orders should be passed for the readoption of the interpretation previously observed, viz. that the grant of actual expenses should be restricted to the first ten days of a halt as this seems to be the real and more proper intention of the rule.

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15. In a final note from the Accountant-General dated 3rd August 1898 that officer adheres to his view that the ten days in article 1164(a) unquestionably refers to the first ten days after the return of an officer from camp and not to any ten days which the officer may select out of a long halt at head quarters. He further points out that the Examiner's assumption that camp equipage was not maintained by Mr. Lambert on the days (18th to 28th February 1897) for which that officer did not claim actual expenses is incorrect, as Mr. Lambert has stated that he kept up camp equipage during the whole of his halt. The Accountant-General also remarks that the method of applying art.1164 adopted in the Examiner's office is apparently to see that the officer making the claim certifies he maintained camp equipage, and that it was necessary for him to do so, and then to apply para.5(b) of G.O. No.196,Finl., of 24th March 1896 to the case and exclude days on which camp equipage was not maintained. This interpretation can, the Accountant-General observes, never have been contemplated when the rule was framed since it would enable an officer to come back from camp without camp equipage, and then to engage and keep it up after his arrival at head quarters, or to come to head quarters with camp equipage, dismiss it, and again engage and keep it up, provided ten days is not ee exceeded. The A. G. agrees with the Examiner in regard to the cancellation of para. 5 (b) of G.O.No. 196 of 1896 and the readoption of

Letter No.936 M,dated 20th August 1897 flagged. E

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of the former interpretation restricting claims under article 1164 to the first ten days.

16. The Accountant-General and the Examiner are agreed that the ten days in article 1164(a) should be the first ten days and that short journeys which do not necessitate the moving of camp should not be excluded from the ten days calculation. They are further agreed as to the cancellation of the rule in para. 5 (b) of G.O.No.196, Finl., Z dated 24th March 1896 viz. that the days on which camp equipage is not maintained should be excluded in computing the lengths of halts for the purposes of article 1164. These proposals may, it is submitted, be adopted thus virtually cancelling para. 5 of G.O.No.196, Finl., Z dated 24th March 1896, & clause (1) of G. G.O.No.420, Finl., dated 13th July 1896. If this proposal is accepted the rulings now proposed with that in para. 6 of Z G.O.No.196, Finl., dated 24th March 1896 as amended by G.O.420, Finl. of 1896 ~~will~~ might G be re-issued.

17 In any case Mr. Lambert's claim can, it is submitted, be admitted for the first ten days of his halt only.

Y & W,
Paras 14 & 15, Supra:

Cw.S.
5.9.98

The question which arises here is one of the interpretation of the rules. a matter which India reserves to itself. It seems to me that much discussion & will w. have

I think we may accept this. The Acct. Officers are agreed & it seems fair.
K.S.
7/9/98

A.A. 9.9.98

Finl.
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500—30 4-98.

C. No.

DEPARTMENT

SUBJECT.

HIS EXCELLENCY THE GOVERNOR.
THE HON'BLE SIR HENRY BLISS, K.C.I.E.
THE HON'BLE MR. ARUNDEL.

FOR ORDERS.

been saved if this had been recognised in the first instance & Mr. Lambert's & the other cases referred to in the papers had been submitted to India at once. I confess I do not understand by what ingenuity of thought the idea that the ten days of the rule c[illegible] any but the first ten days came to be started. and though I think there can be no doubt that India will rule the ten days in question to be the first ten days. I think the matter sh'd be referred to [illegible] India. If it is ruled so the question sh'd further be put whether these days are not [illegible] successive days without a halt.

H 6/9/98.

A.A.

Fin. 6.

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Financial Department

Read again G.O.No.196, d/24-3-96 ----- P
" " " " 302 " 29-4-96 ---- P
" " " " 420 " 13-7-96----- P
" also C.Nos. 131, 468, 905, 1419, 1924
and 2319 --------(all=Q)

All printed

10 P

ORDER No 785, d/12 Septr 1898
P.S.

Paras 5 & 6 of G.O.No.196 Finl., d/24th March 1896, as amended by G.O.No. ~~302~~ 420, Finl., d/~~29th April~~ 13th July 1896, are cancelled. The following rulings will in future be applied in regard to claims under article 1164 of the C.S.R.:--

(i) The ten days mentioned in article 1164 (a) shall be held to refer to the first ten days after the return of an officer from camp.

(ii) In order to establish a claim under article 1164 not only must it be necessary to maintain camp equipage but camp equipage must actually be maintained.

2. The Govt. considers that in any case Mr. Lambert's claim under article 1164 (a) of the C.S.R. is admissible for the first ten days of his halt only.

Checked & corrected. 17/9/98

72 17-9-98

§1059 (4th radn)

(By order)

12.9.98.

Despd 20.9.98.

To

The P.W.D. (all currents=Q) : with orgl. papers retd. : in MS. Cur 12.9.98.
" Acct. Genl. (all=Q) :

All Depts. of the Sectt. despd 1-x-98

(Para 1 in print as marked)

N.B. Send A.G. spare copies — sent.

ADD to T.A. file — done.

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8/10/98

7/6/10

16-7-17 B III ✓