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7/11/98.

Financial (1898) Department.

ORDINARY PRINTED.

G.O., No. 946

DATED 26-10-98

IN THE

11/11

[Despatch Abstract.]

Travelling allowance for journeys performed on unopened lines of railways

Permitting Messrs Morris & Oldfield, Dy Collector & Dy sub collector of the Kistna District, to draw actual expenses incurred by them in maintaining camp at Bezwa on the 16th & 17th Feb 1898 on the occasion of H. E. the Governor's visit up to the limit of daily allowance; and stating that the Govt sees no necessity for making any alteration in the terms of art. of the C. Regulations.

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.

Regd.

1898.

Enclosures

Spare copies

G.O., No. 946, 26th October 1898.

OCTOBER.

Travelling allowance for journeys performed on unopened lines of railway.

Permitting Messrs. Morris and Oldfield, Acting Collector and Acting Sub-Collector of the Kistna district, to draw the actual expenses incurred by them in maintaining camp at Bezvada on the 16th and 17th February 1898 on the occasion of His Excellency the Governor's visit up to the limit of daily allowance; and stating that the Government sees no necessity for suggesting any alteration in the terms of article 1109 of the Civil Service Regulations.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

READ—the following papers :—

From R. MORRIS, Esq., Acting Collector of Kistna, to the Secretary to the Commissioners of Land Revenue, dated Masulipatam, 13th July 1898, K.C. No. A. 1214-Accts.

In February last on the occasion of His Excellency the Governor's visit to this district, I received orders to meet His Excellency on the frontier of this district. The East Coast Railway sent down an empty special train to Bapatla on the 16th, which went on to rail head next morning and returned with His Excellency's party to Bezwada. By the courtesy of the railway officers I was allowed a free passage in this train from Bezwada to Bapatla on the 16th, on to Ammanabrolu, the nearest station to the Nellore frontier, next morning, and back with the Governor's party to Bezwada in the afternoon. The entire journey was over the Madras-Bezwada Railway, which is an unopened State line. For the journeys on the 16th and 17th I charged my ordinary daily allowance, believing that, under articles 1132 and 1154 of the Civil Service Regulations, I was entitled to do so. (I consider also that I was entitled, if I chose, to draw mileage instead of daily allowance, the distances being 45 and 107 miles on these two days, respectively. But I did not do so, as I did not think it proper to claim an allowance out of all proportion to my expenses.) During the journey I incurred certain expenses, which, however, were not of the kind defined as "actual travelling expenses" in article 15, and as I was given a free passage, the actual cost of locomotion to me was nothing. Previous to going to Ammanabrolu I had halted at Bezwada on the 14th and 15th, and after my return I halted there again on the 18th. During my journey I left my camp standing at Bezwada, and incurred the ordinary expenses of maintaining a camp at that place. The halt that began on the 14th was separated by a period of more than three nights from the last halt I had made at Bezwada, and the halt on the 18th was similarly separated from my next by a period of three nights. The Board will thus see that had I never left Bezwada at all on the 16th and 17th I could have drawn daily allowance for these two days without any objection being raised.

2. The Accountant-General, however, has ruled otherwise, and has decided that I am entitled to nothing for these two days. He considers that, under the Government of India's letter to him, dated 28th September 1893, No. P.4213 F. C., my case should be governed by article 1092. I have pointed out to him, and he has not controverted my statement, that the case dealt with in that letter was on an entirely different footing from mine, and the facts were not parallel. I may also add that the ruling having been passed under the second edition of the Civil Service Regulations, and not having been embodied in the third, which came into force on the 1st May 1897, must be taken to be cancelled by article 1 (b) of the Regulations.

3. The Accountant-General agrees with me that if any part of article 1092 applies to my case, note 2 must apply, and he also admits that, under that note, the rules under the article itself do not apply. He concludes thence that I am not entitled even to actual expenses, if any, limited to half daily allowance, but only to the free passage which I received. I confess I cannot understand his reasoning. I should have thought that as the rules under article 1092 admittedly did not apply, and that as these rules operate to restrict travelling allowance, under certain conditions, to something less than daily allowance, the inapplicability of these rules meant that there was no restriction to the drawing of full daily allowance.

4. The matter is one of general interest. Wherever there is a line under construction, railway officers are in the habit of allowing District officers on tour the privilege of travelling free by construction and material trains, when the granting of this privilege does not interfere with the ordinary running of these trains. It is obvious therefore that what applies to my case must apply to a large number of others and it is well therefore to have the matter definitely settled.

5. I would, therefore, respectfully request that the Government be moved to address the Government of India in view to the Accountant-General's ruling being withdrawn.

Reference from Board of Revenue (Land Revenue), No. 821, dated 22nd July 1898.

No. 3875.

Under article 1092, Civil Service Regulations, an officer who is provided with the means of locomotion at the expense of the State is entitled to *actual travelling expenses* not exceeding half the allowance ordinarily admissible, but this article does not apply to an officer who is allowed free transit by railway—*vid.* article 1092, note 2, Civil Service Regulations. Travelling allowance is intended to meet the cost of travelling and there is no rule in the Civil Service Regulations under which travelling allowance can be granted to an officer who is supplied gratis with the means of locomotion. In certain cases the concession, laid down in article 1092, Civil Service Regulations, is applicable, but it cannot, under note 2 above referred to, be given to Mr. Morris, as he was allowed free transit by railway for the journeys made on the 16th and 17th February 1898. He is not therefore entitled to anything beyond the free passage. As, however, he maintained camp at Bezwada on the 16th and 17th February, he may be allowed the actual expenses he incurred on this account up to a limit of daily allowance under the special order of the Local Government, article 1166 (a), Civil Service Regulations. Mr. Morris did not state in his former letters that he incurred any expense in maintaining camp at Bezwada, and the point was not therefore taken up by me.

(Signed) T. HESKETH BIGGS,
Accountant-General.

To the Secretary to the Commissioners of Land Revenue.

Ref. No. 921.

Submitted for the orders of Government.

2. Mr. Morris, the Acting Collector of Kistna, who was encamped at Bezwada on the 14th and 15th February last, left his camp on the 16th idem and proceeded to Ammanabrolu, the nearest station to Nellore frontier, to meet His Excellency the Governor on the occasion of his visit to the Kistna district and returned to Bezwada with the Governor's party on the 17th February 1898. For the journeys on the 16th and 17th February which were performed over the Madras-Bezwada Railway, an unopened State line, free of cost, Mr. Morris charged ordinary daily allowance, but the claim was disallowed by the Accountant-General under note 2 to article 1092, Civil Service Regulations. In the first letter read above, the Acting Collector represented that during the journeys on 16th and 17th February 1898 he incurred extra expense though not of the nature of actual travelling expenses as defined in article 15 of the Civil Service Regulations besides the ordinary charges of maintaining his camp at Bezwada which was left standing during the period, and requested that the Accountant-General's ruling under note 2 to article 1092, Civil Service Regulations, which he contended could not be applied to his case, might be withdrawn. The Acting Collector further stated that whenever there was a line under construction, Railway

officers were in the habit of allowing District officers on tour the privilege of travelling free, by construction and material trains, when the granting of this privilege did not interfere with the ordinary running of these trains, and urged that the question of granting travelling allowance in these cases should be definitely settled.

3. The Accountant-General, to whom a reference was made, still adheres to his original interpretation of note 2 to article 1092, Civil Service Regulations. He states that there is no rule in the Civil Service Regulations under which travelling allowance can be granted to an officer who is supplied gratis with the means of locomotion and that it cannot be given to Mr. Morris as he was allowed free transit by railway for the journeys made on the 16th and 17th February 1898. He, however, points out that the fact that Mr. Morris had maintained camp at Bezwada on the 16th and 17th February had not originally been intimated to him by that officer and recommends that he may be allowed the actual expenses he incurred on that account up to a limit of daily allowance under the special order of the Local Government contemplated in article 1166 (a) of the Civil Service Regulations. If the Government considers the Accountant-General's ruling to be technically correct, then the Board supports this recommendation.

4. It observes, however, that the rule as regards travelling by unopened lines of railway is contained in article 1109, Civil Service Regulations, and that the special allowance declared admissible by that article is intended to be given only to officers of the Public Works and Telegraph departments and not to Revenue officers. This is an anomaly, which calls for remedy. Two remedies suggest themselves, viz.: (i) to follow Mr. Morris' plan, and apply the general principles of articles 1132 and 1154 and pass the daily allowance which would have been admissible had Mr. Morris remained at Bezwada, just as formerly it was the practice to pass daily allowance for the period of absence to an officer who availed himself of casual leave while on tour; or (ii) to delete the words "of the Public Works and Telegraph departments" from article 1109 of the Civil Service Regulations. The Board would prefer the latter course.

18th August 1898.

(Signed) LIONEL DAVIDSON,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter and Accountant-General's endorsement,
in original, to be returned.

Endorsement from the Revenue Department, dated 29th August 1898,
No. 1300 R.

Ref. No. 973.

In its Reference No. 921, dated 18th August 1898, the Board has recommended that Mr. Morris, Acting Collector of Kistna, should be granted travelling allowance for the journeys performed by him on 16th and 17th February 1898 by the Madras-Bezwada Railway, an unopened State line, on the occasion of His Excellency the Governor's visit to the Kistna district. The Collector now reports that the Accountant-General has objected to pass the daily allowance drawn by Mr. Oldfield, Acting Sub-Collector of the district, who travelled with the Collector by the same train on the 16th and 17th February 1898. The case of Mr. Oldfield is reported to be similar to that of Mr. Morris, and the Board accordingly requests that the Accountant-General's objection referred to may be withdrawn.

31st August 1898.

(Signed) LIONEL DAVIDSON,
Acting Secretary.

To the Secretary to Government, Revenue Department.

Endorsement from the Revenue Department, dated 8th September 1898,
R. No. 1348.

From T. HESKETH BIGGS, Esq., Accountant-General, Madras, to the Chief Secretary to Government, dated 19th September 1898, No. 4361.

With reference to Acting Assistant Secretary's memo. No. 2355, Financial Department, dated the 6th of September 1898, I have the honour to forward herewith a copy of letter from the Government of India, No. 4213-P., dated the 28th September 1893, Finance and Commerce Department, together with a copy of this office letter, No. 2649, dated 14th September 1893, therein referred to.

ENCLOSURES.

From R. A. GAMBLE, Esq., Officiating Under Secretary to the Government of India, Finance and Commerce Department, to the Accountant-General, Madras, dated Simla, 28th September 1893, No. 4213-P.

In reply to your letter, No. 2649, dated 14th instant, I am directed to say that article 1092 of the Civil Service Regulations should be applied to the case therein mentioned.

From J. E. COOKE, Esq., Officiating Accountant-General, Madras, to the Secretary to the Government of India, Department of Finance and Commerce, dated Fort St. George, 14th September 1893, No. 2649.

A question having been raised whether an officer (who does not belong to either of the departments mentioned in article 1109 of the Civil Service Regulations) who travelled a distance of 123 miles in one day on an unopened line of railway *under a free pass, i.e.,* without payment for transit, issued by the Executive Engineer, is entitled to mileage for the distance travelled, or whether he should be restricted to daily allowance, I solicit the orders of the Government of India on the point.

2. I may mention that, with reference to a case of the kind that occurred in this Presidency in the year 1876, the Madras Government ruled that no official cognizance could be taken of a railway which was not open to the public, and that this ruling has since then been acted upon here and daily allowance or mileage allowed according as either was admissible under the ordinary rules for journeys on tour. As this ruling appears to be opposed to the general principle that travelling allowance is intended to meet actual expenditure for locomotion only, and as no provision apparently exists in the Civil Service Regulations for meeting cases of this nature, I have considered it necessary to refer the case before dealing with the charge.

ORDER—No. 946, Financial, dated 26th October 1898.

As suggested by the Accountant-General, Messrs. Morris and Oldfield will, under article 1166 (a) of the Civil Service Regulations, be permitted to draw the actual expenses incurred by them in maintaining camp at Bezwada on the 16th and 17th February up to the limit of daily allowance.

2. The Government sees no necessity for suggesting an alteration in the terms of article 1109 of the Civil Service Regulations as suggested by the Board.

(True Extract.)

G. STOKES,
Chief Secretary.

To the Accountant-General.
" Board of Revenue (Land Revenue).
" Revenue Department.

Exd. T. K. Narayana Aiyangar.

Financial
Revenue (1898) Department.

2355
CURRENT No. 5858

58/9/98
CURRENT No. 2355 From

The Board of Revenue, Land
Revenue, Madras.

No: 1300 R.
Order

Transferred to the
Financial Department

No. 921 REF.

Uthairajoubaiah
As Under Secy to Govt

Dated 18th August 1898

Received 21/8/98

Registered 22/8/98

Enclosures 2

Spare copies

Cotacamund

29th and 1898

To the Financial Dept.

SUBJECT.

Submitting for the orders of -
Govt. letter from the Collector of
Kistna regarding the grant of tra-
velling allowance for journeys per-
formed on unopened lines of rail-
way.

28/8/98

Recd. 30/8/98

Regd 31.8.98

Encls 2.

Recd
11/9/98
20/9

BACK PAPERS.

G.O.	No.	Department.	Date.
	1973	Public	28-9-76

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Financial
Revenue (1898) Department.

Note
C.O. 2355/98 sent to
B.C. on the 31st Augt not
returned.

CURRENT No. 2497



The paper was
written by Mr. Wilkinson
Hurry up please

CURRENT No. 2497

Endt. B No. 1348.
Order

The Board of Revenue, Land
Revenue, Madras.

No. 973 REF.

Transferred to the
Financial Department in
continuation of Endt. No. 1300
Rev. of 29th August 1898.

Dated 31st August 1898

Received 2 Sept

Registered 3

Enclosures

Spare copies

(By order)
Allanayon
Ag. Under Secy. to Govt
Ootacamund
8th Sept. 1898

In the Public Dept.

SUBJECT.

Requesting sanction for the --
grant of travelling allowance to Mr
Oldfield Ag. Sub. Collr. Kistna for his
journeys on the 16th & 17th February
1898, by the Madras Bezwada Railway,
an unopened State line, on the occa-
sion of His Excellency the Governor's
visit to the Kistna District.

Read 12/9/98

Regd 12-9-98

44C.
3-975

BACK PAPERS.

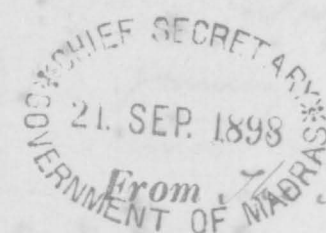
G.O.	No.	Department.	Date.
	C. No. 5858		
	90-1300	Routin	27-8-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Financial (1898) Department.

CURRENT No. 2614



From Accountant General
Madras

Order

No. 4361.

Dated 19 September 1898

Received } 21. " "

Registered

Enclosures 1

Spare copies -

SUBJECT.

Forwarding a copy of letter from the S.D. No. 4213 dated the 28 Sept 93, together with a copy of this office letter No. 2649 of 14 Sept 93.

R.O. Please put up the 76 papers quoted round the file to be
22/9/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

C 20.10.98
R 21.10.98

G.
25 A
500-0-8-98.

Financial DEPARTMENT.

C. Nos. 2355, 2497 & 2614.

SUBJECT.

*Travelling Allowance for
journeys performed on unopened
lines of railway.*

FOR ORDERS.

During the tour of His Excellency the Governor in February last Messrs. Morris and Oldfield the Ag. Collector and the Ag. Sub Collector of the Kistna District travelled from Bezwada to Ammanabrolu the nearest station to the Nellore frontier to meet His Excellency and returned again to Bezwada with the Governor's party. The journey was performed on the 16th and 17th February on the unopened line of the Bezwada State Railway, free of charge, through the courtesy of the Railway authorities. The two officers charged daily allowance for those two days under article 1132 and 1154 of the Civil Service Regulations, but this has been disallowed by the Accountant-General under the authority of a letter from the Govt. of India No. P/4213, dated 29th Sept. 1893, in which it was ruled that Art. 1092 applied to the case which the Accountant-General had then submitted for orders.

*article 1092. Note 2
& under*

A

2. The case dealt with was that of an officer, who did not belong to either of the departments mentioned in article 1109 of the Civil Service Regulations and who travelled a distance of 123 miles in one day on an unopened line of Railway under a free pass. The Accountant-General reported that the practice in this Presidency was based on a ruling of this Govt. ~~of the kind that occurred in this Presidency~~ in 1876, when it was decided that no official cognizance could be taken of a Railway which was not open to the public; so that daily allowance or mileage was allowed according as either was admissible under the ordinary rules for journeys on tour. As this ruling appeared opposed to the general principle that travelling allowance is intended to meet actual expenditure for locomotion only and as no provision appeared to exist in the Civil Service Regulations for meeting cases of the nature the orders of the Govt. of India were sought with the result as mentioned above that article 1092 was declared to be applicable to such cases.

3. Mr. Morris however contends that the case dealt with by the Govt. of India in 1893 is not parallel to his and that under note 2 of article 1092 the rules under the article itself do not apply. The Accountant-General ~~admits this, but argues that as travelling allowance is intended to meet the~~

P. W. D.
Telegraphs

G.O. No. 1973 P.W.D.
D 28 Sept. 1916

cost of travelling there is no rule in the Civil Service Regulations under which travelling allowance can be granted to an officer who is supplied gratis with the means of locomotion. Mr. Morris on the other hand shows that as he maintained camp at Bezwada on the 16th and 17th February he could have drawn daily allowance for those two days had he remained ^{there} without any objection from the Accountant-General. ~~The~~ ^{A.S.} ~~latter~~ now states that Mr. Morris did not mention this fact in his previous correspondence ~~with~~ and that under the circumstances he may be allowed the actual expenses ~~he~~ incurred on this account up to a limit of daily allowance under the special orders of the Local Govt. under article 1166(a) of the C.S.R. It is submitted that this may be done.

4. As regards Mr. Oldfield the case is doubtful. Although the Board forwards his case with the statement that it is reported to be similar to that of Mr. Morris, it is not stated that Mr. Oldfield maintained camp as Mr. Morris did. If he did not maintain camp, Mr. Oldfield's case would be governed by the decision ~~on~~ ^{now by Mr. Morris} on the general question raised of the case of district officers on tour who are usually allowed the privilege of travelling free by construction and material trains whenever a line is under construction and

when

C.W. 2497.

when the granting of this privilege does not interfere with the ordinary running of these trains. The Board of Revenue points out that the rule regulating travelling by unopened lines of railway is contained in Art. 1109 of the C.S.R. and that the special allowance declared admissible by that article is intended to be given only to officers of the Telegraph & Public Works Depts., and not to Revenue officers. This the Board considers an anomaly which calls for remedy. Two remedies are suggested viz:- (1) to follow Mr. Morris' plan ^{43.} apply the general principles of articles 1132 and 1154 and pass the daily allowance which would have been admissible had Mr. Morris remained at Bezwada, just as formerly it was the practice to pass daily allowance for the period of absence to an officer who availed himself of casual leave while on tour, or (2) to delete the words "of the Public Works and Telegraph Departments" from Art. 1109 of C.S.R. The Board would prefer the latter course.

5. When the Accountant-General ^{obtained} ~~submitted the case alluded to~~ for the orders of the Govt. of India in 1893 he referred to this very article and ^{submitted by him was} ~~the case~~ that of an officer who did not belong to either of the departments mentioned in ^{§ 1109} ~~it~~, and then the note 2 to art. 1092 was not in its present form, as it provided that the claim to travelling allowance of an

§ 1109

except in certain special cases
vide second edition
of the C.S.R. Regs.
put up.

"officer who ^{is} ~~is~~ entitled to or ~~was~~ ^{is} allowed free transit by railway, whether under a free pass or otherwise ^{was} ~~was~~ to be dealt with under clause (i) of the article which admitted actual expenses not exceeding half the allowance ordinarily admissible. Under note 2 as it at present stands the rules in art. 1092 do not apply to such cases; and since, as the Accountant-General remarks, there is no rule in the Civil Service Regulations under which travelling allowance can be granted to an officer who is supplied gratis with the means of locomotion, the matter may, it is submitted, be forwarded to the Govt. of India for orders with the recommendation that the second alternative suggested by the Board of Revenue may be adopted, viz, that the words "of the Public Works and Telegraph Departments" be ^{deleted} ~~deleted~~ from article 1109.

12/10/98

C.S.

As pointed out above the Second edition of the C.S.R. made a distinct provision in the ~~the~~ General case raised by Mr. Morris. Article 1109 is a special article in favour of the P.W.D. or Telegraph Dept. [vide the note at the end of the article]. Mr. Morris might be allowed the

Allowances admissible under §
 1166(a) in the present case &
 Mr. Oldfield's case be returned
 to the Board for report as to
 whether it can be brought under
 the same article. India might
 also be addressed in regard to
 the general question of officers
 belonging to depts other than the
 P.W.D. or Telegraph travelling
 on unopened lines free of cost.
 It may be noted that the rulings
 in this case affect the Secretaries
 & Under Secretaries who travelled
 the other day by the special train
 from Coimbatore to Madras.
 Article 1072 - Note 2 - appears, as read by the AG,
 to prohibit the grant of any allowance
 to an officer travelling free over
 an unopened railway line.

Cms. That's just what these
 18.10.98 officers who get it all day
 actual expenses. Then there is
 no in trying to fit the case under
 any rule in the C.S.R. and it will
 be better to ask India at once -
 19.10.98.

Just so. I don't see what
 there is to ask India
 about. The rule is plain
 enough & entirely applicable.
 20/10/98
 Dept 22 in the
 of actual
 expenditure. 1/11/98.

G.
 175
 20-10-98

Financial DEPARTMENT.

C. No. 2365, 2497, 2614

From the	Civil of Madras	No. A.1214	13. July 1898 (a)
" "	Board of Revenue (L.R.)	No. 821 Ref.	13. July 1898 (a)
" "	Accl. Genl.	" 3075,	8. August 1898 (a)
" "	Board of Rev (L.R.)	" 921 Ref.	18. August 1898 (a)
" "	Revenue Dept.	1300 R.	29 " 1898 (a)
" "	Board of Rev (L.R.)	" 973 Ref.	31 " 1898 (a)
" "	Rev. Dept.	R. No. 1348	8 Sept 1898 (a)
" "	Accl. Genl.	4361,	19 Sept 1898 (a)

not received

Order No. 9462 26-10-98
 As suggested by the Accl.

W. Genl. Messrs Morris & Oldfield
 will, under article 1166(a) of the
 C.S.R., be permitted to draw the
 actual expenses incurred by them
 in maintaining camp at Bezvada
 on the 16th & 17th February up
 to the limit of daily allowances.
 2. The Govt. sees no necessity
 in suggesting an allocation in
 the terms of article 1109 of the C.S.R.
 as suggested by the Board.
 Cms. 23.10.98.
 1/11/98.

Accl. Genl.
 Board of Rev. (L.R.)
 Rev. Dept.
 Para 4 of order (L.R.) S
 despatched 11/11/98
 Ref. Space copy to T.A. file added 15/11/98

11/11/11

D

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O., No.
189

DATE

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CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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IN ORIGINAL.

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Plan new
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26/10/11