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[Finl.]
6.
500-14-8-97.

Financial (1898) Department.

ORDINARY MS.

G.O., No. 29

DATED 4-1-99

INDEXED.

9/9

5/1/99
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[Despatch Abstract.]

Drawing the attention of the Revenue Board to certain resolutions of the Govt of India and stating that, since Mr Murray falls within the definition of a statutory holder of India he is not entitled to draw Exchange Compensation Allowance

T41.88.

BACK PAPERS.

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

FURTHER PAPERS.

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

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18-2,000-30-3-08.

Financial Revenue (189⁸) Department.

CURRENT No. ³⁷³¹
8250

From

The Board of Revenue, Land

Revenue, Madras.

Endt. R.No. 1727.
Order

Transferred to the Financial

Forest Ref. No. 437.

Department.

(By Order) *Ullmariputun*

Ag. Under Secretary to Govt.

Dated 19th November 1898.

Received } 2nd December 1898.

Registered }

Enclosures 1

Spare copies

Fort St. George }
10th Decr. 1898. }

SUBJECT.

To

The Financial Dept.
Recd 14th Dec 1898



Submitting for the orders of

Govt. through the Accountant-General.

Mr. Murray *Mr. S. K. Munnay*
Mr. Murray's claim to Exchange Compen-

sation Allowance.

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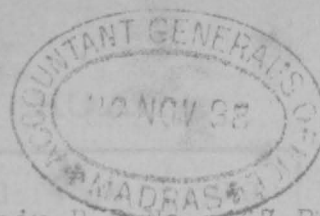
BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Office of the Board of Revenue,
Land Revenue, Madras.
Dated 19th. November 1898.



Read again B.P.No. 467 Routine, dated 26--8--1898 stating that Mr.Murray should be required to submit for the orders of Govt. his claim for exchange compensation allowance in the form prescribed in G.O.No. 13 Financial dated 6-1-'98 communicated in B.P.No. 25 (L.R.) dated 28-1-1898.

Also endorsement of E.D.M.Hooper Esq., Ag.Conservator of Forests, Net Northern Circle, dated 25-10-1898, R.C.No.467 on letter from E.R.Murray Esq., Deputy Conservator of Forests, Anantapur, dated 20th. Octr. 1898, Dis.No. 393 of 1898-99 submitting his claim afresh to exchange compensation allowance.

Handwritten signature/initials

Forest Reference No. 437, dated 19th. November 1898.

In the letter read above, Mr.E.R.Murray, Dy.Conservator of Forests, submits his claim to Exchange Compensation allowance in the form prescribed in G.O.No.13 Finl.dated 6-1-1898. He states that he was appointed by the Government of India to the **Superior** staff - of the Forest Department in 1881 as a European for the purpose of maintaining the proportion of Europeans held to be indispensable and adds that the circumstances of his appointment were exactly similar to those under which Lieut. Col. Bingham, Messrs.Home, Bagshawe, Ma Mackie, Elliot and many others were admitted by the Government of India to the **Superior** or the **Upper** controlling staff of the Forest Department. Mr. Murray enjoys the privileges of the European Service leave rules in chapter XIII of the Civil Service Regulations and he states that he is directly affected by the question of exchange, -- having to remit money to England for the education of his child.

*805087ml
8/10-7-95
K*

2. In G.O.No. 390 Finl.dated 23-6-1896, Government declined to admit Mr.Murray's claim to exchange compensation allowance under the rules then in force. But under the new rules promulgated by the Govern---

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ment of India in its Resolution dated 31-5-1897, No.2422 Ex, the Be Board considers that he is entitled to the allowance. This view is supported by the fact that in G.O.No.482 Finl.dated 26--5--1898, -- Government decided that all the European officers appointed to the offices of Conservators and Deputy Conservator of Forests must be - considered to have been appointed as Europeans to maintain that ---

element (Vide remarks against items Nos. 83 to 87 in list B appended-
to the G.O.). *File F (page 6)*

3. With the above remarks the Board submits Mr. Murray's claim for
the consideration and orders of Government through the Accountant-
General.

Lonel Davidson

Ag. Secretary.

To the Secretary to Government R.D. through the Accountant-
General with the list of questions answered by Mr. Murray in original.

Fort Saint George
Accountant Genl. office
1st December 1898.

No 6105

on page 92 of the book file after file E
Forwarded to Government with reference to paragraph 2 of
Government order No 491 H.L. dated 24 June 97 and paragraph 31
of the Government of India Resolution No 4847 ex Finl dated 5th
November '98.

W. H. H. H.
Accountant General

2. the secretary to Govt.

EXCHANGE COMPENSATION ALLOWANCE.

Questions to be answered by—

- Officers claiming the allowance who were appointed in England.
- Those appointed in India prior to 1st April 1897, who have not been admitted to the allowance under the rules in force previous to that date.
- Those who, having previously been appointed in India and admitted to the allowance under the rules in force prior to 1st April 1897, obtain an increase of salary after that date, and claim a continuance of the allowance.

Name of claimant *Mr. E. R. Murray*

Office *Deputy Conservator of Forests*

Questions.	Answers.
1. Were you born and are you domiciled within the dominions of Her Majesty in India of parents habitually resident in India and not established there for temporary purpose only?	<i>I was born in India but am not domiciled in that country.</i>
2. Are you a European?	<i>Yes.</i>
3. Of what nationality was your father?	<i>Scotch</i>
4. Of what nationality was your mother?	<i>Scotch</i>
5. In what country were they married and when?	<i>In India in 1851</i>
6. In what country were you born and when?	<i>In India in 1857</i>
7. In what country or countries were you educated and for how long in each?	<i>In India</i>
8. In what country or countries did you reside before appointment to the service of Government and for how long in each?	<i>In India</i>
9. In what country was your father born?	<i>In England</i>

Note.—If appointed in England and No. 2 is answered in the affirmative, questions 9 to 17 need not be replied to.

Questions.	Answers.
10. In what country or countries was he educated and for how long in each?	In England
11. In what country or countries, and for how long, did he reside— (i) before you were born? (ii) since your birth to the present time?	(i) In England until he obtained his Commission in the Army, at which time he came out till the date of my birth. (ii) In India.
12. If he was ever in India, state— (i) when? (ii) for how long? (iii) in what capacity? (iv) (a) how often did he leave this country? (b) when? (c) for how long? (d) in what capacity? (e) in what countries did he reside during the periods of absence?	
13. If your father is dead, state in what country he died and when?	

Questions.	Answers.
14. In what country or countries, and for how long, did your mother reside? (i) before you were born? (ii) since your birth to the present time?	
15. If she was ever in India, state— (i) when? (ii) for how long? (iii) in what capacity? (iv) (a) how often did she leave this country? (b) when? (c) for how long? (d) in what capacity? (e) in what countries did she reside during the periods of absence?	
16. If your mother is dead, state in what country she died and when?	

If your father is living, these questions need not be replied to.

Questions.	Answers.
17. If not born in India, how did you come to be in that country on appointment to the service of Government, and when did you arrive in India?	
18. To what office, service, or department were you first appointed and when?	To the Finl Dept in March 1881-
19. Are you still serving in the same office and department? If not, give the names of the departments and offices in which you have since served and in which you are now serving with dates.	Yes -
NOTE.—In cases in which complete information for questions 18 and 19 is obtainable from the History of services of Gazetted officers, a reference to the page and date of that publication will suffice.	
20. Is your present appointment permanent?	Yes -
21. If your present appointment is not permanent—	
(i) is it for a specified duty only?	
(ii) under what regulation or authority are your allowances fixed?	
22. If appointed by ^{contract} agreement, please forward your ^{contract} agreement for inspection.	
23. Is your appointment under your ^{contract} agreement preliminary to employment in one of the regular services of Government?	
NOTE.—If your answer to this question be in the affirmative please adduce proof of your statement.	
24. If not a member of any regular service, but employed in a professional capacity, are you debarred from the private exercise of your profession? Quote the rule so debarring you.	

Questions.	Answers.
25. Is any portion of your salary fixed in sterling? If so—	
(i) how much?	
(ii) at what rate of exchange is it convertible into Indian Currency? and	
(iii) under what rule?	
26. Have you been specially permitted to count any deputation allowance as salary for the purpose of calculating your leave allowances? If so, please give a reference to the authority.	
27. State your grounds, and quote any authority you may be able to refer to for holding—	
(i) that European qualifications are held by the Government of India to be indispensable for the office to which you have been appointed;	
or	
(ii) (a) that a proportion of Europeans is held by the Government of India to be indispensable in the Service to which you belong;	
(b) that you were appointed as a European for the purpose of maintaining that proportion.	
I certify on honour that the foregoing answers are quite correct.	
STATION, Anaulapoor	
Date 19 Oct 1898.	
	Signature of claimant. Dy. Comm. of Anaulapoor

The Resⁿ of Govt of India of Oct 91 dividing the Finl Service into two branches, viz the Imperial & Provincial, the Imperial Controlling Staff belonging to the former the indispensable European Element in the Service — Para. 8 of the Resⁿ of the Govt of India communicated with Board Proceedings No 251 of 22 July 1897 — Remuneration of Govt in list B (Finl Dept) accompanying G.O No 48 Financial dated 26 May '98, my office being the same as, & my appointment having been made under conditions precisely similar to at least one of the officers named therein — I am appointed as the son of an officer in the Army, through the instrumentality of a former British Officer of my Father's & a late C-in-C of the Indian Army. I have therefore

I have reason to suppose that I was appointed as a European and for the purpose of maintaining that proportion —

Financial Dept:

G.No.3731

FOR ORDERS

CS.

This current relates to the claim to exchange compensation allowance of Mr. E.R.Murray, Dy. Conservator of Forests, Mr. Murray ^{case} was before Govt. in 1896 - please see his replies to questions flagged *B* and the note flagged *D* in G.O.No.390 Finl, 1/23rd June 1896. Mr. Murray's father first came to India in 1840 in the service of the East India Co: and has apparently never left India after his first arrival. Mr. Murray was born in 1857 and has ~~never~~ never left the country. The father acquired an Indian domicile of which he ~~has~~ ^{has} not divested himself, either before or after the son's birth. The domicile of the son, which follows that of the father, is ~~India~~ India and Mr Murray, having been born in India, seems clearly to fall within the definition of a statutory native of India, which includes any person born and domiciled within the dominions of Her Majesty in India of parents habitually resident in India and not established there for temporary purposes only. The Board points out that Mr.Murray enjoys

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enjoys the privileges of the European Service leave rules in chapter XIII of the C.S.R. and that he is affected by the question of exchange as he has to remit money to England for the education of his child. It considers that Mr. Murray is entitled to the allowance under the revised rules and quotes in support of its view the proposal made by this Govt. to the Govt. of India - ^{page 6} vide paragraph of G.O.No. 482 Finl., d/26th May 1898 - that all European officers appointed to the offices of Conservators and Dy: Conservators of Forests ^{should} be considered to have been appointed as Europeans to maintain the indispensable European element required in the Forest service.

The latest ruling on this point as regards exchange compensation allowance, and a ruling which was made when the Govt. of India had the proposal of this Govt. before it, is that contained in paragraph 31 of the Govt. of India resolution on page 8 of G.O. No. 1081 Finl., d/19th November 1898. There the Govt. of India stated that all officers in the Imperial service of the Forest Dept. are eligible for exchange compensation allowance if otherwise qualified. Mr. Murray is apparently ⁱⁿ the Imperial service, but being a statutory native of India is, it is submitted, debarred from drawing the allowance. It was clearly

^E
~~IV~~ clearly stated in paragraph 4 of the Govt. of India resolution on page 3 of G.O.No. 491 Finl., d/24th June 1897, that ~~the~~ ^{curr.} officers appointed in India ~~are~~ not eligible for the allowance if they are statutory natives of India. ~~Again~~ ^{IV} in the second clause of paragraph 1 of its resolution on page 3 of G.O.No. 1081, Finl., d/19th November 1898, the Govt. of India has drawn attention to the fact that the orders admitting Forest officers of the Imperial service to the allowance relate solely to the question as to what are the appointments by virtue of holding which an officer, if not otherwise excluded, becomes entitled to the allowance and ~~it~~ has pointed out that these orders do not render a person appointed in India eligible for the allowance, ^{if} he is a native of India within the definition of the term in statute 33 Victoria, Cap. 3, section 6.

Draft order is submitted.

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H. L.

C.No.3731

ORDER

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The attention of the Board of Revenue will be drawn to paragraph 4 of the Govt. of India, Finance and Commerce Dept. resolution No.2422-Ex., d/31st May 1897, and to the second clause of paragraph 1 of its resolution No. 4847-Ex., d/5th November 1898. Mr. Murray ~~_____~~ falls within the definition of a Statutory ~~_____~~ of India and is therefore not entitled to draw exchange compensation allowance.

G.O.No.491, Finl., d/24-6-97 *E*

G.O.No.1081 Finl., d/18-11-98 *IV*

To

The Board of Revenue (Land Revenue) /Q & O/

The Accountant General (Pro)

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READ AGAIN G.O., No _____ DATED _____
 189 _____

CURRENT No. _____

ENCLOSURES TO C. No. _____

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
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