

Financial (1899) Department.

ORDINARY M.S.

G.O., No. 627, 628

DATED 26-5-99

INDEXED.

9/10

PRINTED IN G.O., dated

3-7-1899, No. 753

[Despatch Abstract.]

Requesting the sanction of the Govt. of India to the grant of travelling allowance to The Hon'ble Mr. G. H. Stuart, Principal of the Presidency College, Madras, and member of the Legislative Council, for his journey to and from Ootacamund to attend a meeting of the Legislative Council held at that place on the 13th June 1898, the same being objected to by the A.G. on the ground that Mr. Stuart was not on duty during the whole period of his stay at Ootacamund.

29-5-99

Principal

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
2233/11							

LETTER AUDIT DEPT.

ACCT.-GENL.'S OFFICE,

AUDIT SLIP No. A.B.H.

Dated 9 Sept 1898.

The Honble Mr. G. H. Stuart's travelling allowance bill for Rs 133-12- is returned un-
passed for want of a certificate from the Director of Public Instruction that his presence at Calcutta was required on duty throughout the period from 7 June to 15 July 98. Vide article 1225 of C.S.R.
He is also requested to mention the purpose for which he remained at Calcutta from 7 to 12 June and from 14 June to 15 July 98 in the Column "Object of journey" in the travelling allowance bill.

To

The Honble Mr. G. H. Stuart, Principal
Presy College, Madras.

J. H. Jenkins
Assistant Accountant-General.

Recd - again the following paper -
Financial (1899) Department.

CURRENT No. 1517

From

The Accountant-General
Madras.

Order

In the C.S.

Draft letter to India
may be prepared?

Ans.
17/11/98

No. G.A.D. No. 5
140

Dated 10

Received

Registered

Enclosures

Spare copies

SUBJECT.

The question arises whether Mr. Stuart is on duty during the Presidency College vacations & whether he can be so away from the Presidency College - The further question is whether his presence was required from one meeting of the Council of India another on duty. Will it be say whether India is the address, or the order be withdrawn.

Stating that, under the circumstances herein mentioned, the grant of the travelling allowance to the Honble Mr. Stuart is inadmissible and will require the sanction of the Govt.

BACK PAPERS

BACK PAPERS.

G.O.	No.	Department.	Date.
Mis	405	File	17.8.98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

The case seems to me to be an anomalous one not contemplated by the rule. The Govt of India should I think be addressed.

18/4/98

Dr. H.

18/4/98

18/4/98

Presidency College, Madras. 98.
16th September 1898

To

From

The Principal

To

The Accountant-General

Madras.

Sir,

With reference to your Audit Slip No. A.B.H.
164 dated 9th September 1898 I have the honour to say that the journey was made on 7th June to enable me to be in time to prepare for and attend the Council meeting on the 13th. There does not appear to be anything in the rules prohibiting this. I remained at Ootacamund from 14th June to 15th July because I had no duties elsewhere, the Presidency College being closed for vacation. For the same reason I cannot furnish a certificate from the Director of Public Instruction that I was on duty. I returned to duty at the end of the vacation, i.e. as soon as my duties began. I submit therefore that article 1225 of C.S.R. does not apply to my case.

The journey was made solely with the object of attending the meeting of the Legislative Council and would not otherwise have been made.

I have the honour to be,

Yr. Yr.

(sd) G. H. Stuart
Principal

(True Copy)

G. H. Stuart
Principal

5
98p
Presidency College, Madras.
4th November 1898.

To

From

The Principal

To

The Accountant-General,
Madras.

Sir,

I have the honour to call your attention to my letter of the 16th September relative to my claim for travelling Allowance to Ottacamund and back to which objection was taken in your Audit Slip No. A.B.H. of 9th September 1898 and to request to be informed of your decision on my contention that article 1225 of the G.S.R. does not apply to the case.

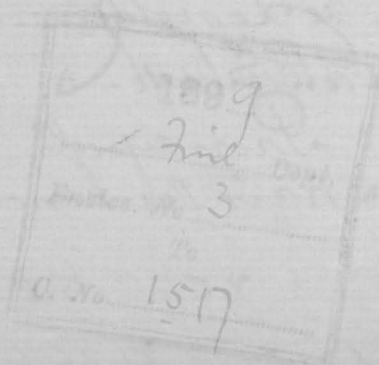
I have the honour to be,

Yr
Yr

(Signed) G. H. Stuart
Principal

(True copy)

G. H. Stuart
Principal



Gazetted Audit DEPARTMENT.

1686

FORT ST. GEORGE,
Accountant-General's Office,
18th November 1898.

No. 5050

From

T. Hesketh Briggs Esq
ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Principal, Presidency College,
Madras.

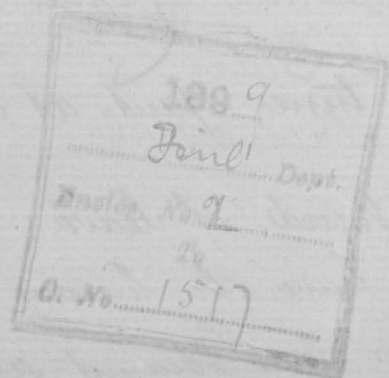
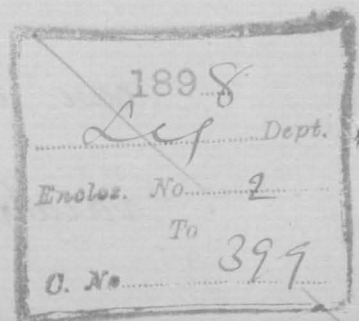
SIR,

With reference to your letter dated the 4th of November 1898, I have the honour to inform you that as it appears that you stayed at Ooty for your own convenience after the time required for attending the Legislative Council and for more than 10 days, article 1225 of the Civil Service Regulations applies to you case whether the extra time spent at Ooty was vacation or any other kind of leave.

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

W. H. Briggs
Accountant-General.

Dec 18/11



Gazetted Audit DEPARTMENT.

627-82nd 26/5/99

G. A. S. No. 140

FORT ST. GEORGE.

Accountant-General's Office,

10th April 1899.

From

T. Herbert Biggs Esq.,

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Chief Secretary to Government,
Financial Department.

SIR,

E

With reference to Government Order No. 40.
dated the 17th of March 1899 authorizing me
to pass the travelling allowance claimed by
the Hon'ble Mr Stuart for the journeys from
Madras to Mettapoliem and back and for
halt at Ootacamund, made between 6th June
to 16th July 1898 on the ground that he had to
attend the Legislative Council at Ootacamund
on the 13th June 1898, I have the honour to
point out that as Mr Stuart was not on
duty at Ootacamund throughout the period

he

1899
Encls. No. 1
To
O. No. 1517

1898
Encls. No. 1
To
O. No. 399

he stayed there and the Director of Public Instruction is unable to furnish the certificate required by Article 1225 Civil Service Regulations, the grant of the travelling allowance is inadmissible and will require the sanction of the Government of India, which I have the honour to request may be obtained.

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

W. K. B.
Accountant General.

20/8/94

[G. 75]

L. 000-21-11-98.

NOTE FOR THE C. S.

Please see draft put up. The C. S. in his note on L. W. 1517 says that the question seems to be whether Mr. Stuart is on duty during the Presidency College vacation and whether he can be so away from the Presidency College. It will be seen from Art. 30 ^{C. S. Regs.} that he can be away during his vacation; but the art. speaks of his ^{being} ~~absent~~ from duty during that time. The C. S. also raises a further question thinking the Honble Mr. Stuart had to attend two meetings of the Committee during his stay at Cochin. As a fact he attended only one meeting and the C. S. must have been thinking of a case which ^{I believe} was looked into in its earlier stage.

He attended the 13th May meeting but afterwards went down again.
C. S.

In the C. S.

Please see draft below

C. S.
2.5.98

Read again G.O. No. 405, Financial, dated 17th March 1899 (a)
C. No. 1517 From the Accountant General, G.A.D., No. 140, dated 10th April 1899.

" " " " 189
" " " " 189
" " " " 189

ORDER No. 627, 26th May 1899
MIS.

The Government of India will be

addressed.

H. L. V. L.

To
The Acct. Genl.
Hon. Mr. G. H. Stuart
(C of O & A of Ct.)
Leg. Dept. (-do-)

25/5/99

LETTER No. 628.

To

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

Sir,

On the 6th June last the Hon.
Mr. G. H. Stuart, Principal of the Presi-
dency College, Madras, and a member of
the Legislative Council, left Madras to
attend a meeting of the
Council to be held at Ootacamund on the
13th idem. The Presidency College having
closed for the vacation, the Hon. Mr. Stuart
prolonged

throughout

Be to check
days before us as
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prolonged his stay at Ootacamund till the 15th of July. The Acct. Genl., however, refused to pass Mr. Stuart's travelling allowance bill in the absence of a certificate from the D.P.I. that his presence at Ootacamund was required on duty throughout the period in question as required by art. 1225 of the C.S.R. - vide copy of objection slip No. A.B.H./164, dated 9th Sept. 1898 (copy enclosed). The Hon. Mr. Stuart thereupon pointed out that the journey was made on the 6th June to enable him to be in time to prepare for and attend the Council Meeting on the 15th; that he remained at Ootacamund from ^{the} 14th June to the 15th July because he had no duties elsewhere, the Presidency College having been closed for the vacation; that for the same reason a certificate from the D.P.I. that he had been on duty at Ootacamund throughout the period could not be furnished; that he had returned to duty at the end of the vacation, i.e. as soon as his duties began; that the journey had been made solely with the object of attending the meeting of the Leg. Council and would not otherwise have been made; and that art. 1225 of the C.S.R. did not apply to his case. The Acct. Genl. declined to admit the foregoing contentions and held that as the Hon. Mr. Stuart had remained at Ootacamund for his own convenience after the time required for attending the Leg. Council and for more than ten days

* Journey from Madras to Ootacamund and back Rs. 127-12- Halting allowance for 1 day (13th June) Rs. 6-0-0

Rs. 133-12-0.

When given for coming

1208 78
days, art. 1225 did apply to the case whether the extra time spent at Ootacamund was vacation or any other kind of leave - vide letter No. 5050, dated 18th Nov. 1898 (copy enclosed).

2. On the matter being referred to this Govt., the Governor in Council considered that there had been no evasion of the rules on the part of the Hon. Mr. Stuart and that the case was not one to which art. 1225 could be properly applied. ^{The} ~~for this purpose~~ ^{for this purpose} the reasons that the Hon. Mr. Stuart had not charged Govt. for more than he would have drawn had he left Ootacamund immediately the Council was over; that the journey to Ootacamund was necessitated solely by the meeting of the Legislative Council, Stuart having declared that it would not otherwise have been made; that the Hon. Mr. Stuart belongs to a department in which regular vacations are allowed during which he is permitted to be absent from duty (art. 506, C.S.R.); and that the Presidency College was in vacation at the time, and Govt. was not deprived of any of the time ^{that the} ~~the~~ Hon. Mr. Stuart should have devoted to his ordinary duties by ^{the Hon. Mr. Stuart} ~~his~~ remaining at Ootacamund. The Accountant General was accordingly authorised to admit the charge.

3. That officer still contends (vide his letter No. G.A.D.5./140, dated 10th April 1899) that, as Mr. Stuart was not on duty at Ootacamund throughout

This opinion was based on the grounds

throughout the period he stayed there and as the D.P.I. is unable to furnish the certificate required by art. 1225, G.S.R., the grant of the travelling allowance is inadmissible and requires the sanction of the Govt. of India.

4. I am accordingly to submit the matter for the orders of the Govt. of India and to add that it appears to the Governor in Council that the provisions of art. 1225 are obviously intended to meet the case of an officer who prolongs his visit ^{to} at a hill station beyond the period required for the performance of the duty which carried him ^{and} ^{detriment} to the neglect of his duties ^{and} ^{regular} because of duties in the plains, and that Presy cannot be intended to apply to a case such as that under discussion, which presents no features to which objection can be taken and which in no way ^{either the letter or the} transgresses the spirit ~~of the letter~~ of the rules.

*Ans.
2/8/91*

*A.I.
3/5/91*

When given for copying _____
When copied _____
When examined _____
When signed _____ } 189

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

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

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