

Financial (1899) Department.

ORDINARY PRINTED.

G.O., No. 741

DATED 29-6-99

INDEXED.

4/9

[Despatch Abstract.]

Exchange Compensation Allowance

Forwarding to the Public
dept letter from the Secy of the
of correspondence with the Chief
Commissioner of the Central Provinces on
the subject of the eligibility to
— of military assets for purposes in
civil employ.

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 {1899} of Madras. FINANCIAL.

Recd.

Regd.

} 1899.

Enclosures

Spare copies

G.O., No. 741, 29th June 1899.

JUNE.

Exchange Compensation Allowance.

Communicating to the Public Department letter from the Government of India forwarding copy of correspondence with the Chief Commissioner of the Central Provinces on the subject of the eligibility to — of Military Assistant Surgeons in civil employ.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

READ—again the following papers:—

G.O., No. 491, Financial, dated 24th June 1897.

ABSTRACT.—Communicating, with remarks, to the departments of the Secretariat resolution of the Government of India issuing new rules for the grant of exchange compensation allowance; and directing republication of the resolution in the *Fort St. George Gazette*.

G.O., No. 1081, Financial, dated 19th November 1898.

ABSTRACT.—Communicating to the departments of the Secretariat resolution of the Government of India issuing certain further orders as to what are the appointments by virtue of holding which an officer appointed in India, not being a statutory native, becomes entitled to exchange compensation allowance, and directing the republication of the resolution in the *Fort St. George Gazette*.

G.O., No. 572, Financial, dated 5th May 1899.

ABSTRACT.—Communicating to the Public Department endorsement of the Government of India forwarding copy of its letter to the Government of the Punjab, stating that a Military Assistant Surgeon in civil employ, so long as he remains liable to recall to military duty, is entitled to exchange compensation allowance if not personally debarred as a statutory native of India.

READ—also the following paper:—

From R. NATHAN, Esq., Under Secretary to the Government of India, Home Department (Medical), to the Chief Secretary to the Government of Madras, dated Simla, the 17th June 1899, No. 1063.

I am directed to forward, for the information of the Governor in Council, a copy of correspondence with the Chief Commissioner of the Central Provinces on the subject of the eligibility to exchange compensation allowance of Military Assistant Surgeons in civil employ.

ENCLOSURES.

From the Chief Secretary to the Chief Commissioner, Central Provinces, to the Secretary to the Government of India, Home Department, dated Nagpur, the 25th April 1899, No. 2983.

I am directed to forward, for the orders of the Government of India, a copy of a letter, No. 1374—720, dated the 6th ultimo, from the Administrative Medical Officer, together with a memorandum (No. S.A.-8138, dated the 18th idem) by the Comptroller, on the question of the eligibility to exchange compensation allowance of Military Assistant Surgeons in civil employ who are not statutory natives of India.

2. The Comptroller holds that paragraph 38 of Government of India, Finance and Commerce Department Resolution No. 4847-Ex., dated 5th November 1898, refers to warrant officers in military employ only, and that, as the emoluments of such officers in civil employ are governed by the Civil Service Regulations and not by the India Army Regulations, they cannot take advantage of a rule apparently intended for the benefit of those actually holding military appointments. He thinks that the case of the officers in question is covered by paragraph 18 of the Resolution referred

to above; that these officers are holding appointments which are open to Civil Assistant Surgeons, a "class of officers not entitled to the allowance"; and that they are, therefore, not eligible for the allowance.

3. The Chief Commissioner is inclined to think that the term "uncovenanted officers" in paragraph 18 of the Resolution is intended to apply to private medical men appointed direct in India. But, on the other hand, he doubts whether the appointments held by Military Assistant Surgeons should be considered for the purposes of paragraph 38 of the Resolution to be their appointments on the civil establishment of the Province or their appointments in the Military Subordinate Medical Service. The latter are, but the former are not, "connected with the administration of the army." And, on the ground that these officers are always liable to be recalled from the former to military duty, the Chief Commissioner is inclined to think that the latter should be adopted as the criterion. But as the Comptroller differs, and the point seems doubtful, I am to refer it for the orders of the Government of India.

From the Administrative Medical Officer, Central Provinces, to the Chief Secretary to the Chief Commissioner, Central Provinces, General Department (through the Comptroller, Central Provinces), dated Nagpur, the 6th March 1899, No. 1374—720.

I have the honour to submit, for the consideration and orders of the Chief Commissioner, copy of a letter No. 103, dated the 24th ultimo, with its enclosure, from Military Assistant Surgeon G. Murphy, Civil Medical Officer, Narsinghpur, in which he requests that he be granted exchange compensation allowance in terms of Government of India Notification No. 4847-Ex., dated 5th November 1898, paragraph 38.

Endorsement by the Comptroller, Central Provinces, dated the 18th March 1899, No. S.A.-8138.

The undersigned has the honour to state that a similar representation has been made to this office by Assistant Surgeon D. O'C. Murphy, in civil medical charge of the Mandla district, and it seems a convenient occasion for investigating generally the title to exchange compensation allowance of all these officers of the same class, as well as of uncovenanted medical officers serving in these provinces.

2. The claim is based on paragraph 38 of Financial Department Resolution No. 4847-Ex., dated 5th November 1898, with which the Government of India circulated lists of officers qualifying for the allowance. It appears to the undersigned, however, that the paragraph quoted refers to warrant officers who are in military employ, and that as the emoluments of Mr. Murphy and other officers similarly situated are governed by the Civil Service Regulations and not by the India Army Regulations, it is clear that they cannot, while employed in the Civil Department, take advantage of a rule, apparently intended for the benefit of those actually holding military appointments and subject to the Army Regulations.

3. Their case, therefore, instead of being regulated by paragraph 38, appears rather, to fall under paragraph 18 of the Resolution quoted above, and as all these officers are holding appointments which are also open to Civil Assistant Surgeons, "a class of officers not entitled to the allowance," it would appear that the claims of the officers in question are also debarred by this rule.

4. Undersigned would further invite a reference to the principles regulating the grant of these allowances as laid down in paragraphs 5 and 9 of Government of India, Financial Department Resolution No. 2422-Ex., dated 31st May 1897, from which it will be seen that the tests necessary for officers appointed in India to qualify for the allowance are—

- (1) that the appointments are those in which European qualifications are necessary; and
- (2) that officers appointed thereto have been appointed as "Europeans" and for the purpose of maintaining the requisite proportion of Europeans, and these conditions are not apparently fulfilled.

5. The officers concerned are—

- (1) Mr. T. W. Quinn, Uncovenanted Officer, in civil medical charge.
- (2) J. Prentie, Warrant Officer, in civil medical charge.
- (3) G. Murphy, Warrant Officer, in civil medical charge.
- (4) J. W. Hogan, Warrant Officer, in civil medical charge.
- (5) M. Windross, Warrant Officer, Assistant to Civil Surgeon, Jubbulpore.
- (6) D. O'C. Murphy, Warrant Officer, in civil medical charge.
- (7) J. Robertson, Warrant Officer, Assistant to Civil Surgeon, Nagpur.

Of these, Messrs. Quinn and Prentie draw the allowances under the old rules, as being of European domicile, and under Rule XIII of Exchange Compensation Rules circulated with the Resolution, dated 31st May 1897, may be allowed to continue drawing the allowances until they become entitle to their next increment when the increase will be taken in reduction of the claim to the allowance.

Nos. (3), (4) and (6) do not draw the allowances. No. (5), Mr. Windross. This officer is also drawing the allowance under the old rules, but as his grade pay was increased from Rs. 150 to Rs. 200 on 1st April 1897 and the new rules have effect from the same date, the amounts drawn by him are inadmissible under paragraph 2 of Resolution No. 4217-Ex., dated 21st September 1897, from the 1st idem, but, under article 279 (a) of the Civil Account Code, the Chief Commissioner's orders are required as to whether or not retrenchments, if any, should now be enforced.

No. (7), Mr. Robertson. This officer took charge in these Provinces in November 1898 and has been permitted to draw the allowance, as he drew it in the Military Department, but if it is held that his appointment does not fulfil the conditions referred to in paragraph 4 *supra*, he must be considered to have passed from an eligible to a non-eligible appointment, and under paragraph 39 of the Resolution, dated 5th November 1898, is not entitled to the allowance. The retrenchments will be made on the receipt of the Chief Commissioner's orders; in the meantime both Messrs. Windross and Robertson have been informed that they should cease drawing their allowances from the current month.

From R. NATHAN, Esq., Under Secretary to the Government of India, Home Department (Medical), to the Chief Commissioner of the Central Provinces, dated Simla, the 17th June 1899, No. 1054.

In reply to your letter No. 2983, dated the 25th April 1899, I am directed to refer you to the Finance and Commerce Department Circular letter No. 1644-Ex., dated the 21st April 1899, and to say that as a Military Assistant Surgeon in civil employ is always liable to be recalled to military duty, he retains the benefit of paragraph 38 of the Financial Department Resolution No. 4847-Ex., dated the 5th November 1898, and is therefore entitled to exchange compensation allowance if not personally debarred as a statutory native of India.

ORDER—No. 741, Financial, dated 29th June 1899.

Communicated to the Public Department in continuation of G.O., No. 572, Financial, dated 5th May 1899.

(True Extract.)

G. STOKES,
Chief Secretary.

To the Public Department.
„ Accountant-General.

Exd. W. D'Moss.

[F.]
28
1,000-23-7-96.

Financial (1899) Department.

CURRENT No. 2285

Read again for No. 491, 7th, dated 24.6.97 (P) K

1081, dated 19.11.98 (P) T (book)

572, dated 5.5.99 (A) (P)

No. 2285 (a) 7P

From

The Govt of India
Home Dep.

Order No. 741 729-6-99.

Communicated to the

Public department in continuation

No. 1063

of G.O. No. 572, 7th, dated 5th May 1899.

Dated 17th June 99

Received 26 " "

Registered 27 " "

Enclosures 2

Spare copies. 7 Each of C & Encls.

Cons.
28/6/99

H. 29/6/99

SUBJECT.

Forwarding for information a copy of correspondence with the Chief Commissioner of the Central Provinces on the subject of the eligibility to receive compensation allowance of Assistant Surgeons in civil employ.

Public dept } ss. of Ct, ss. of each encl
Acct. Genl } " " " " " "

Ref. Copy to Ex. Comp. Files

Cons.

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 189

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Cover No.

ENCLOSURE TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DUTY.

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