

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1369	Press
		~~Mis.~~
32 . 33		
Dated	12-10-19	1887

Not to be folded or roughly handled

No. 32. Read the following letter from J. RATLIFF, Esq., Acting Civil and Session Judge of Rajahmundry ; to E. MALTBY, Esq., Acting Chief Secretary to Government, Judicial Department, Fort Saint George, dated Madras, 21st September 1857, No. 198.

SIR,

1. Being unable to obtain the Civil Auditor's sanction for the travelling allowance due to me, under the ordinary rules, on the occasion of my recent journey from Cuddapah to this place, I am compelled, though regretfully, as regards the trouble involved, to seek redress at the hands of Government, against that functionary's procedure, and have the honor, accordingly, to submit the correspondence on the subject, as per margin.

2. From it will be observed, that, after a detention in his office of some eleven days, my bill was returned, passed for the distance between Cuddapah and Madras only, under the plea that I had received a free passage to my station from the latter place ; ignoring, or ignorant of, the fact, that the port to which I was conveyed, was distant 39 miles from the said station ; as well as, apparently, oblivious, as to the various necessary expenses attendant upon embarkation at Madras, and debarkation at Cocanada, by myself defrayed ; and taking no note, moreover, of the compulsory dietary payment levied from me while on board the Government Transport, during my (so styled) "free" passage.

3. It being clear that, under the most stringent view possible, I was still entitled to recovery of travelling hire for 39 miles, and actual expenses attendant upon embarkation and debarkation, even should reconsideration fail to convince the Civil Auditor, that he had, in addition to omitting allowance for the same, also, travelled somewhat out of his way in thus raising the question *at all* "under the circumstances," I addressed, the accompanying (copy of) letter to him, on the 21st August last ; and to which I would solicit the favour of reference, as affording exposition, of what I had to urge in support of the above opinion.

4. After a delay of *three weeks* in his office, the accompanying reply is despatched, under date 14th current : dissatisfied with the which, I am fain to appeal to Government ; which I venture to do under the confident hope that it's sanction will not be extended to the proceedings complained of—incidentally submitting, at the same time, that I came via Madras, by dák from Cuddapah, and at an expense very considerably exceeding the ordinary cost for a similar distance (owing to the distances from which bearers have to be sent for on that road) for the express purpose of carrying out the wishes of Government as to speedy joining, which I believed could be best effected by that route, whilst the amount of travelling hire in full, even, as claimed, is in itself, considerably under "one-third" of the actual outlay I have incurred, for bona fide contingent expenses for locomotion ; a point, which I take the liberty of noticing, not because affording basis soever of claim, but, as simply illustrative of the, as I conceive, de facto injustice of the Civil Auditor's proceeding.

5. I have therefore the honor to enclose a fresh bill for my travelling allowance in its integrity, to solicit that the Civil Auditor may be instructed by Government to pass and forward it to me, in lieu of that herewith returned.

(Signed) J. RATLIFF,
Acting Civil and Session Judge.

From the Secretary Marine Board ; to the Civil Auditor, dated 14th August 1857, No. 2826.

SIR,

In reply to your letter of the 8th Instant, No. 424, I have the honor, by desire of the Marine Board to inform you, that Mr. Ratliff was granted a free passage from Madras to Cocanada on board the Steam Transport "Manilla," under the orders of Government, conveyed in Extract Minutes of Consultation of the 21st Ultimo, No. 285. It is however probable that he paid for his subsistence while on board that vessel at the rate of 8 Rupees a day, as the order abovementioned did not appear to authorize any actual expense to Government on account of his passage, and no bill has been submitted to the Board for his table money.

(Signed) J. J. FRANKLIN,
Secretary.

Fort St. George, Judicial Consultation, 13th October 1857.

Copy forwarded to Mr. J. Ratliff, for his information and in explanation of the alteration made in the accompanying bill.

17th August 1857.

(Signed) F. LUSHINGTON,
Civil Auditor.

(True Copy.)

(Signed) J. RATLIFF,
Acting Civil and Session Judge.

From J. RATLIFF, Esq., Acting Civil Judge of Rajahmundry; to F. LUSHINGTON, Esq., Civil Auditor, Fort St. George, dated 21st August 1857, No. 170.

SIR,

1. I am to-day in receipt of your enclosures, declining to pass my bill for travelling allowance, at the usual rate from Cuddapah to Rajahmundry, under the plea that I proceeded to Madras, and thence obtained (what is styled) a free passage to Cocanada; becoming consequently entitled to the allowance for the distance between Cuddapah and Madras only (or 166 miles).

2. That you consider the course you have adopted to be incumbent, I am well assured, though regret it, as involving the necessity for counter explanations, and petty detail, into which nothing but the sense of being (as I believe) wronged, could induce me to enter, whilst I cannot, at the same time, but express a sanguine conviction that the Government will not, under the circumstances, sanction my being mulcted of the difference; and have the honor to request, accordingly, that, should you upon consideration, still decline to pass my bill, in its integrity, you will oblige me, by referring the matter, together with copy of, or with this present original letter, for the orders of Government.

3. Having a variety of grounds to allege in support of my perfect right to the full allowance, I shall take the liberty of recording them seriatim.

1st. I would point out, that Cocanada is 39 miles distant from Rajahmundry, and that the "Manilla" only conveyed me to within some 2 to 3 miles of the former, leaving still a distance of 42 miles (more or less) from the spot, where my free passage terminated, direct to my station; and for which distance, I must at any rate, be entitled to payment in addition to that from Cuddapah to Madras.

2ndly. Presuming me, in thus proceeding under orders and sanction of Government, from Madras via Cocanada to Rajahmundry, to have forfeited all claim to mileage between the former, because conveyed "free" by the Government Transport, I should not surely, be denied compensation for my actual expenses for the boat hire, involved by adopting this route ere reaching the steamer (and which amounted, I may add, to six Rupees, exclusive of cart hire to the beach) whereas, you have dealt with me as if transported by Government free of all cost to myself from the shore at Madras, not only to that at Cocanada, but 39 miles inland to Rajahmundry.

3rdly. I would venture to suggest, that, although no charge was made by the "Manilla" for actual carriage, the compulsory dietary payment of Rupees 15 per diem, which was levied for Mrs. Ratliff and self, while on board, would appear to preclude the terming my passage altogether a "free" one. (I may here take the opportunity of incidentally mentioning that I am still indebted to the ship in the sum of Rupees 12, which the purser would not receive, but said, must be recovered from me, through some official channel.)

4thly. I would take leave to submit, that I adopted the Madras route, as the quickest, although the most costly, in order to carry out the expressed wishes of Government, that I should join with all speed, and in furtherance of which, I came thither, by dak (a matter of very considerable expense, on that line of road and some Rupees 230 to myself more or less) in order to catch a vessel I had seen advertized, but which I unfortunately missed, and, cannot therefore, suppose for a moment, that Government would permit that such, and my consequently obtaining its permission to avail myself of the earliest subsequent opportunity for transport, in the "Manilla," should be made a plea for withholding any portion of the ordinarily claimable travelling allowance for the direct distance.

Fort St. George, Judicial Consultation, 13th October 1857.

5thly. This allowance being passed to an officer proceeding on deputation, for the distance to his temporary station only, must be presumed, to be intended to cover his return expenses also, seeing that none other is given, and I should therefore, if now mulcted under this plea, have, I would submit, a fair claim to free carriage for a like distance, on return, after being relieved of my present office.

4. I much regret the necessity and trouble to all parties involved, by the step you have thought it proper to take, but shall, I trust, be excused, with reference to that natural dislike which all men experience, to being groundlessly deprived of what they believe to be their just rights, however intrinsically small the matter at issue.

(Signed) J. RATLIFF,
Acting Civil Judge.

From F. LUSHINGTON, Esq., Civil Auditor; to J. RATLIFF, Esq., Acting Civil and Session Judge, Rajahmundry, dated 14th September 1857, No. 567.

SIR,

I have the honor to acknowledge the receipt of your letter, of the 21st Ultimo, on the subject of your travelling allowance on the occasion of your proceeding to take up your present appointment, and to inform you that, I see no sufficient grounds for referring your case to Government, but under the circumstances mentioned by you, I shall have no objection to pass to you the amount of the actual expenses which you may have incurred in consequence of the passage provided for you, not having extended to the station in which your appointment lies, you may therefore submit a bill for the amount of boat hire, travelling allowance from Cocanada to Rajahmundry, which shall be passed, and returned to you.

(Signed) F. LUSHINGTON,
Civil Auditor.

(True Copies.)

(Signed) J. RATLIFF,
Civil and Session Judge.

No. 33.

ORDER THEREON, No. 1319; dated 12th October 1857.

1. In the foregoing letter Mr. J. Ratliff appeals from the decision of the Civil Auditor, in regard to the amount of travelling allowances to be drawn by him, when proceeding to take up his appointment as Acting Civil and Session Judge at Rajahmundry.

2. From Cuddapah, where he was as Subordinate Judge at the time, Mr. Ratliff proceeded by dak to Madras; from thence by Sea, Government having provided him with a passage on board the "Manilla" to within 2 or 3 miles of Cocanada; and from that place by land to Rajahmundry. For the performance of this journey that Officer submitted a Bill for travelling allowance calculated for the distance from Cuddapah to Rajahmundry, by the ordinary route; but the Civil Auditor objected to pass to him any allowance for a greater distance than from Cuddapah to Madras, as he understood that Government had provided Mr. Ratliff with a free passage from thence to Rajahmundry. Mr. Ratliff explained that the passage could not be considered free inasmuch as he was subjected to a "Table" payment of 15 Rupees per diem for Mrs. Ratliff and himself, and that moreover he was landed within two or three miles of Cocanada and had to pay boat hire both on embarkation and landing, as also cartage, beside the expenses of the journey from Cocanada to Rajahmundry. On the receipt of this communication the Civil Auditor consented to pass to Mr. Ratliff, in addition to the amount already admitted, the charge for boat hire and travelling allowance from Cocanada to Rajahmundry.

3. But to this too Mr. Ratliff objects. He considers himself entitled to an allowance calculated for the distance from Cuddapah to Rajahmundry by the ordinary route; and urges that for the express purpose of carrying out the wishes of Government that he should join his

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station speedily, he had chosen to proceed thither via Madras, and that "the amount of travelling hire in full even as claimed, is in itself much below one-third of the actual outlay." Under these circumstances he solicits Government to instruct the Civil Auditor to pass his Bill, as originally submitted.

4. In instructing the Marine Board to provide Mr. Ratliff with a passage on the *Manilla*, Government did not intend that that Officer should lose the travelling allowances which are granted to the servants of Government in compensation for their expenses when moving on public duty, from one station to another. For his own and his family's accommodation on the *Manilla*, Mr. Ratliff has paid, it is observed, at the prescribed rate, and the Right Honorable the Governor in Council sees no objection to the Civil Auditor passing to that gentleman, the travelling allowance claimed by him.

(Signed) E. MALTBY,
Acting Chief Secretary.

Exd. F. Cartledge

Judicial Department.

N^o. 1319

Extract from the Minutes of Consultation

Dated 13th October, 1857.

*Read the following Letter from
J. Ratliff Esq. At Civil Sessions Judge
Rajahmundry.*

(Here enters C^o 21st Sept/57 No 198.)

*1. In the foregoing letter Mr
J. Ratliff appeals from the decision
of the Civil Auditor in regard to the
amount of travelling allowances
to be drawn by him when pro-
ceeding to take up his appoint-
ment as Acting Civil and Sessions
Judge at Rajahmundry.*

*2. From Cuddalore, where
as Subordinate Judge
he was at the time, Mr Ratliff
proceeded by dawk to Madras; from
thence by sea, - Govt having pro-
vided him with a passage*

*C. 21 July/57 Marine Dept.
No 285.*

on board the "Manilla", - & within
2 or 3 miles of Cocanada, and from
that place by land to Rajahm-
undry. For the performance of this
journey that officer submitted
a bill for travelling allowance
calculated for the distance
from Cuddapah to Rajah-
mundry by the ordinary route,
but the Civil Auditor objected to
pay to him any allowance for
a greater distance than from
Cuddapah to Madras as he con-
sidered that Govt. had provided
Mr Rattiff with a free passage
from thence to Rajahmundry.

Mr Rattiff explained that the
passage could not be considered
free inasmuch as he was
subjected to a "Tally" ~~and~~
payment of 15 Rs per diem for
Mrs Rattiff and himself and
that moreover he was landed

within

within two or three miles of
Cocanada and had to pay boat
hire both on embarkation &
landing, ^{of} palanquin cartage, beside
the expenses of the journey
from Cocanada to Rajah-
mundry. On the receipt of
this communication the
Civil Auditor consented to
pay to Mr Rattiff, in addi-
tion to the amount already
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3 But to this ^{too} Mr Rattiff
objects. He considers him-
self entitled to an allowance
calculated for the distance
from Cuddapah to Rajah-
mundry by the ordinary
route; and urges that ~~with~~
for the express purpose of

7 miles - m.)

travelling
from ~~San Francisco~~ ^{San Francisco}; and then

4. In instructing the
Marine Board to provide Mr.
Ratliff with a passage on
the Manila, Govt. did not
intend ^{that officer} ~~in~~ that ~~any other~~
should lose the travelling
~~expense should be incurred~~
allowances which are granted

to the servants of Govt
in compensation for their ~~for the service~~; and as it
expenses ~~the~~ ^{upon} moving appears from the letter from
the public debt station to another Board
For his own & his family's still ~~attending~~ to the civil
accommodation on the Bill for the
Manilla, Mr. Rattiffe auditor that no ~~charges~~
has paid, it is observed money has been presented to him, but
at the prescribed rate & ~~and~~ Mr Rattiff has him
said it ~~is~~

She

Copy to J. Kalleff Roy AS C & L Rajahmundry }
" " Civil auditor (with the }
Ratiff's Bill for the }
purpose of being passed }
& returned to him.) }
9. Copies
p 40
Sept-10

Qty to Cons. 137 Cents.
Judicial 1857 Department

No. 1319

Extract Mins. Cons.

Dated 12th October 1857

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