M.R.O. 1—20,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1197	Press ~~Mis.~~
111-112		
Dated	17-9-	1860.

5/16.

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 17th September 1860.

No. 111. Read the following Proceedings of Government, in the Financial Department, dated 13th September 1860, No. 462.

Communicating to the Judicial Department the Resolution of the Government of India on certain correspondence that took place between the Civil Auditor, Bombay, and the Bombay Government in respect to the relations between the Local Government and the Officers of the Account Department.

(Vide Proceedings, Financial Department, dated 13th September 1860, Nos. 21 and 22.)

No. 112. ORDER THEREON, 17th September 1860, No. 1,197.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. S. T. Augustin.

Financial department

Proceedings of the Madras Government

Read the following:—

No. 7151.

EXTRACT from the Proceedings of the Government of India, in the Financial Department, d. 30th July, 1860.

READ the following :—

From R. W. LODWICK, Esq., Civil Auditor, Bombay, to C. H. LUSHINGTON, Esq., Chief Secretary to the Government of India, No. 430, d. 23rd June, 1860.

SIR,

I HAVE the honor, in forwarding, for submission to His Honor the Governor General in Council, the accompanying copies of a correspondence which has taken place between this Government and my department, to explain that in the 3rd paragraph of a resolution of the Government of India, dated the 21st February, 1856, it was laid down that pensions sanctioned by the Court of Directors were to be paid, like other charges sanctioned by the Court, *from the date of receipt of the Court's despatches by the Government to which they were addressed.* Now that the Hon'ble Court is done away with, the same rule of course holds good in reference to the despatches of Her Majesty's Secretary of State for India.

2. An abstract for pension said to be due from 14th October, 1859, to 30th April, 1860, having been preferred to this department, the Government of Bombay were requested to state, when the orders of the Secretary of State for India were received here; and it was pointed out, that to pass the pension from any date prior to the receipt of that despatch, would be to break through the orders of the Supreme Government.

3. Nevertheless, the Bombay Government have called on me to pay Ram Row Bheemajee's abstract from the 14th October, 1859, being the date of the despatch of Her Majesty's Secretary of State, and therefore clearly not the date of receipt of that despatch by the Bombay Government.

4. Placed as I now am directly under the Supreme Government, and therefore liable to be visited with the gravest censure, if I transgress the orders of the Government of India, I felt it incumbent on me respectfully to decline compliance with the orders of the Bombay Government; and I have now the honor to request that I may be furnished with instructions as to my future proceedings in respect to the abstract of pension under notice.

5. I take this opportunity very respectfully but earnestly to point out the extremely difficult position in which I am placed with reference to this Government.

6. The Bombay Government is constantly in the habit of sanctioning charges, which under the orders of the Supreme Government it is not authorized to pass; and does not appear to recognise the fact of the department of Account being now entirely under the control of the Supreme Government.

7. The consequence is, that much delay is caused by my having to return documents with notices to the effect that I am precluded from passing the charges they contain.

8. I have the honor therefore most respectfully to solicit the issue of such orders as may show clearly on what footing the department of Accounts, and more especially that of Audit, stands at present.

From R. W. LODWICK, Esq., Civil Auditor, Bombay, to H. L. ANDERSON, Esq., Acting Chief Secretary to the Government of Bombay, No. 421, d. 22nd June, 1860.

SIR,

Political Department. I HAVE the honor to acknowledge the receipt this day of your letter, No. 2619 of the 21st instant.

2. I observe, that in answer to Mr. Probyn's memorandum of the 30th May last, pointing out that the orders of the Supreme Government forbid a pension being paid except "from the date of the receipt of the Court's," and, therefore, of course, now that the Hon'ble Court is abolished, of the Secretary of State's "despatches by the Government to which they are addressed," His Excellency the Governor in Council has directed me to pass the pension of Ram Row Bheemajee from the 14th October, 1859, the date of the order of Her Majesty's Secretary of State for India, and, therefore, as a matter of course, not the date on which that order was received by this Government.

3. This department, as well as all other offices of Accounts, being now placed directly under the Supreme Government, is bound in all cases to act in strict accordance with the orders of the Governor General in Council; and I consider that I should be guilty of a grave dereliction of duty, especially in these times of financial pressure, were I to pass the charge now under notice, "in direct contravention," to use Mr. Probyn's words, of the orders of that Government, under which I am directly placed.

4. "The Civil Auditor," says Article 9 of the Civil Auditor's Manual of the North Western Provinces, the rules of which being based in the orders of the Supreme Government, are in force throughout India, "is enjoined to exercise a vigilant control over superannuation pensions to the Uncovenanted service, *as well as over all other pensions*, with the view of bringing to the notice of Government all instances in which, in the granting of superannuation pensions, any of the rules may be departed from, unless he shall be distinctly informed that a special exception has been made in the individual instance."

5. I have not been informed of any such special exception having been made in this instance, and until I obtain such special orders from the Supreme Government, I must, with the greatest respect, and regret at being obliged to act in this manner, decline to pass the bill for pension to Ram Rao Bheemajee, from any date anterior to that on which the orders of Her Majesty's Secretary of State for India were received by this Government.

6. Copy of this letter has been forwarded to the Right Hon'ble the Governor General in Council.

Memorandum from L. C. PROBYN, Esq., Acting Civil Auditor, Bombay, to the Acting Chief Secretary to Government, Bombay, No. 211, d. 30th May, 1860.

Political Department. IN forwarding the accompanying Abstract, Registered No. 114 of 1860-61, for the consideration and orders of His Excellency the Governor in Council, (which accompanied Government memorandum, No. 2270, dated 28th instant) the Acting Civil Auditor begs respectfully to represent, with reference to the Acting Chief Secretary's endorsement

thereon, dated May 28th, 1860, that should it be passed in its present state, it will be in direct contravention of the orders of the Government of India, No. 849, dated February 21st, 1856, under which such pensions "are payable from the date of the receipt of the Court's despatches by the Governments to which they are addressed."

From H. L. ANDERSON, Esq., Acting Chief Secretary to Government, Bombay, to R. W. LODWICK, Esq., Civil Auditor, Bombay, d. 21st June, 1860.

SIR,

Political Dept. I AM directed to acknowledge the receipt of Mr. Probyn's memorandum, No. 211, dated the 30th ultimo, relative to the date from which the pension of Rupees (4,000) four thousand per annum, sanctioned by Her Majesty's Secretary of State for India, is to be paid to Ram Rao Bheemajee.

2. In reply, I am desired to state that the only doubt in the mind of the Hon'ble the Governor in Council is, whether the pension should not have retrospective effect from 1857, when great services were rendered to Government by Ram Rao Bheemajee. But His Excellency directs that the pension be passed from the date mentioned in the abstract submitted by Mr. Probyn, *viz.*, the 14th October, 1859. The case, I am to observe, is a peculiar one, and as Ram Rao is now very aged, the few months additional allowance is of material importance to him and his family.

3. The abstract is herewith returned.

FINANCIAL DEPARTMENT, FORT WILLIAM, THE 30TH JULY, 1860.

Resolution.

THE Governor General in Council desires that the attention of the Civil Auditor, Bombay, be again drawn to the resolution of this Government, dated the 26th March, 1858, No. 1681, paragraph 8, wherein it is prescribed, that "the officers of the (Account) department shall, as a rule, comply "with all orders of the local Government which may not appear to be opposed "to the orders of the Government of India. In cases in which the orders of the "local Governments may appear to be opposed to the orders of this Govern"ment, they shall not be conformed to, without the grounds of objection being "in the first instance brought to the notice of the local Governments, and the "orders of the local Governments being subsequently repeated; or without the "question in dispute being forthwith reported for the consideration of the "Government of India."

2. The relations between the local Governments and the officers of the Account department are, His Excellency in Council observes, clearly and distinctly explained in the above orders; and under those orders the course which the Auditor should have followed in respect to the pension abstract of Ram Row Bheemajee, was to have declined to make the payment of the pension from the 14th October, 1859, and to have written to the Government of Bombay that he did so in pursuance of distinct rules laid down by the Supreme Government,

which governed such cases. If notwithstanding this protest, the local Government, upon its own responsibility, still required that the payment should be made, it was the duty of the Auditor, in the first instance, to comply with the requisition of the local Government, and then to report the whole case to the Supreme Government. His Excellency in Council considers that the Auditor is right in his opinion that the pension in question ought not to be passed for any period prior to the date of the receipt in Bombay of the Secretary of State's despatch sanctioning it.

Copy forwarded to the Civil Auditor, Bombay, for information and guidance.

Copy also forwarded to the Government of Bombay, for information.

Copy also forwarded to the Auditors* and Governments† noted in the margin, for information and guidance.

* Civil Auditors, Fort William, Madras, N. W. Provinces, and the Punjab.
† Govts. of Bengal, Madras, N. W. Provinces, Punjab and the Eastern Settlements.

(A true Extract)

(Signed) C. Haigh, Lieutenant,

Secretary to the Government of India.

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Order thereon 13th September 1866 folio 1102

Communicated to the Department of the Secretariat noted in the Margin.

To the Revenue & Public Works Dept
" Judicial Department
" Public do

(True Extract)

H. Ryves
Chief Secretary.

To

The Judicial Department

H. M. Kennedy

Judicial 1860 Dispt

Corrs: of Govt in the Judl
Dpt - Vol 462.

Rd. 13th & Sept 1860.
J. 14th & Sept 1860.

No 1519.

Comg to the Judl dept the Resolution of the Govt of India on certain correspondence that took place between the Civil Auditor, Bombay, and the Bombay Govt in respect to the relations between the local Govts & the Officers of the Accounts Dept.

No. 1197-17th Sept 1860.

Recorded.

JP

1110/12