M.R.O. 1—30,000—16-10-52.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 672-73 Press ~~Mis.~~

234-237

Dated 28.4.1882 ~~19~~ .

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
28th April 1862.

Read the following papers:—

No. 234. From E. G. R. FANE, Esq., Agent to the Governor Vizagapatam; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 16th March 1862, No. 68.

1. In consequence of the absence on sick leave of Captain Owen, Captain Finlay was in July last appointed to act for him as Senior Assistant, during his absence, drawing only Rupees 71-7-8 the moiety of the allowance allotted to the post.

2. It appears that in 1861 Captain Owen obtained his Majority and will under the rules draw the full amount of his allowance for six months—thus leaving nothing to Captain Finlay for that period.

3. At Captain Finlay's request I made a reference to the Civil Paymaster on this subject, and copy of his answer is herewith sent. I also send copies of representations from Captain Finlay and both I request may be laid before Government and their orders obtained.

4. Captain Finlay's is quite an exceptional case and will I hope obtain a liberal consideration from Government.

5. Captain Finlay has discharged his duties to the satisfaction of both myself and the people since he has joined the District.

Referred to the Civil Paymaster for early report. It should be stated whether any similar case has yet occurred, and if so, how it was decided, and also what salary and allowances Major Owen will draw during the first six months of his absence.

(Signed) T. PYCROFT,
Chief Secretary.

Fort Saint George,
27th March 1862.

No. 235. From W. J. RAYNOR, Esq., Officiating Civil Paymaster; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 11th April 1862, No. 461.

In reply to Government Order dated 27th ultimo, referring for report, a letter from the Agent to the Governor of Fort Saint George in Vizagapatam upon the subject of Captain J. C. Finlay's claims, I have the honor to state that, as under the Order of Government, No. 752, dated 10th June 1861, Major Owen must be reckoned as absent on sick leave to Europe, retaining the appointment of Senior Assistant Agent to the Governor in that District, he is by the rules entitled for the first six months to his full Staff Corps Pay and a moiety of the difference betwixt that and the consolidated salary of his appointment, leaving the other moiety for his locum tenens, but as Major Owen's Staff Corps Pay* (1) exceeds the consolidated salary† (2) of the Office to which he stands appointed, no more than the latter sum can be passed to him by this Department without the sanction of the Government of India, such being the case there is nothing available during that period for Captain Finlay.

* (1) 640-14-0.
† (2) 558- 3-4.

2nd. Major Owen embarked for Europe on the 14th May 1861, so that from the 14th November following the full salary of the appointment was set free. Captain Finlay took charge of the appointment upon 15th August 1861, and under the rules cannot draw the full salary until 15th February 1862; between these dates he was however entitled to a moiety of the difference (had such existed) between Major Owen's Staff Corps Pay and the consolidated salary. But as already stated, no sum whatever was available until 14th November 1861, when Major Owen's claim upon the full consolidated salary ceased, and this Captain Finlay could have drawn had he then acted 6 months in the appointment.

3rd. It will be seen from the above that no portion of the Senior Assistant Agent's salary is available for Captain Finlay from 14th August to 13th November 1861. From the day following the latter date to 14th February 1862 the full salary is available, which after deducting

Captain Finlay's Regimental Pay and allowances, leaves Rupees 142-15-4 per month for that period; this is more than sufficient to meet the half difference (71-7-8* per month) to which Captain Finlay was entitled prior to Major Owen's promotion in the Staff Corps, for six months (viz.,) from 15th August 1861 to 14th February 1862, after which he his entitled to the full salary of the appointment) but as the case, as it now stands, is not provided for by the rules, the above sum cannot be passed without the special sanction of the Government of India.

* Consolidated salary	558- 5-4
Deduct Captain Owen's Regimental Pay and allowances	415- 6-0
	½) 142-15-4
	71- 7-8

4th. No similar case appears to have occurred before in this Presidency.

No. 236. ORDER THEREON, 28th April 1862, No. 672.

Resolved accordingly that the Civil Paymaster be directed to pass to Captain Finlay the sum of Rupees 71-7-8 per mensem for the first six months of his acting as Assistant Agent in Vizagapatam, which sum will be met from the amount of Civil salary forfeited by Major Owen from the 14th August 1861 to 13th November 1861. The payment will be made at once, but it will be subject to any Orders that the Government of India, to whom application will be made for their special sanction, may be pleased to pass upon it.

Ordered that the following letter be despatched.

(Signed) T. PYCROFT,
Chief Secretary.

No. 237. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 28th April 1862, No. 673.

I am directed by His Excellency the Governor in Council to submit the following case for the Orders of the Government of India.

2. Major Owen, of the Staff Corps, Assistant to the Government Agent in Vizagapatam, embarked for Europe on leave of absence on Medical Certificate, under date the 14th May 1861, and on the 15th August 1861 Captain Finlay of the 12th Regiment Madras Native Infantry who had been appointed to act for him took charge of the Office.

3. Major Owen's pay as Assistant Government Agent is Rupees 558-5-4 per mensem consolidated.

4. Under the ordinary rules, Major Owen would for the first six months of his absence have been entitled to his Military pay and allowances and to a moiety of the difference between that amount and the consolidated salary of his Civil appointment, or rather to the moiety of the excess (had there been any) of the latter above the former. The remaining moiety would have been drawn by his locum tenens, who after he had acted for six months would have drawn the whole.

5. But Major Owen's pay as a Major in the Staff Corps or Rupees 640-14 per mensem exceeds the salary of his Civil appointment, Rupees 558, which would leave nothing available for Captain Finlay for the first six months of his Acting incumbency.

6. On the present occasion it does indeed happen that as Captain Finlay did not enter upon his appointment as Acting Assistant Agent until* three months after Captain Owen's departure† and as this latter Officer is not entitled to any part of his Civil salary after the first six months of his absence, the whole of such Civil salary is available for disbursement to Captain Finlay from that date, or

* 15th August 1861.
† 14th May 1861.

from 14th November 1861 and the amount of his salary for the three months, 14th November 1861 to 15th February 1862, when Captain Finlay became entitled to the full salary, will admit of half salary being paid to Captain Finlay for his first 6 months period of Acting.

NOTE.—Major Owen's first six months of absence expired on the 14th November 1861.
Captain Finlay's first six months of Acting ended on the 14th February 1862.

It seems however from the report of the Civil Paymaster, which I am instructed to forward, that this payment cannot be made without the sanction of the Government of India; and I am therefore desired to request it.

7. It will however have been observed from what has been above stated that the fact of there being any sum to be paid to Captain Finlay for the first 6 months of his Officiating as Assistant Agent, arises from the delay that occurred in his appointment and that had he been appointed immediately on Major Owen's leaving, there would have been no source from which to defray his Acting allowance for his first half-year.

8. I am directed to request the instructions of the Government of India as to the course to be pursued for the remuneration of Officers holding acting appointments under such circumstances which may be expected to be of not unfrequent occurrence.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

No. 44.

Vizagapatam District
Senior Asst. Agents Office
Vizianagram 27th December 18

From.

Captain G. C. Finlay
Ag. Senior Assistant Agent

To.

C. G. R. Fane Esqr.
Agent to the Governor of
Fort Saint George in
Vizagapatam

Sir.

I have the honor to request that you will refer the following matter to Government and solicit an early reply in order that the Civil Pay Master may not retrench me for the moiety of Staff Pay that I have been drawing here.-

In calculating the amount of Staff Pay I was entitled to draw as acting in my present appointment, the Regimental and allowances of Captain Owen was deducted from the consolidated pay of the appointment, and I received half of the remainder, that is, the consolidated pay is said to be Rupees 558, Captain Owens pay viz. Rs. 415 was deducted from it, and I got Rs. 70 half the remainder.-

Captain

Captain Owen has joined the Staff Corps and is promoted to Major from February 1861, so his Regimental pay from that date is upwards of Rs. 600, which is more than the consolidated pay of the appointment consequently there is nothing to divide and unless some order is given. I am afraid that the Civil Paymaster will retrench even the small Staff Pay I have been drawing.

I believe you have already recommended that I should be permitted to draw deputation allowance instead of the monthly I now receive as you considered Rs. 70. as not an equivalent to the work of the appointment and the expences incurred and if Government will kindly sanction on your request the Civil Paymaster will not then be obliged to retrench what I have already drawn, or refuse to pass my abstract in future.

I have the honor &c.
(Signed) G. R. Finlay. Capt.
Actg Senior Asstt. Agent.

No. 22.

Vizagapatam District
Vizianagram Collectorate
Office 8th January 1862

From

To be returned

From.

G. G. R. Fane Esqre
Collector.

To,

W. L. Ragnar Esqre
Offg. Civil Paymaster
Fort Saint George

Sir,

In forwarding the accompanying letter in original from Captain Finlay my acting Senior Assistant, I have the honor to request you will inform me whether the altered position of Captain (now Major) Owen, will affect the emoluments of Captain Finlay, and if so, to what extent, as I wish to address the Government on the subject

I have the honor &c.
(Signed) R. Fane
Collector

Revenue Department

No.

From,

W. L. Ragnar Esqre
Offg. Civil Paymaster

To,

G. G. R. Fane Esqre
Collector of Vizagapatam

Sir

Sir,

In returning the original letter to your address dated 21st December last from Captain Finlay, Acting Senior Assistant Agent, received with your letter of the 8th Inst. No. 22, I have the honor to state that Major Owen's promotion will affect Captain Finlay's emoluments, as for the first six months there will be no claim whatever available for that Officer in consequence thereof, after that period Captain Finlay will be entitled to the full Salary of Senior Assistant Vizagapatam Viz. Rs. 558: 4: 4- per mensem.

+ From 15th February next

Fort Saint George
Civil Paymasters Office
23d January 1802

I have the honor &c.
(signed) W. L. Ragnor
Dy. Civil Paymaster

No. 9.

Vizagapatam District
Senior Assistant Agents
Office Vizanagrum 17th February 1802.

From,

Captain C. C. Finlay
Ag. Senior Assistant Agent.

To,

E. G. R. Lane Esqr.
agent to the Governor of Fort St George
in Vizagapatam

Sir,

1. I have the honor to acknowledge the receipt of the Copy of letter from the Civil Paymaster, in reply to your letter to him enclosing my letter dated 21st December 1801.

2. I shall feel much obliged if you will lay my letters and the answer of the Civil Paymaster before His Excellency the Governor in Council for his favorable consideration.

3. On joining this appointment I had not to learn the duties of it, having been previously nearly three years in Civil employ and you within a day or two of my arrival put me in full charge of the District belonging to the Senior Assistant as well as that for which another Assistant has been since appointed. Up to this time I have done the work of both Districts to the best of my ability and I hope to your satisfaction and I consider it a very hard case if I am not to draw any staff Pay for my services, and that what I have drawn is to be retrenched.

4. I trust that His Excellency will kindly consider my case and permit me to

Civil
20-4-62

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following Papers

From the Agent to the Governor Vizagapatam — Remarks 16th March 1862 - No 68
Offg Civil Paymaster — " 11th April — 1861.

Order thereon 28th April 1862 - No 672

Resolved accordingly that the Civil Paymaster be directed to pass to Captain Finlay the sum of Rupees 71-7-8 per Measure for the first six months of his acting as Assistant Agent in Vizagapatam which sum will be met from the Amount of Civil Salary forfeited by Major Owen from the 14th August 1861 to 13th November 1861 - The

payment

payment will be made ab
ove, but it will be subject
to any order that the Govt of
India to whom application
will be made for their special
sanction may be pleased
to pass upon it.

Ordered that the following
letter be despatched.

Sept 29th

To the Agent in Vizagapatam
" Govt Engineer
" Accountt General.

Sept 29th

To

No. 653

The Secretary to the Govt of India
Fort St George

Sir,

I am directed by His
Excellency the Governor in
Council to submit the follow-
ing case for the orders of the
Govt of India.

2. Major Owen, of the
Staff Corps, Assistant to the
Government Agent in [illegible]
Vizagapatam, embarked for Europe
on

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on leave of absence on Medical
Certificate under date the 14th
May 1861 and on the 15th August
1861. Captain Finlay of the
12th Regiment M.N.I. who
had been appointed to act
for him took charge of the
Office.

3 Major Owen's pay
as Assistant Govt Agent
is Rupees 558:5:4 per Mensem
consolidated.

4 Under the ordinary
rules, Major Owen would
for the first six months of
his absence have been en-
titled to his Military pay
and allowances and to a
moiety of the difference be-
tween that Amount and
the consolidated salary
of his Civil appointment,
or rather to the moiety of
the excess (had there been any)

P

of the latter above the former.
The remaining moiety would have been drawn by his locum tenens, who after he had acted for six months would have drawn the whole.

5 Sub Major Owen's pay as a Major in the Staff Corps or Rupees 640-0-0 per Mensem exceeds the salary of his first appointment, 1st. 558 — which would leave nothing available for Capt.n Findlay for the first six months of his acting incumbency.—

6 On the present occasion it does indeed happen that as Captain Findlay did not enter upon his appointment as acting Asst. Agent† until three months after Captain Owen's departure* and as this latter Officer is not entitled to any part of his

Sub Major Owen's first six months of absence appointed on the 14 Nov 61.
Capt Findlay's first six months of acting entered on the 14 July 1862 —

† 15th August 1861.
* 14th May 1861.

his limited salary after the first six months of his absence the whole of such limited salary is available for disbursement to Captain Findlay from that date, or from 14th Nov.r 1861 and the amount of his salary for the three months, 14th Nov.r 1861 to 15th February 1862 — when Captain Findlay becomes entitled to the full salary will admit of half salary being paid to Captain Findlay for his first 6 months period of acting — It seems however from the report of the final payments, which I am instructed to forward, that this payment cannot be made without the sanction of the Govt. of India, and I am therefore desired to request it.

7. It will however have been observed from what

Civil Dept.

Proc. of Mil

Judicial 1862. Department.

No. 672.

PROCEEDINGS of GOVERNMENT.

Feb. 1336.

Dated 28 April 1862

Directing the Civil Paymaster to pass Captain Pinlaby Rupees 71-7-8 per mensem for the first five Months of his acting as Assistant Agent Vizagapatam The Proceedings in this Case be reported for the Sanction of the Government of India -

234 @ 237

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4360] Madras—Printed at the Government Press.

which has been observed by that the fact of Mrs Laing any sums to the Paid to Captain Pinlay for the first 5 Months of his Officiating as Assistant Agent, arises from the delay that has occurred in the Appointment being submitted and that had the Sanction of the immediately on the Receipt Orders, these sums would have been drawn from which to defray his acting allowance for the first half year.

Ans. Sanctioned & Signed the enclosures of the Letter of the Govt of India to the Commr to be returned for the Records.

Letter of & Officers shortly stating explanations under such circumstances which may be expected & the of not dispensed commencement.

Dated 1st May 1862

Revd 1st May