M.R.O. 1—30,000—16-10-29

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 777 Press ~~this~~

89-90

Dated 10-5-1862 ~~19~~ .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 10th May 1862.

No. 89. Read the following Proceedings of Government, in the Political Department, dated 6th May 1862, No. 183.

Communicating for information copy of a letter addressed to the Home Department of the Government of India, requesting instructions in respect to the general question involved in certain correspondence relative to the claims advanced by Major Young and Major Bell of the Madras Staff Corps in Civil employment to the excess of the Staff pay of their rank above the salary of their respective Civil appointments.

(Vide Proceedings Political Department, dated 6th May 1862, Nos. 15—17.)

No. 90. ORDER THEREON, 10th May 1862, No. 777.

To be recorded.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

Exd. T. O'Connor.

No. 183.

FROM

A. J. ARBUTHNOT, ESQ.,

Acting Chief Secretary to the Government of Fort Saint George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

HOME DEPARTMENT.

SIR,

From Resident of Travancore, 15th February 1862, No. 12.
Report of the Controller of Military Finance, 10th March 1862, H.
Proceedings of Government, 24th March 1862, No. 117.
Do. do. 26th " " " 120.
From Civil Paymaster, 31st March 1862.

From the Commissioner of Police, Madras, 25th March 1862, No. 31.
From Civil Paymaster, 17th April 1862, with enclosure.

I am directed by His Excellency the Governor in Council to forward, for submission to the Government of India, the accompanying correspondence as per margin relative to the claims advanced by two Officers of the Madras Staff Corps, in Civil employment, to the excess of the Staff pay of their rank above the salary of their respective Civil appointments.

2. The first case is that of Major Young of the Staff Corps and serving as a Captain in the Nair Brigade of His Highness the Rajah of Travancore. The pay of a Captain in the Brigade is Rupees 445-6 per mensem and it is the same whatever rank the Officer filling it may hold in the British Army. The pay of a Major in the Staff Corps is Rupees 640 per mensem. Major Young seeks the difference between these two sums from the date, 5th September 1861, on which his promotion to the rank of Major in the Staff Corps had effect.

NOTE.—Major Young has recently resigned his appointment in the Brigade—but this does not affect his claim for the period which intervened between his promotion to the rank of Major in the Staff Corps and his leaving the Nair Brigade.

3. Major Young's application was referred to the Controller of Military Finance whose report accompanies. On receipt of it this Government ruled that Major Young had no claim on the Rajah of Travancore for any higher pay and allowances than those which had hitherto been attached to the rank held by him in the Nair Brigade.

NOTE.—Reference was made in the Government Order to the case of Colonel Faunce, Commanding the Nair Brigade. That Officer had inquired of Government whether he might join the Staff Corps and was told that he was at liberty to do so, but that he would receive no higher pay and allowances for Commanding the Brigade than he did before. It does not appear whether Major Young was aware of this answer. Colonel Faunce did not join the Staff Corps.

4. Subsequently it occurred to Government that it might be a question whether Major Young might not be entitled to the amount sought by him, although it were not payable by the Rajah but chargeable to the Civil Department, and on this point a further reference was made to the Civil Paymaster.

5. Mr. Raynor reports that Major Young having been promoted in the Staff Corps to the rank of Major, from 5th September 1861, is entitled to the full allowances of such rank from that date, and that these are wholly chargeable, according to G. O. No. 20 of 14th January 1862, to the Department in which he is serving. If the precise sum which the Rajah of Travancore is bound to pay to a Captain in the Nair Brigade is Rupees 445-6 per mensem without reference to the rank of the Officer who may hold the appointment, the Civil Paymaster is aware of no objection to the difference between that sum and Major Young's Staff Corps allowances from the date of his promotion in the Staff Corps to that on which he received the order placing his services at the disposal of the Commander-in-Chief being charged to Government in the Civil Department (Political.) But if the stipulation with the Rajah is that the allowances of Officers in the Nair Brigade (whatever they may be) are to be defrayed by His Highness, the difference now under consideration should, it appears to him, be borne by the State of Travancore.

6. The Government have already observed that the pay which the Rajah of Travancore is bound to give to a Captain in his Brigade is the exact sum of Rupees 445-6 per mensem, and this does not vary, whatever may be the rank which the Officer filling the appointment may hold in the British Army.

7. The second case which I have to submit is that of Major Bell, Deputy Commissioner of Police for the Town of Madras. Major Bell's salary as Deputy Commissioner is Rupees 500 per mensem. His pay as Major of the Staff Corps is Rupees 640. Major Bell claims the latter sum.

8. The Civil Paymaster to whom Major Bell's application was referred, reports that he is not aware upon what principle it is intended that the allowances of Staff Corps Officers holding Civil appointments of lower emolument than their Staff Corps pay, should be regulated. As an Officer of the Staff Corps, Major Bell appears to him to be entitled, from the date of his promotion therein, to the full pay of his rank Rupees 640-14-6 per month—but as this exceeds the salary of his Civil appointment, and the pay of Staff Corps Officers is debitable in full to the Department in which the Officer is employed, his Office cannot pass the higher allowance to Major Bell without the sanction of the Government of India, as it would virtually make the salary of Deputy Commissioner of Police Rupees 640-14-6 instead of 500, the sum sanctioned for the same. He at the same time forwards a letter from the Controller of Military Finance who states, that Major Bell being in the performance of duties entirely Civil, the scale or rate of remuneration for his services must be regulated by the rules of the Civil Department, and the rank and pay which he might be entitled to, if in the performance of Military duties, cannot influence the salary authorized for the particular duties he performs in a Civil capacity.

9. The case of Major Young and Major Bell seem to this Government to be perfectly similar. In each instance the Staff Corps pay is greater than the pay of the Civil Office filled by the party and he claims the excess of the former above the latter. The Government are of opinion that the view taken by the Controller of Military Finance in his report on Major Bell's case is quite correct. Staff Corps pay is given for the discharge of Military duties. An Officer of the Staff Corps employed in any Civil capacity draws the salary of the appointment which he may hold whether that may be below, or in excess of, his Military pay. If he be unwilling to hold or to retain his Civil appointment on its ordinary terms he may resign it and join the Staff Corps. As the entire pay which may be drawn by a Staff Officer filling an office in a Civil Department must by the G. O. 14th January 1862, be debited to the Department, a contrary course would, as admitted by the Civil Paymaster, be tantamount to raising the salary of the Civil Office, for so long a time at least as it may be held by an Officer of the Staff Corps, the Staff pay of whose rank exceeds the salary of the Civil appointment that he holds.

10. It may indeed occasionally happen that the Government may desire, on special grounds, to employ Staff Officers or to retain them on promotion, in Civil appointments the pay of which is below that of their Staff rank, such cases no doubt deserve consideration, but they can be dealt with on their merits, when they arise, which will not be frequently.

11. At the same time the Government apprehend that if the above view be adopted the result may be to cause a large increase of expense in the Military Department. Officers will be thrown back upon the Staff Corps where their services are not required, and their Civil appointments will be held by others, thus involving a double charge. Thus to take the instance of Major Bell, supposing him to resign his office in the Police and join the Staff Corps, and a Captain on Rupees 374 to be put in his place as Deputy Commissioner, the Government would still have to pay Major Bell his Rupees 640 a month, and would have to add Rupees 126 to the amount payable to the Captain to make up his income to Rupees 500. But the post of Deputy Commissioner of Police need not necessarily be filled by a Military man but may be held by an Uncovenanted Servant, in which case the Government would have to pay to such servant the full salary of the Deputy Commissionership as well as his full Staff Corps salary to Major Bell.

12. The question however is evidently one of general application, and I am desired to request the instructions of the Government of India in respect to it. If it be decided that Officers of the Staff Corps holding Civil appointments are to be entitled to draw their full Staff salaries when these may be more than the salaries of their Civil Offices, I am to ask to what department the excess of the Staff above the Civil pay is to be chargeable.

I have the honor to be,
Sir,
Your most obedient Servant

Fort Saint George,
6th May 1862.

[Signed] *A. J. Arbuthnot*
Acting Chief Secretary.

[True copy]

G. J. Cumberlege
Acting Chief Secretary

To The Judicial Department for information

Exd. F. Cartledge.

No 28 March 62 Ab. Staff

visit to Jersey

Ind. 1862 Dept.
Progress of Duty.

From
The Ag Chief
Secy to Govt. 183

Ab. 4303

Dft to Govt
Dept 3 May 62

Reg 37

Copy for information
Copy of a letter addressed
to the Home Dt of the Govt
of India requesting instruc-
tions in respect to the general
question involved in certain
Correspondence relative to the
claims advanced by Major
Young & Major Bell of the Indian
Staff Corps in Civil employment
to the exclusion the staff pay of
their rank above the salary of the
appointment they actually hold.
No. 1862 dated 10th May 1862
Recorded.

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