M.R. O. 1—89,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1433 Press Mis.

41-44

Dated 5 - 9 — ~~19~~ 1865

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
5th September 1863.

Read the following papers :—

No. 41. From Lieutenant Colonel THOMAS McGOUN, Controller of Military Finance, Fort Saint George; to the Chief Secretary to Government, Fort Saint George, dated 24th April 1863, C.

I have the honor with reference to the Order of Government, No. 623, dated 22nd April 1863, to observe, that the rule which was passed by the Government of India, applied solely to Staff Corps Officers, whose Staff Corps pay is secured to them whether employed or unemployed (under a restriction as to the period out of employ) by the Royal Warrant constituting the Corps.

Dated 14th October 1862, No. 689 G.

2. The general rule in regard to Military Officers in Civil employ is, that they receive only pay proper of their rank from the Military Department, irrespective altogether of the proportion which their Civil salary bears to the pay and allowances of their regimental rank; their retention of an appointment in which they lose in emolument on promotion to higher Military rank, having been usually optional with such incumbents.

3. As a rule no such appointment would be retained at a present loss, except with a view to prospective advantage, and these considerations have usually regulated the conduct of Officers employed in a Civil capacity when the rules of the service did not impose a restriction as to rank.

4 Officers of the Army generally, have not been placed on the same footing as Officers of the Staff Corps. There are material distinctions in their position. Officers generally belong to Regiments in which they have a recognized position and Military duties and emoluments pertaining thereto, to which they may at any time revert. Staff Corps Officers can have no duties except those Staff or other duties to which they are specially appointed. They have none other to which they can revert, and it is presumed that the option of throwing themselves out of Staff employ would never be admitted unless they were prepared to have the effective branch of the Corps.

5. Officers, generally receive Military pay and allowances according to locality. Field rates of pay are not under any circumstances, admissible to a Staff Corps Officer.

6. The pay and allowances named as those to which Major Owen is entitled, are reckoned at field rates, within 200 miles of the Presidency his pay and allowances amount to only Rupees 640-11-6, and even were the Government of India to determine, that the rule, passed in regard to Staff Corps Officers, should be applicable to Officers of the Army generally in Civil employ, a claim to field rates in connection with such employment would not, I presume, be recognized.

Rupees 759-3 per mensem.

7. The question however is one, which it appears unnecessary further to discuss, as the Government of India have not authorized the extension of the rule above referred to. I have pointed out the distinctions in the position of the two classes of Officers with a view to show that their positions are sufficiently dissimilar to preclude the application of the rule as a matter of course.

8. It is presumed that the same rule must prevail in the three Presidencies, and this Government may see fit to refer the question for the decision of the Government of India.

From Major W. G. OWEN, Senior Assistant to Agent to the Governor; to D. F. CARMICHAEL, Esq, Agent to the Governor, Vizagapatam, dated Bimlipatam, 5th June 1863.

Ever since I rejoined the Agency, in October 1862, the Civil Auditor has refused to pass my Pay Abstract for more than Rupees 558-5-4, the nominal monthly pay of Senior Assistant in the Agency. As the unemployed pay of a Major in the Staff Corps is Rupees 640-14-0, and the pay of a Major in the line is Rupees 759-3-0, I have the honor to request that you may be pleased to move the Government to grant authority to the Civil or Military Paymaster, to disburse to me the difference of pay due.

And also to pass my Abstract, monthly, for the full amount of pay as Major.

hitherto passed to him, viz.
Rupees

Proceedings of the Madras Government, Judicial Department, 5th September 1863.

No. 42. No. 262.

Submitted for the orders of Government.

VIZAGAPATAM,
6th June 1863.

(Signed) D. F. CARMICHAEL,
Acting Agent to the Governor.

No. 43. From D. F. CARMICHAEL, Esq., Acting Agent to the Governor, Vizagapatam; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Vizagapatam, 2nd July 1863, No. 325.

In Judicial Order, 16th January 1863, No. 51, the Government intimated that "the Acting "Agent's proposal that Major Owen should be appointed Assistant to the Collector as well as to "the Agent and Magistrate, will be considered when the orders of the Government of India "on the proposed alterations in the Judicial administration of the District shall have been "received."

2. These alterations took effect yesterday, and I therefore solicit the attention of Government to my former reference.

3. I beg leave at the same time to state that the question is so mixed up with the question of Major Owen's pay and allowances, that it would probably only be putting the Government, to needless trouble, to press for its consideration apart from the settlement of this last mentioned point. I deem it highly improbable that Major Owen would wish to be retained in the Agency, on his present scale of remuneration; at least, for any length of time.

4. By your telegram of 2nd December last, Major Owen was informed that he was entitled to full pay and allowances as a Major on the Staff Corps, viz., Rupees 640-14-0; but the Civil Auditor, nevertheless, persistently declined to pass him more than Rupees 558-5-4 a month being a Head Assistant's pay.

5. After this, Major Owen was allowed to leave the Staff Corps, a permission now cancelled by the Secretary of State (*vide* your telegram of the 28th May last). His salary as a Major in the Line was Rupees 759-3-0; but he was not more successful in his applications to the Audit Office in regard to this, than he was in regard to his Staff Corps pay.

Once more he is a Major in the Staff Corps, but the question of his pay is still unsettled. His last application is dated 5th June last, and was submitted by me to Government on the 6th idem.

Major Owen is now on leave for three months, but has not left the District.

No. 44. ORDER THEREON, 5th September 1863, No. 1,433.

The question of Major Owen's salary cannot be settled until it is determined by the Secretary of State whether he belongs to the Staff Corps or to the Line. Meanwhile, he should continue to draw the salary which the Civil Paymaster has hitherto passed to him, viz., Rupees 558-5-4 per mensem.

2. If it should be determined by the Home Government, that Major Owen belongs to the Staff Corps, his claim to the difference between the above amount and the pay of a Major of the Staff Corps for the period which has elapsed since his promotion to that rank, will receive the consideration of Government.

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

Exd. T. McMootry.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers:—

Letter from the Controller of Military Finance } H. E. 24th April 1863.

Letter from Major W. G. Owen Senior Assistant & Agent to the Governor, at Vizagapatam } H. E. 6th June 1863.

Letter from the Agent to the Governor, at Vizagapatam } H. E. 2d July 1863 No. 325.

Order thereon 5th September 1863 No. 1433.

The question of Major Owen's salary cannot be settled until it is determined by the Secretary of State whether he belongs to the Staff Corps or to the Line. Meanwhile, he should continue to draw the salary which the Civil Paymaster has hitherto passed to him, viz

Rupees 558.-5.-4 per mem-
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-ment.-

To the Agent to the Govr of St. George at Vizagapatam &
Cobd Paymaster
Controller with Finance

Recd 10th

Cops No. 2529
5.12.63
& No. 623
22.4.63
Cons No. 65-66
16.1.63

dist of 15 Septe.

Judl. 1863.. Department.

No. 1433.

PROCEEDINGS OF GOVERNMENT,

Dated 5th September 1863

Ft. St. 2508.
" 402/64

Directing Major Owen Senior Asst. Agent Vizagapatam Agency to draw Rupees 558-5-4 per mensem until it is determined by the Secy. of State whether he belongs to the Staff Corps or to the Line.—

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