M.R. O. 1—32,000—15-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1836 Press
~~Mis.~~
237-239

Dated 27.11.1863 ~~19~~

3/4

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 27th November 1863.

Read the following papers :—

No. 237. Telegram from the Governor's Agent, Vizagapatam ; to the Chief Secretary to Government, Madras, dated 13th November 1863, No. 92.

The Military Examiner has now stopped Major Owen's pay altogether ; can nothing be done ? Please procure special orders. 13th, 17.

Referred to the Controller of Military Finance for immediate report.

FORT SAINT GEORGE,
14th November 1863.

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

To the Controller of Military Finance.

From Major W. G. OWEN, Senior Assistant Agent ; to D. F. CARMICHAEL, Esq., Agent to the Governor, Vizagapatam, dated Vizagapatam, 6th November 1863, No. 218.

In Order, No. 1433, dated 5th September 1863, the Government were pleased to resolve that the question of my pay could not be settled until final instructions, as to my position, were received from the Home Government.

2. Subsequently a retrenchment is sent me from the Examiner Military Pay Department, Madras, which I ask may be held over pending settlement of above pay; the Military Examiner mentions that such cannot be postponed by him.

3. I have therefore the honor to request Government may be pleased to authorize this retrenchment to be stayed, as I am unable to meet it until my pay is settled.

I have also the honor to request that Government may be pleased to authorize the settlement of my pay either as Major of the Line or of the Staff Corps, *as soon as* the final orders are known, as in either case a considerable sum may be due to me.

Submitted for the favorable consideration of Government.

VIZAGAPATAM,
7th November 1863.

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

Referred to the Controller of Military Finance for report.

FORT SAINT GEORGE,
16th November 1863.

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

No. 238. From Major J. G. TOUCH, Conducting the duties of the Office of the Controller of Military Finance, Fort Saint George ; to the Chief Secretary to Government, Fort Saint George, dated 17th November 1863, B.

I have the honor to return the telegram of the Governor's Agent at Vizagapatam, received under your docket of the 14th November 1863, as also Major Owen's letter to the Agent referred under your docket of the 16th idem, and at the same time to forward a communication from the Examiner Pay Department.

Dated 13th November 1863.
Do. 6th " " No. 218.
Do. 16th " " No. 3958.

2. It will be observed that no orders prohibiting the disbursement of pay to Major Owen were issued, in that form, to the Paymaster, Vizagapatam, but while pay proper was passed to him in the Military Department, the recovery of the retrenchment, amounting to Rupees 979-15-4, was not stayed, and as the pay proper was Major Owen's sole receipt from the Military Department, the Paymaster could only make the recovery from that item. I presume it is to this action that Major Owen refers.

Rupees 182-10-0.

3. In regard to the retrenchment, I would observe, that it is made in consequence of Major Owen having drawn difference between his consolidated Civil* salary and the pay† and full allowances of a Major of the Line to which he had, under no circumstances, any title.

* Rupees 558-5-4.
† " 789-3-0.

4. Whatever may be the decision on the point now under reference to the Secretary of State, the charge under retrenchment would not be admissible.

5. If the decision of this Government, that Major Owen is a Major in the Local service, is affirmed, he is restricted under regulation to the consolidated Civil salary, so long as he may continue in Civil employ.

6. If it is determined that he is to revert to the Staff Corps, he will be entitled to the difference between his consolidated Civil salary and the ‡Staff Corps pay of his rank, viz., Rupees 82-9-2.

‡ Rupees 558-5-4.
„ 640-14-6.

7. It does not appear therefore that there are grounds for staying the retrenchment from which a decision on either side would not relieve Major Owen.

8. He at present receives all that he will be entitled to, should he continue as he is at present, under the decision of this Government, the Major of the 11th Regiment N. I., and should it be otherwise determined, only Rupees 82-9-2 in addition will be admitted to him.

9. Unless therefore Government see grounds for passing any special orders in the case, it does not appear that Major Owen can be relieved from the consequences of having drawn sums to which, under no regulation or decision, he has any claim.

From Captain J. W. RIDEOUT, Examiner Pay Department, Fort Saint George; to the Controller of Military Finance, Fort Saint George, dated 16th November 1863, No. 3958.

Adverting to the telegram from the Governor's Agent, Vizagapatam, to the Chief Secretary, on the subject of Major Owen's pay, I have the honor to inform you, that no orders have been issued by this Department prohibiting the disbursement of any pay to the latter Officer.

2. In obedience to the Orders of Government, No. 1433, dated 5th September 1863, the Paymaster was authorized to disburse to Major Owen the sum of Rupees 182-10 monthly, being the amount of his pay proper as Major, the balance, Rupees 375-11-4, making a total sum of Rupees 558-5-4, being payable in the Civil Department.

3. During Major Owen's absence on general leave, he received pay and full Regimental allowances as a Major, in the Military Department.

4. As there are demands against Major Owen amounting to Rupees 979-15-4 on account of difference of pay between his consolidated salary and the pay and allowances of Major, which Major Owen drew, but to which he was not entitled, it is possible that the Paymaster may be appropriating the pay proper, in part liquidation of existing retrenchments.

No. 239. ORDER THEREON, 27th November 1863, No. 1836.

Major Touch's report will be communicated to Major Owen. Under the circumstances the Government cannot relieve him from the retrenchment to which he refers.

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

Ed. T. McMootry.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

(2) *Read the following:*

(1) *Letter from the Senior Assistant Agent to the Agent in Vizagapatam* — *Received 6th November 1863 No. 218.)*

Telegram from the Agent in Vizagapatam — *„ 13th „ „ „)*

Letter from the Controller of Military Finance — *„ 17th „ „ „ B.)*

Order thereon 27th November 1863 No. 1836

Major Touch's report will be communicated to Major Owen. Under the circumstances the Government cannot relieve him from the retrenchment to which he refers.

To, The Agent in Vizagapatam. dispd. 4th

Prov: West

Judicial 1863. Department.

No. 1838

PROCEEDINGS OF GOVERNMENT.

Dated 27th November 1863.

Pol. 402/64

Govt. of India 9.5.71 14.33

237@239