M.R. G. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1565	Press ~~Mis.~~
204-206 Dated	26-10-1864	

6/7

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 26th October 1864.

Read the following papers :—

No. 204. From Captain W. O. SWANSTON, Acting Deputy Inspector General of Police; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Cuddalore, 2nd August 1864.

I have the honor to enclose correspondence regarding certain allowances to which I consider I am entitled under the recent ruling of the Governor General, published at page 52, *Fort Saint George Gazette* of 8th July 1864.

2. The Civil Paymaster considers I am not entitled to these allowances, and the Inspector General of Police has declined to refer the matter for me. I therefore take upon myself to lay my case before you for the favorable consideration of Government.

From Captain W. O. SWANSTON, Acting Deputy Inspector General of Police; to the Assistant Inspector General, Madras Police, Madras, dated Cuddalore,—July 1864.

I have the honor to enclose a bill for difference of pay due to me as Acting Deputy Inspector General under a recent Resolution of the Supreme Government, and the reply of the Civil Paymaster when returning me the bill unpassed. As I do not feel satisfied with the ruling of the Paymaster, I shall feel obliged by your requesting the Inspector General to be so good as to lay the matter before the Government, with his recommendation that the allowances may be passed to me.

2. The Civil Paymaster says, that because I did not draw more pay at the time the rule about deputation allowance was published than I do now, therefore the order lately passed by the Governor General is not applicable to me; but I humbly think that the *intention* of the Governor General was, that officers holding acting appointments under the old rules, at the time the rule regarding deputation allowance was promulgated, should continue to draw pay under those rules so long as they were acting in those appointments. Now mine was a peculiarly unfortunate case. I was appointed to act as Deputy Inspector General from 1st April 1863, and drew allowances for that appointment, under the old rules, for five months. This gave me Rupees 850 per mensem; in another month I should have been entitled to the full allowance of Rupees 1000, when, unfortunately for me, the deputation allowance order came out, so that I have, as it were, fallen between two stools—I lost all the advantages of the deputation allowance order, for the first five months I was acting, and for the last nine months I have lost the advantages I should have had under the old rules as a Military Officer in Civil employ.

3. The Inspector General is aware that for upwards of three months I have been in charge of a District, thus actually serving the Government for Rupees 490; for, though I was not drawing the full allowances of a Deputy Inspector General, I received nothing for the extra duty performed by me while in charge of the District; and I venture to say in no other Department does a Senior officer take the duties of a lower grade as I have done—duties, as the Inspector General knows, of a most arduous and trying nature. I therefore hope he will see fit to use his endeavours in my behalf; at any rate, I request that the matter may be laid before Government.

(True Copy.)

(Signed) W. O. SWANSTON.
Ag. Depy. Inpr. Genl. of Police.

No. 19.

OFFICIAL MEMORANDUM.

Your letter dated 10th instant, with bill herewith returned, unaudited.

2. States that Captain Swanston was not, on the publication of the new rules regarding deputation allowances, drawing higher pay than what he gets now, and therefore does not come under the provisions of the Resolution of the Supreme Government to which he has referred.

3. The allowances formerly and now drawn by Captain Swanston, are given in the margin.

Formerly.			Now.		
Rs.	A.	P.	Rs.	A.	P.
162	15	6	700	0	0
374	1	0	200	0	0
312	15	6			
850	0	0	900	0	0

(Signed) R. W. LODWICK,
Civil Paymaster.

FORT SAINT GEORGE,
12th July 1864.

To Captain W. O. Swanston, Acting Deputy Inspector General of Police, South Arcot.

From W. ROBINSON, Esq., Inspector General of Madras Police; to Captain W. O. SWANSTON, Acting Deputy Inspector General of Police, Southern Range, dated Coimbatore, 18th July 1864, No. 1470.

I regret my inability to submit the bill, under which you claim increased allowance, to Government, as I do not perceive how it could be complied with.

Referred to the Inspector General of Police for his remarks.

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

24th September 1864.

No. 205. From W. ROBINSON, Esq., Inspector General of Police; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 20th October 1864, No. 2158.

General Department.

With reference to letter, dated 2nd August 1864, from Captain W. O. Swanston, lately Acting Deputy Inspector General of Police, Southern Range, appealing against the decision of the Civil Paymaster in regard to Captain Swanston's claim to increased acting allowances under the Government of India Order of 16th June 1864, No. 686, *Financial*, referred for my remarks.

2. I have the honor to state I declined to bring the case to the notice of Government, because I did not see how I could impugn the Civil Paymaster's ruling.

3. Present incumbents are usually exempted from the operation of Financial orders, which would decrease their allowances, and this appeared to me to be the intention of the Government of India in the present case.

4. I shall be glad, however, if the Government consider Captain Swanston entitled to what he claims.

No. 206. ORDER THEREON, 26th October 1864, No. 1545.

The Governor in Council concurs in the opinion of the Inspector General of Police, that the order of the Government of India, contained in Mr. Lushington's letter of the 16th June last, does not apply to the case of Captain Swanston, that officer not having been in the receipt of the higher allowance, which he now claims, when the rules of the 5th of August 1863 came into operation.

(True Extract.)

Chief Secretary.

To the Inspector General of Police.
„ Civil Paymaster.

Rd. J. Tulloch.

Memo.

Capt. Swanston, Supttdt. of Police, was appted. Acting Deputy Inspector Genl., vice Capt. Hearn, from 1st April '63, as he mentions.

At that time, a Mily. Officer acting for another Mily. Officer drew half the difference between the Civil salary & the Mily. allowances of the absentee. After the lapse of six months, he drew the full salary.

Under this rule, Capt. Swanston drew Rs. 850, 8 six months after, or from 1st Oct. '63, would have drawn Rs. 1000, but for the operation of the new Rules of Augt. 63, under Rule II of which he became entitled to only Rs.

Pay of Deputy Inspector Genl. —— 1000-0-0
Deduct Capt. Hearn's Mily. allowces 374-1-0
625-15-0
half of which —— 312-15-6
Pay of Supttdt of Police —— 700-0-0
Deduct Capt. Swanston's Mily. allowces 374-1-0
325-15-0
half of which —— 162-15-6
Capt. Swanston's Mily. allowances —— 374-1-0
Rs. 850-0-0

Rs (700+200) 900, i.e., his own pay with the addition of one-fifth of that of the appointment in which he was acting.

Capt. Swanston now urges that instead of Rs. 900, he should be granted Rs. 1,000, under the Govt. of India Order† which permits "all Officers, who, at the times of the "publication of the new rules for the "grant of deputation allowance "to Military Officers in Civil em- "ploy, were drawing higher allow- "ances under the old rules, to conti- "nue drawing those allowances as "if the new rules had not been "passed". The Civil Paymaster ap- plies this ruling literally to Capt. Swanston's case, & decides that, as he drew only Rs. 850 when the new rules which gave him Rs. 900, came into force, he is not entitled to compensa- tion. Capt. Swanston takes the spirit of the Order as intended to protect acting Officers from being injuriously affected, & shows that he has sustained injury to the extent of Rs. 100 above the increased allowance he gained under the new rules.

*16. June '64 No. 686. Finl.

†Govt. of India Order No. 1154 of 26th October 1864.

The Civil Auditor's opinion is in effect that compensation can be granted only to those who have been put on reduced allowances by the operation of the new rules† — Capt. Swanston wants to be put on the same footing as he would have arrived at but for the new rules.

†& apparently to that extent only.

The Inspector Genl. declined to bring Capt. Swanton's case before Govt.

entitled to what he claims.

No. 206. ORDER THEREON, 26th October 1864, No. 154.

The Governor in Council, concurs in the opinion of the In Police, that the order of the Government of India, contained i letter of the 16th June last, does not apply to the case of Capt officer not having been in the receipt of the higher allowance, wh when the rules of the 5th of August 1863 came into operation.

(True Extract.)

To the Inspector General of Police.
" Civil Paymaster.

Mdr. J. Tulloch.

My dear Mr Robertson

Your kind letter thanks
to Robinson about this.

Capt S. does 850 under
the old rules for 5 months - & in
another month he would have got 1000.
when the rules came out and he
has received 600.

Now I think he may fairly
claim either the 1st under the
old Rules, or if brought under the
new he ought to have his pay for the
5 months raised to 900 Rs - I do not
think it just that he should lose on
both sides - But Robinson has declined
to recommend!

Yours
very truly
J D Sim

Govt

4. I shall be glad, however, if the Government ... entitled to what he claims.

No. 206. Order ...

Judicial Department.

Post No. 156. 157
13.7.64
269-270
25.7.64
42 M
5.10.64

4.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters

From Capt^n N. B. Swanston
Ag^g Inspr Genl of Police
Commissioner
} Here enter 2 Sheets

The Inspector General of Police — 20th October No. 2158

Order thereon 26th October 1864 No. 1545.

The Governor in Council concurs in the opinion of the Inspector General of Police, that the order of the Government of India contained in Mr Cushington's letter of the 16th June last, does not apply

apply to the case of
Captain Dramerton, that
Officer not having been
in the receipt of the
higher allowance, which
he now claims, when the
rules of the 5th of August
1863 came into operation.

To the Superintendent of Police.
— Civil Paymaster's Office
10

Judicial 1864. Department.

No. 1545

PROCEEDINGS *of* GOVERNMENT.

Dated 26 October 15th

Canal

214. 216.