

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 611	Press
166-167	Mis.
Dated 22-6-1918	3/4

Not to be folded or roughly handled

22nd April 1865.

No. 166. Read the following letter from W. HODGSON, Esq., Civil and Session Judge of Guntoor, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Guntoor, 8th March 1865, No. 57.

I have the honor respectfully to submit that the operation of certain of the Pay Rules, as construed by the Civil Paymaster, amounts in fact to a fine, in the case of every officer who receives promotion, from the time at which, in obedience to the orders of Government, he makes over charge of an inferior appointment, in order to join a higher one.

On the 11th January last, I was gazetted as Civil and Session Judge of Guntoor, and on the 25th idem, and permitted by telegram to give over charge of the Station to the Collector of Tinnevely on the 18th January. I did so by station by Steamer from Tuticorin, via Madras and considerable expense, and without any travelling allowance from Government. It would appear, is not allowed, except in the case of a first appointment on special duty.

I forwarded my abstract, however, for audit as Civil and Session Judge, from the 25th January, the date on which the Gazette stated that my appointment had taken effect; but it was returned unaudited, with instructions that I should submit a separate abstract as Sub-Collector of Tinnevely from the 18th of January, and not take charge of the Civil and Session Judge until the 1st ultimo. The abstract so prepared was, of course, audited, but in submitting a separate abstract for fixed tentage for the month of January, my bill was returned unaudited, with the

1865.
Report whether it is proper to allow him the 18th January last as charge of his duties as Sub-Collector. He is not entitled to relief from the Revenue Department.

Memorandum marginally quoted*, which in effect stops part of my allowances as Sub-Collector from the 18th to the 31st January, both days inclusive. When again, I submitted my abstract to the Officiating Collector of Tinnevely for the "extra tentage," for the month

drawn throughout the year by the Sub-Collector of Tinnevely, and his providing his own office, I was informed that, in his opinion, I should be entitled to this allowance up to the 18th January, the date of my making over charge of my office, and that he would not, under the circumstances, include my bill in the general extra tentage statement forwarded monthly to the Civil Paymaster.

Government will thus perceive that in obeying its orders, with submission, I am made to lose Rupees 36-11-1, in the case of "fixed tentage", and Rupees 68-4-0, in that of "extra tent allowance," without any compensation for the time being in the shape of travelling allowance, or of the higher pay proper of my new appointment.

5. I have brought this matter to the notice of Government, as I conceive that it never could have been its intention that an officer proceeding to join his station on promotion should be subjected to deductions of any but the usual kind, from the allowances which he enjoyed prior to his promotion, on the ground, apparently, that he was presently to be sufficiently

Vol. 57, Civil Auditor's Manual.

re-imbursed by an increase of monthly salary.

Proceedings of the Madras Government, Judicial Department.

22nd April 1865.

6. I have the honor to request that, under the circumstances of my having joined my station with the utmost expedition, and of the full salary of the appointment being available, I may be permitted to draw it from the date of Mr. Elliot's retirement from the service (25th January), instead of, as master, the date of actually entering upon my duties (1st February), and, if this should be refused, that the full pay may be paid to me for the month of January.

7. I have further to bring to the notice of Government the master, as will be seen from accompanying Official Memorandum,* to all

ant Collector of Coimbatore," while "temporarily" employed and Session Judge of Tinnevely, in direct violation of paragraph 34, C. of the Civil Auditor's Manual, which, under the head of "Incumbent," runs thus:—

"34. The fixed tentage of Rupees 42 per mensem, or any deduction, during the temporary employment incumbent on other duty."

As I was "the permanent incumbent," that is, Assistant Collector of Coimbatore, while I was also "on other duty," that is, Official Session Judge of Tinnevely, I have the honor to request that the Government will me the favor to direct that my "fixed tentage" of Rupees 42 ant Collector of Coimbatore, may be passed from the 25th September 1863, to the date of substantive promotion to the high Sub-Collector of Nellore, if the Government should be of opinion that was in error in the construction which he has placed on a rule, which seems capable of only one reading.

B.

OFFICIAL MEMORANDUM.

Your letter (1, dated 20th instant, with Abstract now returned unaudited. States that an Officer, while employed in the Judicial Department, is not entitled to his allowance.

FORT SAINT GEORGE,
CIVIL PAYMASTER'S OFFICE,
25th April 1864.

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

To W. Hodgson, Esq., Acting Civil and Session Judge, Tinnevely.
(True Copy).

W. HODGSON,
Civil and Session Judge.

No. 167.
As Civil

the which he assumed charge of the Court

The other questions raised in Mr. Hodgson's letter, on the subject of tentage, will be considered in the Revenue Department.
(True Extract).

To the Civil and Session Judge of Guntoor.
Civil Paymaster.
Judicial Department.

Exd. J. H. Burns.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
Resolution

in

(Res. entered 8th March 1865 at 5/1)

Order on 22nd April 1865 No. 611.

Mr. A. M. can draw
pay as Civil and Session
Judge. From the day
on which he assumed
charge of the Court. The
1st February.

2. The other questions
raised in Mr. Hodgson's
letter subject to tentage
will be considered in the
Revenue Department.

Y. H.

Office of the
Department.
{ despatched 24/4 }

Wm. R. Henry

186. Department.

Journal No. 611

PROCEEDINGS OF GOVERNMENT.

Dated 22^d April 1866

72 N^o 1024

166 N^o 109