20-11-075

[L. & M.
9,000-8-8-96.]

INDEXED.

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 1869 M

DATED 3-11-96

[Despatch Abstract.]

Estabt.

Ordering that the Govt of India be addressed regarding the pay of M.R.Ry T. Venkatapati Nayudu, acting Revenue officer, Madras Munty.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
~~Cl~~	go	141 Rev 3.2.97					

H.M. ✓ &

H.E.

ORDER No_ 1869 Revenue dt 3-11-96

The Government of India will be addressed.

P&O

P.R.
26/10/96

To
the Accountant General
" Financial Department
(with draft letter to the Govt. of India)
Despd. 6/11/96

Letter. [illegible]

To,

The Secy.to the Govt.of India,
Deptt.of Finance & Commerce.

Sir,

HM
30/10/96

A.14
3.10.96

I am directed to request that the order~~s~~ of the Government of India may be obtained in the case referred to below.

2. In July last M.R.Ry.T.Venkatapati Nayudu, Assistant Inspector of Local Fund Accounts, was appointed to act as Revenue officer of the Madras Municipality during the absence of the permanent incumbent on three months' privilege leave, and his salary was fixed by this Government at Rs.350 per mensem ^ The Accountant-General contends that as the appointment of M.R.Ry.Venkatapati Nayudu as Acting Revenue officer involves his transfer to foreign service of the first kind, as defined in Article 803 of the

^ under section 46 of Act I of 1884, as amended by section 23 of Act II of 1892.

Civil

Civil Service Regulations, the case falls under Article 806 (IV) (2) and that ~~under which~~ the local Government should, for the purpose of calculating the acting incumbent's allowance, fix the pay of the Revenue officer subject to the confirmation of the Government of India, as there is no post in British Service similar to that of Revenue officer of the Madras Municipality. I am however to observe that there is nothing in the Civil Service Regulations prohibiting this Government from stating what the pay ordinarily allowed for similar services in British Service would be, and that the construction placed by the Accountant-General on clause (IV) (2) of Article 806 appears to be somewhat strained. Under clause (IV) of this Article the Local Government can apparently fix the remuneration in the present case and this has been done. ~~His Excellency the Governor in Council considers that the confirmation of the Government of India is not required in this case. As however~~ The Accountant-General however considers ~~thinks otherwise,~~ that the confirmation of the Govt. of I. is required and this reference is therefore made, as requested by him.

Civil

Civil

(From orders)

To
The Secretary to the Govt. of India
Dept. of Fin. & Com.

V.R.
26/10/96

27/10/96

A.C.A.
29.10.96

Civil
26/10

L + M Depty

Madras office L M

16/10/96

Please put up draft —

16/10

Re-Pay of the As. Revenue

Financial dept:

C.No. 2381 M

Note

The Accountant General does not apparently contend that the sanction of the G. of I. is required to the transfer of M.R.Ry. T.Venkatapati Nayudu to foreign service of the first kind under clause (ii) (a) of Art:806 of the C.S.R. Such a contention would, it is submitted, be untenable; for the sanction of the G. of I. in the Foreign dept. is, under that clause, required only to transfers to the service of a native state when the remuneration proposed exceeds that specified in clause (iv) of Art.806. The Acct. Genl. contends that the case is governed by clause (iv) (3) of Art.806 (reproduced in the margin+) and that since there is no post in British service similar to that of Rev Officer, Madras Municipality, the local Govt. should obtain the confirmation of the G. of I. to its order fixing the pay of that post for the purposes of the present case. As regards these contentions it is to be observed that there is nothing in the regulations prohibiting the local Govt. from stating what the pay ordinarily allowed for similar services in British service would be and the construction placed by the Acct. Genl. upon clause (iv) (3) of Art.806 appears to be somewhat strained.

It would suffice, it is submitted, if in the present case the local Govt

fixed

+ If an officer is transferred to a post the duties of which entail unusual responsibility and requires special capacity, or to a post belonging to a branch of the public service different from that in which he was previously serving, his pay shall not exceed the pay ordinarily allowed for similar duties in British service.

Yes

fixed the pay of the Rev. Officer, directed that M.R.Ry. T.Venkatapati Nayudu's salary as Ag: Rev. Officer should be determined under clause (iv) (4) of Art: 806 of the C.S.R., and forwarded copy of its proceedings for the information of the G. of I. This course would probably save a further reference ~~to~~ from the Acct. Genl. as, if he objected to this Govt's proceedings, he could, under art: ~~1615~~ 1633 of the Civil Account Code, request ~~the local~~ it ~~Govt.~~ to submit the question for the orders of the G. of I.

C.S.
13.10.96

Mr. A.G. has asked for a ref. to India wh. he is entitled to do & it is useless to discuss the point further with him.

As A.G. contends ~~that~~ there is no equivalent post in British service it is evident that the remuneration cannot be fixed under the ordinary rules, and as further laid down in Art. 80.5 (iv) the Local Govt. must decide the amount of remuneration. This has already been done in G.O. No 1114A. d/ 4.7.96. State in draft letter that ~~the~~ a ref. is however made as requested by A.G.

ACT 14.10.96

Re-Pay of the Ag. Revenue Officer - Madras Municipality

LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O., dated 189 , No.

Current No. 2381 M. of 1896, dated 19th August 1896. from the Accountant General.

Current No. of 189 , dated from the

FOR ORDERS.

To Financial for remarks.

ACT 9.10.96

Note submitted

CS
14.10.96

In G.O. No. 1114 A-M., dated 4th July 1896, M.R.Ry. T. Venkatapati Nayudu, Assistant Inspector of Loca Fund Accounts, was appointed to act as Revenue Officer, Madras Municipality, during the absence on leave of Diwan Bahadur P. Ramaswami Chettiyar, & his salary was fixed at Rs. 350 per mensem. In the letter read above, the Accountant General points out that for the purpose of calculating the acting allowance of M.R.Ry Venkatapati Nayudu, the pay of the Revenue Officer shoul be fixed by Government and submitted to the Government of India for confirmation, and that after i is confirmed, the acting allowan should be determined under Art. 806 (iv) (4) of the Civil Service Regulations.

2. It is not clear why the sanction of the Government of India should be obtained in this case. Under clause (ii) of Art. 806, the Local Government is clearly competent to transfer M.R.Ry Venkatapati Nayudu to foreign service of the first kind, provided that his salary does not exceed the limitations imposed by cl (iv) and under clause (iv) his salary should be that sanctioned by the Local Government. The sanction of the Government of India to the remuneration of an officer transferred to foreign service appears to be required only in those cases where the transfer itself requires the sanction of that Government. If it is held ~~that~~ as in G.O. No. 411 M., dated 30th March 1894, that M.R.Ry. Venkatapati Nayudu's services have been transferred to the Madras Municipality, his acting allowance should be determined with reference to section 46 of Act I of 1884, as amended by Act II of 1892, and Art. 806 (IV)(4) of the Civil Service Regulations, and the municipality ——— should be required to pay pensionary contribution in his behalf under section 37 of Act I of 1884 as amended by Act II of 1892.

This case does not appear to fall under either cl. IV (1) or (2).

In

In the Government order above referred to, the Revenue Officer's pay was fixed at Rs. 700 per mensem for the purpose of calculating M.R.Ry Venkatapati Nayudu's acting allowance and the same amount may be fixed now.

V.R.
5/10/96

W.W.S.
8.10.96

Note The return of O.M. 1891 M. from Ooty was awaited.

FOR ORDERS.

Local & Munl. (1896) Department.

CURRENT No. 2381 M

Order

From

The Accountant General

Madras.

No. DAE / 169 C

Dated 19 August/96

Received 20 AUG 96

Registered 20-8-96

Enclosures

Spare copies.

SUBJECT.

Stating that the rate of pay to Mr. T Venkatapathi Nayudu during the period he is acting as Revenue officer, Madras Municipality should be fixed by reference to the Government of India

The return of [illegible] from [illegible] is awaited
20
22/9

24/9

BACK PAPERS.

G.O.	No.	Department.	Date.
Go	1114A	M	4-7-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Pension DEPARTMENT.

FORT ST. GEORGE,
Accountant-General's Office,
19th August 1896.

No. I.A.E./169C

Dept.
2381/M

From

Y. C. Harrison Esqre.,
Offg. ACCOUNTANT-GENERAL TO THE
GOVERNMENT OF MADRAS,

To

THE Chief Secretary to Government,
Local and Municipal Department.

SIR,

With reference to Government order No. 1114 A.M. Mis: dated the 4th July 1896, appointing M. R. Ry. T. Venkatapathi Nayudu Garu to act as Revenue Officer, Madras Municipality during the absence of the permanent incumbent on Privilege leave, I have the honour to observe that the appointment involves the officer's transfer to Foreign service of the First kind, as defined in article 802 of the Civil Service Regulations. The case accordingly falls under clause 2 of article 806 II, under which Government should fix his pay (the pay which he would draw if he held the appointment substantively). The amount so fixed should

should not exceed the pay ordinarily allowed for similar duties in British Service. As however there appears to be no similar appointment under Government, the pay, as fixed, should be submitted to the Government of India for confirmation. On the orders being confirmed, the salary of the acting officer will be determined under clause 4 of Article 806 IV of the Civil Service Regulations.

I have the honour to be,
Sir,
Your Most Obedient Servant,

W. Bedemji
For Offg: Accountant General.

WR 19/8

When given for copying [illegible]
When copied
When examined 5/11/95
When signed 5/11
} 189 .

READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—
A = Copy in full.
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P = Copy abstract only.
Q = Copy heading only.

[8]

Department.

Paper taken out of the Records from the charge of the Record-keeper.

Press. / Miscellaneous. No. 1868 Lm 189 6

For what Current.			By whom taken.	When taken out.
Depart-ment.	No.	Year.		
Lm	3077	97		2/9/97

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[8]

Local and Municipal Department.

Paper taken out of the Records from the charge of the Record-keeper.

Press / Miscellaneous No. 1869. 189 .6

For what Current.			By whom taken.	When taken out.
Depart-ment.	No.	Year.		
C.	№ 1838	98		8-7-98