

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 1357 M

DATED 28-7-98

DESPATCHED

INDEXED.

[Despatch Abstract.]

Carriage allowance

Sanctioning the payment of a
of Rs 100 per mensem to Mr Loane during the
time he was acting as Municipal Engineer.

BACK PAPERS.

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

FURTHER PAPERS.

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

[L. & M.]
300-18-2-94.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., No. dated 189 ,

Again G.O., No. dated 189 ,

Current No. 1838.M of 1898, dated 31. May 1898, from the President, Muml. Com. Madras.

" " " 189 , "

" " " 189 , "

Mis ORDER. N^o 1351 Missd
28/7/98

In the circumstances stated, the payment of a carriage allowance of Rs 100 per mensem to Mr. Loane during the time he was acting as municipal Engineer, is sanctioned.

V.B.
29/7/98

HT
22 7 98

To the President, Muml. Commission
Madras.

Accountant-General.

Verd 29/7/98

G.]
25
250-18-2-98.

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 1838 M. of '98

SUBJECT.

Payment of conveyance
Allowance to Mr. Loane.

FOR ORDERS.

H. M.

Vide. G. O. No. 564 M. A.
16-3-97

In March 1897, Mr. Loane, Mechanical Engineer, Madras Municipality, was appointed to act as Engineer during the absence of Mr. R. C. Ellis on private affairs leave for six months. As Mechanical Engineer, Mr. Loane was drawing a salary of Rs 400, a horse allowance of Rs 25 and a special conveyance allowance of Rs 100, under G. O. No. 1765 of 16th October 1896, and in G. O. No. 693 M. of 25th March 1897 appointing him to act for Mr. Ellis, his salary as Acting Engineer was fixed at Rs 500 under Article 155 of the Civil Service Regulations. Mr. Loane having the

City

having, during this period, drawn the special conveyance allowance of Rs 100 in addition to the salary of Rs 580 fixed by Government, the auditors objected to this on the grounds, that as it was clear from the correspondence relating to the grant of the special allowance, that it was given to him by way of personal remuneration in consideration of the insufficiency of his salary at the time, it should cease on the increase of his emoluments by more than Rs 100, and that the allowance was granted to him as Mechanical Engineer and not as Acting Engineer, and requested the President to recover the amount from him or to obtain sanction for its payment.

2. On this, Mr Loane pointed out that from G. O. No 758, D. U. dt 4th May 1896 and N. 1496 M. E. dt 4th September 1896, it was clear that the special conveyance

Vide. letter no. L.F.D. 228-1-98.C.
702

conveyance allowance was intended as an increase in his salary and that as there was no power in the Act to grant an increase to his salary, it was given as a conveyance allowance, that if this special allowance were withheld, his salary as Acting Engineer would be only Rs 55 more than his emoluments as Mechanical Engineer and that this could not have been the intention of Government, especially as his outdoor work was in no way reduced in the acting appointment, while his responsibility greatly increased. He accordingly requested that, if the special allowance could not be given him when he acted as Engineer, the Government might fix his salary at Rs 680, the amount which he actually drew - a course which, he said, would not be at variance with section 46 of the City

Vide copy of his letter
Flagged F.

City of Madras Muni. Act
I of 1884. He also stated that
if the Civil Service Regula-
tions were made to apply,
his acting allowance, under
Article 125 (1), should not be
less than two thirds of
the difference between the
pay of his appointment
and the pay of the Engineer
and that his emoluments
as Acting Engineer would
then be Rs 433.

3. The auditors to whom
Mr Loane's letter was forward-
ed by the President; however,
adhered to their opinion
that the payment of the
special allowance to Mr Loane
while he acted as Engineer
was inadmissible, and pointed
out that it was apparently
not within the power of
Government to sanction
higher salary than Rs 589
under section 46 of the
Act the salary should be
fixed in accordance with
the regulations applicable
to Government service or
other

to L.P.D. 8/15-3-98. G.
833

other words, that Mr ^{the} Loane
could only receive his ^{stan-}stantive pay plus one-
third of the pay of the appoint-
ment in which he acted. They
further stated that Mr
Loane's contention, that
acting allowance should
be regulated under Ar-
ticle 125 of the Civil Service Re-
gulations was inadmissible
as under Article 124 (5),
it was necessary that the
appointment should be
only open to, but that it
should in practice be
by a Military Officer or
member of the Civil Serv-
ice and that this was not the
case with the appointment
of Engineer to the Madras
Municipality.

4. As pointed out by
the auditors, the payment
of the special conveyance
allowance of Rs 100 to Mr
Loane while he acted as Engi-
neer is inadmissible, as the
allowance was given to him
as a Sanitary Engineer

6/
not as Acting Engineer.
Does it appear that the
Government can fix his
salary at Rs 680, as under
Section 46 of the Act, the
Salary should be in accord-
ance with the Civil Service
Regulations and Article 125
thereof cannot apply to
this case, as observed by the
auditors. At the same time,
it does not seem equitable
that Mr. Loane should be bur-
dened with the increased work
and responsibility attaching
to the office of Engineer for
an addition of only Rs 55 per
mensem to his salary as
Mechanical Engineer. Moreover,
the special allowance having
already been drawn by Mr.
Loane, it would be a hard-
ship to order its refund af-
ter such a long interval. In
these circumstances, it is
submitted that sanction
may be accorded to the pay-
ment of a special ^{carriage} allow-
ance of Rs 100 per mensem
during the tenure Mr. Loane
holds.

* Please see the linked file...

23/7/98

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acted as Engineer, in the
same manner as a ^{house-rent} Carriage
allowance are ~~proposed~~ to be
given to the new Health
Officer in addition to his
salary. The accompanying
draft order is submitted
for approval:-

V.A.
20/7/98

AT
22/7/98

Local & Munl. (1898) Department.

CURRENT No. 1838M

From

THE PRESIDENT,

*Municipal Commission,
Madras.*

G. No. 102

Dated 31 May 1898.

Received

Registered

Enclosures 4.

Spare copies

SUBJECT.

Forwarding Extract from the
proceedings of a General meet-
ing of the Commissioners held
on 27th May '98 with other papers,
re Launching Carriage allow-
ance to Mr Loane, during
the time he was Acting Engineer.

Local Fund Department.

No. L.F.D.
833

Fort St. George,

Accountant-General's Office,

15th March 1893.

From

F. C. Harrison, Esq.,

Accountant-general to the Govt. of Madras,

&

W. J. F. Williamson, Esq.,

Inspector of Local Fund Accounts.

To

The President

Municipal Commission, Madras.

Sir,

With reference to your endorsement No. 1265 P.W. dated the 28th February 1893 on a letter from the Assistant Mechanical Engineer, of the 24th idem, we have the honour to state that for the reasons already given we are still of opinion that the special allowance is inadmissible to Mr. Loane while acting as Engineer.

In regard to the concluding portion of his letter, we would observe that it is not apparently within the power of Government to sanction a higher salary than Rs. 580/- as under section 46 of the act, it must be fixed in accordance with the regulations applicable to Government Service. In other words Mr. Loane can only receive his substantive pay plus one-fifth of the pay of the appointment in which he acts. The contention that the acting allowance should be regulated under article 123, Civil Service Regulations is inadmissible as under article 124 (1) ⁵ it is necessary not only that the appointment should be open to, but that it may in practice be held by a Military officer or a member of the Indian Civil Service. This is not the case with the appointment of Engineer to the Municipality.

1838m/178

Auditors.

We have the honour to be,
Sir,
Your obedient servants

(Signed) F.C. Harrison.
Accountant-General

(Signed) F.C. Harrison

for

Inspector of Local Fund Accounts.

(True copy)

W. Moore

Lieut.-Col.

President, M. M. C.

Ind (3) 4-9. No. 102

Madras,

24th February 98.

To

The President,
Madras Municipality.

(through the Engineer)

Sir,

With reference to the Accountant-General's letter
No. L.F.D. of the 28th Ultimo and your query thereon dated the 4th
702 instant, I have the honour to state as follows:-

That the Commissioners when framing the Budget for,
1896-97 proposed to raise my salary, Rs. 400, by another Rs. 100. The
Government, However, when passing the Budget, disallowed the increase,
with this remark:-

"That Government would willingly sanction the proposed
grant of a personal allowance to the Assistant Mechanical Engineer,
but regret that, with reference to the terms of section 44 of 1884,
it is inadmissible. The question of taking power to increase the
pay of this officer should be brought forward when next the Act is
under amendment".

The Commissioners again at a General Meeting held on
the 27th of May 1896 requested Government to make the increase a
local allowance, until such time as the Act is amended so as to admit
of the addition as salary.

The Government in their No. 1496 of the 4th of Sep-
tember 1896, regret their inability to grant the local allowance,
and remark that "since the Commissioners are desirous of making
some addition to Mr. Loane's pay and allowances, have no objection
to grant a special conveyance allowance, and if the Commissioners
approve of this, they should submit their proposal to Government
for sanction".

2
1838 1496

On this G.O. the Commissioners recommended as follows:-

"That the carriage allowance of Rs. 100 to Mr. Loane, referred to in G.O.No. 1490 of the 4th September 1896 be sanctioned as from the 1st April 1896, in addition to his present pay and allowance". This allowance was duly sanctioned by Government.

From the foregoing I think it will be seen that, the special conveyance allowance was intended as an increase to my salary alone, but owing to there being no power in the Act, to grant it as salary it was given as an allowance.

I may mention that prior to the granting of this increase to my salary, my salary when acting as Engineer was fixed by Government at Rs. 580 per mensem and was made up as follows:-

Salary as Assistant Mechanical Engineer -----	Rs. 400
Acting allowance being 1/3 of permanent incumbent's salary -----	Rs. 180
	<u>580</u>

My salary and allowance as Assistant Engineer now amounts to Rs. 525 made up as under:-

Salary -----	Rs. 400
Horse allowance -----	25
Special allowance -----	100
	<u>525</u>

and should the special allowance be with-held when acting as Engineer, my salary would be only Rs. 55 more than that which I draw as Assistant Engineer which I submit could not be the intention of government especially so, since my out-door work was in no way reduced in the acting appointment, and the responsibility greatly increased. I therefore beg to request that if the special allowance cannot be given me when acting as Engineer, that the Governor-in-Council may be pleased to fix my salary as acting Engineer at Rs. 680/- the amount I actually draw, which would not be at variance with section 46 of the Municipal Act.

At the same time I beg to submit that, if the Civil Service Regulations are made to apply, my acting allowance in accordance with Article 125 (1), should not be less than 2/3 of the difference between the pay of my appointment, and the pay of the Engineer, which would bring my acting salary to Rs. 735/-

I beg to remain,
Sir,

Your most obedient servant.

(Signed) S. Loane,
Assistant Mechanical Engineer.
M. M. C.

P.W.No. 1265 dated 28th February 1898.

Forwarded to the Auditors with reference to their letter No. L.T.D. dated 28th January 1898.
702

25.2.98

(Signed) G. M. J. Moore, Lt.-Col.
President, M.M.C.

(True copy)

G. M. J. Moore Lieut.-Col.

President, M. M. C.

No. L.F.D.
782

Fort St. George.
Accountant-General's Office
23rd January 1896

From

F. C. Harrison, Esq.,
Accountant-General to the Govt. of Madras.
&
W. J. F. Williamson, Esq.,
Assistant Accountant-General & Inspector
Local Fund Accounts, Madras.

To

The President,
Municipal Commission, Madras.

Sir,

We have the honour to inform you that Mr. Loane, Assistant Mechanical Engineer of the Municipality, who was appointed to act as Engineer during the absence of Mr. Ellis on leave on private affairs, has, during the whole of that period, drawn the special conveyance allowance of Rs. 100 sanctioned in G.O. No. 1735 M. Mis., dated 16th October 1896. From the correspondence relating to the grant of this allowance to Mr. Loane, it is clear that it was given him by way of personal remuneration in consideration of the insufficiency of his pay at the time and as such it should cease on the increase of his emoluments by more than Rs. 100/- There is besides the technical objection that the allowance was granted to him as Assistant Mechanical Engineer and not as Acting Engineer.

In these circumstances, we request that you will be good enough to recover the amount at an early date or obtain order sanctioning its payment.

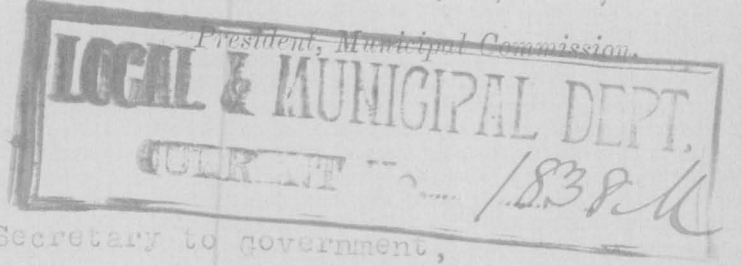
P.T.O.

G. No. 102

MUNICIPALITY OF MADRAS,
General Department,
Madras, 31 May 1890.

From

LIEUT.-COL. SIR GEORGE MOORE, KT., C. I. E.,
President, Municipal Commission.



To

The Secretary to government,
Local and Municipal Department,
Fort St. George.

Sir,

In forwarding the accompanying extract from

Enclosures
4

Letter No. L.F.D. dated 18th January 1898 from the Auditors to the President. the Proceedings of a General Meeting of the Commissioners held on 27th May 1898, I have the honour to annex the marginally noted correspondence.

2. The Auditors' objection is a technical one and I think can be met by Government sanctioning the proposal of the Commissioners.

3. In letter No. L.F.D. the Auditors remark that the "allowance was granted to him as Assistant Mechanical Engineer". This is hardly the case. It was granted to him when he was Assistant Mechanical Engineer, but from G.O. No. 1496 M. Mis., dated 4th September 1896, it will be seen that it was not necessarily to continue to his successor. In fact it was not an allowance to the Assistant Mechanical Engineer.

We have the honour to be,

Sir,

Your obedient servants.

(Signed) F. C. Harrison.

Accountant-general.

Auditors.

(Signed) F. C. Harrison,

Accountant-general,

Inspector of Local Fund Accounts.

(True copy)

G. Moore Lieut.-Col.

President, M. M. C.

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1838m/150

4. Mr. Leane has stated the effect of the retrenchment in his letter. It is unnecessary for me to go into details.

5. It seems hard that the moral intention should be defeated by a technical objection.

I have the honour to be,

Sir,

Your most obedient servant.

Cum M. Moore Lieut.-Col.

President, W. M. C.

When given for copying
When copied 28/9/98
When examined
When signed 28/9

189

MADE AGAIN G.O. No.
189

DATED

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.

H.B.--

A = Copy in full.
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