L.
16

Legislative (1898) Department.

ORDINARY MS.

G.O., No. 33

DATED 23/5/98

4/5

[Despatch Abstract.]

Interpretation of rules in the Civil Service Regulations.

Recording memorandum from the Finl dept forwg for information to the in Council with the rule that ~~letters~~ [illegible] to the Govt of India as to the ______ should issue in the Local Finl dept.

To I

M. 2/5

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/16]
150—29-7-96.

Legislative (1898) Department.

CURRENT No. 152

Secretary

Order No 33 dt 23.5.98
Mis

Recorded
23.5.98

Rv
1875
Ltr 20.5.98

From The Judl Dept.

memo No. 1116

Dated 13
Received 14 } 5. 1898
Registered 14
Enclosures
Spare copies.

SUBJECT.

Forwg for information note in connection with the rule ~~that~~ letters to India as to interpretation of rules &c should issue in the Home Judl Dept.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[G/69]
500--24-11.

Financial Dept.

GOVERNMENT OF MADRAS.

Memorandum No. 1116

READ the following paper;—

Note from the Public Works Department, No.31 D, dated 18th April 1898:-

With reference to the attached note in the Financial Department, written on P.W.C.No.9971, it is pointed out that the P.W.draft in question, and a few others which recently went to and were returned by, the Financial Department were sent in accordance with para. 2 of G.O.643, Financial dated 29th September 1896 which directs that "all references to the Government of India regarding the rules in the Civil Service Regulations shall, in future, issue from the Financial Department, the draft of the letter being, however, prepared in the Department in which such references originated and being previously approved by the Financial Department".

C.No.9971 was an application for sanction to travelling allowances to certain officers and subordinates who visited Pondicherry, i.e. Foreign territory, on duty. The Examiner, P.W.Accounts, pointed out that the rules in the Civil Service Regulations did not admit of sanction to these charg by the Local Government. A draft letter to the Government of India for sanction was therefore prepared in the Public Wor Department and transmitted to the Fin. Dept for counter-initials and subsequent issue in accordance with para. 2 of the G.O. quoted above, which it was thought applied to the case. The grounds on which the Financial Department returned this, and other draft letters to the Government of India, are not understood, and it seems necessary, for future guidance, that they should be explained.

The expression "all references regarding the rules" which occurs in para. 2 of the Order is apparently too wide. The cases which present themselves seem to be as follows:-

(a) interpretation of rules.

(b) alteration of rules.

(c) relaxation of rules.

(d) special concessions not exactly covered by the rules.

It would be convenient, if in modification of the existing orders, it were stated which of these cases are to be dealt with by Administrative departments concerned.

Note for Orders in the Financial Department dated 5th May 1898:-

Please see G.O. No. 643, Financial, dated 29th September 1896. That order ~~pointed out that~~ all cases involving the interpretation of the rules in the C.S.R. are dealt with finally in the local Financial Department, and directed that all references to the Government of India regarding the rules in the Civil Service Regulations should issue from the same department, the draft letter being prepared in the department in which such references originated and being previously approved by the Financial Department.

2. The Public Works Department points out that there are some difficulties in interpreting that order. It remarks that the cases which present themselves arise in the following forms:-

(a) interpretation of rules

(b) alteration of rules

(c) relaxation of rules

(d) special concessions not exactly covered by the rules.

and that it would be convenient if, in modification of the existing orders, it was stated which of these cases are to be dealt with finally by Administrative departments concerned.

3. The Public Works Department has interpreted the order of 1896 as indicating that all cases in which rules in the Civil Service Regulations are involved should be dealt with finally by the Financial Department. It is submitted however that classes (c) and (d) of cases mentioned by the Public Works Department - viz. relaxation of rules, and special concessions not exactly covered by the rules - need not come to the Financial Department except for counter-initials. The majority of cases under class (d) are now covered by article 378 A of the Civil Account Code, sanctions under which are, under existing orders, dealt with finally in the local Financial Department.

Note by the Honourable Sir Henry Bliss, K.C.I.E.

It seems to me that it will be much safer that all these matters should be dealt with in the Financial Department.

(Id.) H.W.B.
6-5-98.

(Id.) J.G.
9-5-98.

Copy

Copy of the foregoing notes forwarded to Secretariat Departments for information.

Ootacamund,
13th May 1898.

for Chief Secretary.

To
All Departments of the Secretariat.
The Legislative Dept

M

When given for copying ____
When copied ____
When examined ____
When signed ____
} 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.

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