

Legislative (1899) Department.

ORDINARY MS.

G.O., No. 84

DATED 18.7.99

INDEXED.

[Despatch Abstract.]

Recording progs. Financial dept
on letter from the Govt of India sanctioning
the grant of Travelling allowance to the
Honble Mr H H Stuart, Principal of the
Presidency College for his journey to & from
Coimbatore to attend a meeting of
the Leg. Council held at Coimbatore on the
13th June 1898.

T. 21/7

BACK PAPERS.

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

FURTHER PAPERS.

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

Ly CURRENT No. 194

Government {1899} of Madras. FINANCIAL.

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12-7-1899.

Enclosures

Spare copies one

G.O., No. 755, 3rd July 1899.

JULY.

Travelling Allowance.

Communicating to the Legislative Department letter from the Government of India sanctioning the grant of — to the Hon'ble Mr. G. H. Stuart, Principal of the Presidency College, for his journey to and from Ootacamund to attend a meeting of the Legislative Council held at that place on the 13th June 1898.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

Read—again the following papers:—

G.O., Mis. No. 405, Financial, dated 17th March 1899.

Read—the following letter from the Hon'ble Mr. G. H. STUART, Principal, Presidency College, Madras, to the Chief Secretary to Government (through the Director of Public Instruction), dated 23rd November 1898, No. 370:—

I have the honour to submit my travelling allowance bill for a journey to Ootacamund to attend a meeting of the Legislative Council on 13th June last, together with the Accountant-General's objection statement, &c., and to request the special sanction of Government to enable me to draw the amount. The journey was made during the vacation of the Presidency College, when I had no duties either at Ootacamund or Madras, except the duty of attending the Council meeting, and therefore it was not incumbent on me to return to Madras immediately after the meeting.

The journey was made solely with the object of attending the Council meeting and would not otherwise have been made.

No. 13955.

Submitted to Government.

10th December 1898.

(Signed) D. DUNCAN,
Director of Public Instruction.

Endt. No. 65.

Transferred to the Financial Department for disposal.

8th February 1899.

(Signed) A. EDGINGTON,
Assistant Secretary.

Order—Mis. No. 405, Financial, dated 17th March 1899.

The Government considers that the Hon'ble Mr. Stuart's claim is admissible, and the Accountant-General will be authorized to pass it.

(True Extract.)

(Signed) G. STOKES,
Chief Secretary.

To the Accountant-General.

" Hon'ble Mr. G. H. Stuart.
" Legislative Department.

G.O., Mis. Nos. 627, 628, Financial, dated 26th May 1899.

Read—the following letter from T. HESKETH BIGGS, Esq., Accountant-General, to the Chief Secretary to Government, Financial Department, dated Fort St. George, 10th April 1899, No. G.A.D.-5—140:—

With reference to G.O., Mis. No. 405, Financial, dated the 17th of March 1899, authorizing me to pass the travelling allowance claimed by the Hon'ble Mr. Stuart for the journeys from Madras to Méttupálaiyam and back and for halt at Ootacamund made between 6th June to 16th July 1898, on the ground that he had to attend the Legislative Council at Ootacamund on the 13th June 1898, I have the honour to point out that, as Mr. Stuart was not on duty at Ootacamund throughout the period he stayed there, and the Director of Public Instruction is unable to furnish the certificate required by article 1225, Civil Service Regulations, the grant of the travelling allowance is inadmissible and will require the sanction of the Government of India, which I have the honour to request may be obtained.

Order—Mis. No. 627, Financial, dated 26th May 1899.

The Government of India will be addressed.

(True Extract.)

(Signed) G. STOKES,
Chief Secretary.

To the Accountant-General
" Hon'ble Mr. G. H. Stuart.
" Legislative Department.

Letter—Mis. No. 628, Financial, dated 26th May 1899, to the Secretary to the Government of India, Finance and Commerce Department.

On the 6th June last the Hon'ble Mr. G. H. Stuart, Principal of the Presidency College, Madras, and a Member of the Legislative Council, left Madras to attend a meeting of the Council to be held at Ootacamund on the 13th idem. The Presidency College having closed for the vacation, the Hon'ble Mr. Stuart prolonged his stay at Ootacamund till the 15th of July. The Accountant-General, however, refused to pass

	RS.	A.	P.
* Journey from Madras to Ootacamund and back	127	12	0
Halting allowance for one day (13th June)	6	0	0
Total	133	12	0

Mr. Stuart's travelling allowance bill * in the absence of a certificate from the Director of Public Instruction that his presence at Ootacamund was required on duty throughout the period in question as required by article 1225 of the Civil Service Regulations, vide Objection Slip No. A.B.H.—164, dated 9th September 1898 (copy enclosed). The Hon'ble Mr.

Stuart thereupon pointed out that the journey was made on the 6th June to enable him to be in time to prepare for and attend the Council meeting on the 13th; that he remained at Ootacamund from the 14th June to the 15th July because he had no duties elsewhere, the Presidency College having been closed for the vacation; that for the same reason a certificate from the Director of Public Instruction that he had been on duty at Ootacamund throughout the period could not be furnished; that he had returned to duty at the end of the vacation, i.e., as soon as his duties began; that the journey had been made solely with the object of attending the meeting of the Legislative Council and would not otherwise have been made; and that article 1225 of the Civil Service Regulations did not apply to his case. The Accountant-General declined to admit the foregoing contentions and held that, as Mr. Stuart had remained at Ootacamund for his own convenience after the time required for attending the

Legislative Council and for more than ten days, article 1225 did apply to the case whether the extra time spent at Ootacamund was vacation or any other kind of leave—*vide* letter No. 5050, dated 18th November 1898 (copy enclosed).

2. On the matter being referred to this Government, the Governor in Council considered that there had been no evasion of the rules on the part of Mr. Stuart and that the case was not one to which article 1225 could be properly applied. This opinion was based on the grounds that Mr. Stuart had not charged Government for more than he would have drawn had he left Ootacamund immediately the Council was over; that the journey to Ootacamund was necessitated solely by the meeting of the Legislative Council, Mr. Stuart having declared that it would not otherwise have been made; that Mr. Stuart belongs to a department in which regular vacations are allowed during which he is permitted to be absent from duty (article 306, Civil Service Regulations); that the Presidency College was in vacation at the time; and that the Government was not deprived by the fact of Mr. Stuart remaining at Ootacamund of any of the time he should have devoted to his ordinary duties. The Accountant-General was accordingly authorized to admit the charge.

3. That officer still contends (*vide* his letter No. G.A.D.-5-140, dated 10th April 1899) that, as Mr. Stuart was not on duty at Ootacamund throughout the period he stayed there, and as the Director of Public Instruction is unable to furnish the certificate required by article 1225, Civil Service Regulations, the grant of the travelling allowance is inadmissible and requires the sanction of the Government of India. I am accordingly to submit the matter for the orders of the Government of India.

4. It appears to the Governor in Council that the provisions of article 1225 are obviously intended to meet the case of an officer who prolongs his visit to a hill thither and to the detriment of his regular duties in the plains, and that they cannot be intended to apply to a case such as that under discussion, which presents no features to which objection can be taken and which in no way transgresses either the letter or the spirit of the rules.

READ—also the following paper:—

From J. B. BRUNYATE, Esq., Under Secretary to the Government of India (Finance and Commerce Department), to the Chief Secretary to the Government of Madras, Financial Department, dated Simla, the 15th June 1899, No. 2721-S.R.

I am directed to acknowledge the receipt of your letter, No. 628, Financial, dated the 26th May 1899, regarding the travelling allowance bill for Rs. 133-12-0 Mr. Stuart, Principal of the Madras Presidency College and a Member of the Local Legislative Council, who proceeded to Ootacamund to attend a meeting of the Council held on the 13th June 1898 and prolonged his stay there until the 15th July, his college having then closed on vacation. Under article 1225 of the Civil Service Regulations, the Accountant-General, Madras, has objected to the charge in the absence of a certificate from the Director of Public Instruction, Madras, that Mr. Stuart's presence at Ootacamund was required on duty throughout the period in question.

2. In reply, I am to say that the Accountant-General's objection is correct, but that the Government of India approve of the grant of travelling allowance to the Hon'ble Mr. Stuart as an exception to the rule in the article 1225 of the Civil Service Regulations, I am to add that there would have been no objection to the case being dealt with by the Local Government without referring it to the Government of India under the Resolution in this department, No. 5102, dated 25th October 1895.

Copy forwarded to the Accountant-General, Madras.

ORDER—No. 755, Financial, dated 3rd July 1899.

Communicated to the Legislative Department.

(True Extract.)

for Chief Secretary.

To the Hon'ble Mr. G. H. Stuart.
" Legislative Department.

From J. B. BRUNYATE, Esq., Under Secretary to the Government of India (Finance and Commerce Department), to the Chief Secretary to the Government of Madras, Financial Department, dated Simla, the 15th June 1899, No. 2721-S.R.

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Exd. W. D'Moss.

When given for copying _____
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READ 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.

N.B.—

A = Copy in full.
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