

MARINE DEPARTMENT.

MARINE C. No. 878

Marine (1896) Department.

G.O., No. 52/ Marine

DATED 28-7-96

[Despatch Abstract.]

Rent: Pros. Financial Deptt passing orders in regard to the recovery of — due by officers occupying public buildings. Comtd. to the P. P. Office.

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GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

READ—again the following papers :—

G.O., No. 749 W., dated 18th September 1877.

ABSTRACT.—Directing that all officers occupying public buildings be warned to give notice of having vacated them to the Public Works Department.

G.O., No. 930 W., dated 20th April 1885.

Read—the following paper :—

From the Superintending Engineer, IV Circle, dated 25th March 1885, No. 138 E. W.

Order—No. 930 W., dated 20th April 1885.

The above correspondence refers to a claim for house-rent preferred by the Executive Engineer against Mr. Brodie, Head Assistant Collector, Malabar.

2. It would appear that Mr. Brodie vacated his bungalow at Tellicherry on the 12th October 1884 on transfer to Calicut to take charge of the office of the Collector. He gave no notice of having vacated, and left some furniture (a few boxes and some crockery) in the house, in charge of three servants. He returned to Tellicherry on the 24th November 1884, and re-occupied the building. Mr. Brodie now demurs to pay rent for the period of his absence.

3. It will be pointed out to Mr. Brodie that the same rule governs the contract in the case of a Government building as would be applied in that of a house rented from a private individual.

4. In such case the liability to pay rent would certainly continue until the lessee gave notice of his having vacated the house. In G.O., No. 749 W., dated 18th September 1877, communicated to all departments, it is distinctly laid down that such notice must be given in the case of all Government buildings.

5. In these circumstances, Mr. Brodie's application to have the rent of the Sub-Collector's bungalow at Tellicherry remitted during the time he was away at Calicut cannot be acceded to.

(True Extract.)

(Signed) J. SHAW-STEWART, Colonel, R.E.,
Secretary to Govt., P.W.D.

G.O., No. 2935 W., dated 22nd October 1892.

Read—the following paper:—

Office-note from the Examiner, Public Works Accounts, dated Madras, 13th October 1892, No. 242 A.

I beg to forward, herewith, for favour of orders of Government, letter from the Executive Engineer, Coimbatore Division, No. 3418, dated 19th September 1892, inquiring whether the rule in paragraph 1045 of Madras Code (to which there is no corresponding rule in Government of India Code) may still be acted upon.

2. The rule in the Madras Code is based upon G.O., No. 749 W., dated 18th September 1877, and G.O., No. 930 W. of 20th April 1885. In my opinion the ordinary law between landlord and tenant should be observed in all cases and formal notice should be given in every case. Gazette notifications will not be sufficient.

ENCLOSURE.

From J. C. LARMINIE, Esq., Executive Engineer, Coimbatore Division, to the Examiner, Public Works Accounts, dated 19th September 1892, No. 3418.

I have the honour to bring to your notice that there appears to be no paragraph in the India Code corresponding to Madras Code paragraph 1045, according to which an officer occupying public quarters is liable to pay rent till notice is given of vacating the building or re-occupation of the quarters. In the absence of ruling in the India Code on the subject, I wish to know whether the rule in the Madras Code may still be acted upon or the gazetted notification transferring the officer from the district construed as sufficient authority for discontinuing to charge rent.

Order—No. 2935 W., dated 22nd October 1892.

The Madras rule, which is based on the orders quoted by the Examiner, will continue in force.

(True Extract.)

(Signed) G. T. WALCH,
Ag. Secy. to Govt., P.W.D.

READ—also the following papers:—

From the Executive Engineer, Tinnevely Division, to the Superintending Engineer, VI Circle, dated 13th March 1896, No. 1027.

I have the honour to bring to your notice that much trouble is caused in my accounts by the non-punctual recovery by the Treasury Deputy Collector of dues from civil officers occupying public buildings.

2. In my latest return of public buildings rented no less than two items out of four items have been outstanding for several months as under:—

		Period for which rent is due.	Amount due.
			RS. A. P.
1. Sub-Collector's bungalow at Tuticorin.	J. A. Cumming, Esq., Acting Sub-Collector	1st to 3rd November 1895 at Rs. 80 per mensem.	8 0 0
2. Sergeant's quarters at Palamcottah.	B. C. Leggatt, Esq., Assistant Superintendent of Police.	1st to 8th December 1895.	5 2 7

3. For the sum outstanding from Mr. Cumming, the Treasury Deputy Collector explains that he is now on furlough. This item will be appearing month after month as objectionable in my accounts probably till Mr. Cumming's return to duty.

4. As regards the sum due from Mr. Leggatt, the Treasury Deputy Collector states "that the Assistant Superintendent of Police has been requested to pay the amount." Mr. Leggatt has since been transferred to Tanjore, and I expect it will be many months more before the objection is removed.

5. I have the honour therefore to draw your attention to the procedure in vogue for recovery of rent from officers and subordinates of this department occupying public buildings, viz., to recover at the time of paying salary and to suggest that there seems no reason why the same course should not be adopted in the case of officers of other departments.

From the Executive Engineer, Tinnevely Division, to the Superintending Engineer, VI Circle, dated 4th April 1896, No. 1466.

In reply to your No. 313 T. N., dated 23rd March 1896, I have the honour to inform you that the procedure adopted is in accordance with that laid down in Code, Vol. II, Chapter II, paragraphs 54 and 55. The contention is that if the rent is recoverable from the civil officers by the Treasury Deputy Collector from their pay bills as per procedure laid down for Public Works Department officers—vide Code, Vol. II, Chapter II, paragraph 55-A, the inconvenience complained of in my No. 1027, dated 13th March 1896, would, I think, be averted.

2. The vacating of the buildings is not generally communicated by the occupants to the Executive Engineer as enjoined in G.O., No. 2935 W., dated 22nd October 1892. The officers are either ignorant of the rule or intentionally omit to do so.

3. I am unable to say if the Deputy Collector is informed then and there by the occupants of their vacating the buildings, but it seems strange, if he were so informed, why he should fail to recover the rent.

4. In the two cases under reference the Treasury Deputy Collector was informed of the amount to be recovered on 11th January 1896 through Public Works Department Form 44 B.

No. 403 T. W.

Copy, submitted with copy of previous letter * from the Executive Engineer, Tinnevely, to the Chief Engineer, with a request that the Revenue Department may be addressed regarding the delays

which sometimes occur in the recovery of rent for official residences. These delays are chiefly in cases when officers are transferred. It would perhaps remove the difficulty if, in such cases, the officer who pays the salaries or gives last pay certificates were to assume, in the absence of information to the contrary, that the transferred officer was in occupation up to the date of his relief.

(Signed) W. HUGHES,
Superintending Engineer, VI Circle.

15th April 1896.

No. 82 D.

Transferred to the Financial Department for issue of the necessary orders.

(Signed) D. McNEIL CAMPBELL, Colonel, R.E.,
Joint Secy. to Govt., P.W.D.

From F. C. HARRISON, Esq., Officiating Accountant-General to the Government of Madras, to the Chief Secretary to Government, dated Fort. St. George, 13th June 1896, No. 272 I.B.D.

With reference to your memorandum, No. 1070, dated the 22nd May 1896, I have the honour to report that the procedure laid down in paragraph 55 A of Vol. II, Chapter II of the Public Works Department Code, is observed in the Civil department as will be seen from a circular issued by this office in 1887, copy enclosed for information.

The papers received with the memorandum quoted above are herewith returned.

ENCLOSURES.

MEMORANDUM from H. F. CLOGSTOUN, Esq., Accountant-General, to all Treasury Officers,
dated Fort St. George, 19th March 1887, No. 8.

At the instance of the Examiner of Public Works Accounts, the undersigned has the honour to request that the amounts due from officers in the Civil department, other than the Public Works Department, on account of rent of public buildings, may be recovered from the salary bills of such officers when they are presented at treasuries for payment.

2. Statements in duplicate in the form enclosed will be forwarded to treasury officers monthly by Executive Engineers showing sums due for rent by civil officers, and one copy of the statement should be returned to the Executive Engineer showing the recoveries effected.

NOTES.

REFERENCE TO MADRAS P.W.D. CODE,
PARA. 1230B.

P.W.D. Form,
No. M42A.

1. The Executive Engineer will prepare, at the close of each month, statements in duplicate in this form and forward them to the treasury officer concerned in time to enable the necessary recoveries to be effected on the audit of pay bills.

2. The buildings will be entered in column 2 in the order given in form No. M41.

3. The treasury officer will, on recovery of the amounts due, fill in columns 9 and 10, and return one copy of the statement duly signed to the Executive Engineer in time to enable him to prepare the next month's statement. In cases where the treasury officer has failed to effect recovery of the rent due, he should record in the column set apart for that purpose the reasons for the non-recovery.

4. The Executive Engineer, on receipt of the statement from the treasury officer, will transmit it to the Examiner for adjustment in his auxiliary accounts.

DIVISION

List of Officers employed in Civil Departments
other than the P.W.D., who occupied
public buildings

in the station of _____, showing
the rents due by them to end of 188 , and
the recoveries made during the following month.

Completed and returned to the Executive Engineer.

Executive Engineer,

788

Dated _____

Personnel Officer

88

Dated _____

ORDER—No. 413, Financial, dated 8th July 1896.

The Accountant-General will be requested to draw the attention of treasury officers to his office circular of 1887, the procedure laid down in which should be strictly enforced.

2. In accordance with the ruling in the orders read again above, officers occupying public buildings are liable for the rent of the same until notice is given of vacating or until re-occupation. In the case of transfers, in which it is reported that delays in the recovery of rent chiefly occur, treasury officers will assume, in the absence of information to the contrary, that the transferred officer was in occupation up to the date of his relief.

3. As regards the cases reported in the foregoing correspondence, the amount due by Mr. J. A. Cumming will be recovered immediately on his return from furlough, and the Inspector-General of Police will report whether Mr. Leggatt has paid the amount due by him and, if so, when.

(True Extract.)

Alfred
for Chief Secretary.

To the Public Works Department.
„ the Revenue Department.
„ the Local and Municipal Department.
„ the Marine Department.
„ all Heads of Departments under the Chief Secretary.
„ the Accountant-General.