

Marine (1897) Department.

G.O., No. 856 was

DATED 6 Oct 1897

[Despatch Abstract.]

Pensions: Ros, Amannal Sept sending Govt of India letter stating that only acting allowances drawn by an Officer appointed provisionally under article 109 or sub. pro tem, under article 110, C & Defus should be taken into account in calculating —
Comp of the P. & C. Officer.

[illegible]

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

Recording letter from the Government of India stating that only acting allowances drawn by an officer appointed provisionally under article 109 or sub. *pro tem.* under article 110, Civil Service Regulations, should be taken into account in calculating —.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

READ—again the following paper :—

G.O., Nos. 558, 559, Financial, dated 20th July 1897.

Read—the following papers :—

From W. H. MICHAEL, Esq., Officiating Accountant-General, to the Secretary to Government, Pension Department, dated Fort St. George, 21st May 1897, No. I.A.E.—41.

I have the honour to invite attention to the marginally-noted correspondence on the subject of taking into account acting allowances in the calculation of average emoluments for pension, and to state that on reconsideration the interpretation put upon article 530 (i) of the Civil Service Regulations does not seem to be correct. This office held that the acting allowances drawn by an officer appointed to act in an office, though not provisionally or sub. *pro tem.* under article 109 or 110, might be taken into account so long as the office is either substantively vacant or temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowances. Clause (i) of article 530 of the Civil Service Regulations, however, clearly lays down that only allowances drawn by an officer appointed provisionally or substantively *pro tempore* to an office which is substantively vacant should be taken into account in calculating pension. The word "provisionally" used therein refers apparently to the allowances drawn by an officer appointed under article 109 of the Civil Service Regulations, and not to the acting allowance of an officer appointed to act in an office for the time being. The principle seems to be that, if the officer is appointed either sub. *pro tem.* or provisionally under article 110 or 109, his allowances as such should be taken into account in calculating pension, but when no provisional or sub. *pro tem.* appointment is made, article 530 (i) cannot apply.

As, however, the point is not free from doubt, I request that you will be so good as to obtain an authoritative ruling from the Government of India.

G.O., No. 490, Pension, dated 5th July 1897.

Order—No. 558, Financial, dated 20th July 1897.

The Government of India will be addressed.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

Letter—No. 559, Financial, dated 20th July 1897, to the Secretary to the Government of India, Finance and Commerce Department.

I am directed to ask for an authoritative ruling from the Government of India as regards the interpretation to be put on article 530 (i) of the Civil Service Regulations in the matter of taking into account acting allowances in the calculation of average emoluments for pension.

Government {1897} of Madras.

FINANCIAL.

Recd.

Enclosures

Regd.

1897.

Spare copies

G.O., No. 755, 14th September 1897.

No. 856 Marine 2/6 Oct 1897

Communicated to

SEPTEMBER.

the Presy. Post office

(Id) D. M. C.

u.

The P.P.O.

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2. In August 1894, Mr. T. W. Rawlins, the then Accountant-General, Madras, to whom a reference was made on the subject, agreed with this Government in considering that the acting allowances drawn by an officer appointed to act in an office which was substantively vacant, or temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowances, should be included in the calculation of his average emoluments for pension. The late Officiating Accountant-General, Mr. W. H. Michael, questioned the correctness of the above view and observed that, under clause (i) of article 530 of the Civil Service Regulations, only allowances drawn by an officer appointed provisionally or substantively *pro tempore* to an office which is substantively vacant should be taken into account in calculating pension. Mr. Michael was of opinion that the word "provisionally" used in the clause above quoted refers apparently to the allowances drawn by an officer appointed under article 109, and not to the acting allowances of an officer appointed to act in an office for the time being, and that article 530 (i) cannot apply when the appointment is neither *provisional* under article 109 nor sub. *pro tem.* under article 110. His Excellency the Governor in Council, however, considers that the matter is not free from doubt, and I am directed accordingly to make a reference on the point to the Government of India.

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READ—also the following paper :—

From J. B. BRUNGATE, Esq., Officiating Under Secretary to the Government of India, Finance and Commerce Department, to the Chief Secretary to the Government of Madras, dated Simla, 31st August 1897, No. 3878-P.

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2. In reply, I am to say that it is understood that in each of the cases referred to in paragraph 2 of your letter under reply the acting officer had a substantive appointment, and that this being so the view held by Mr. Michael was correct.

Copy, with copy of the letter to which the above is a reply, forwarded to the Accountant-General, Madras.

ORDER—No. 755, Financial, dated 14th September 1897.

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J. F. PRICE,
Chief Secretary.

To the Pension Department.

Copy to the Political Department.

" " Revenue "

" " Public Works "

" " Marine "

2. In August 1894, Mr. T. W. Rawlins, the then Accountant-General, Madras, to whom a reference was made on the subject, agreed with this Government in considering that the acting allowances drawn by an officer appointed to *act* in an office which was substantively vacant, or temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowances, should be included in the calculation of his average emoluments for pension. The late Officiating Accountant-General, Mr. W. H. Michael, questioned the correctness of the above view and observed that, under clause (i) of article 530 of the Civil Service Regulations, only allowances drawn by an officer appointed provisionally or substantive *pro tempore* to an office which is substantively vacant should be taken into account in calculating pension. Mr. Michael was of opinion that the word "*provisionally*" used in the clause above quoted refers apparently to the allowances drawn by an officer appointed under article 109, and not to the acting allowances of an officer appointed to *act* in an office for the time being, and that article 530 (i) cannot apply when the appointment is neither *provisional* under article 109 nor sub. *pro tem.* under article 110. His Excellency the Governor in Council, however, considers that the matter is not free from doubt, and I am directed accordingly to make a reference on the point to the Government of India.

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Marine Department.
Government {1897} of Madras.
FINANCIAL.

Current number 1294

Recd. }
Regd. } 2-10 - } 1897.

Enclosures -

Spare copies -

G.O., No. 755, 14th September 1897.

No. 85 B Marine 26th October 1897
Communicated to
the Presidency Port office

SEPTEMBER.

Sh. S. S. O. at 12.15
S.S.

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Exd. A. Baitt.

S.S.C. Sent Division Office