M.R.O. 1—52,400—22-11-40.

MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

G.O. No.	1363	Press Mis.
Dated	14 7	18 5 [illegible]

Not to be folded or roughly handled

Fort Saint George, Public Works Consultation of 20th July 1858.

No. 8. Read the following letter from Major E. LAWFORD, Superintending Engineer, in charge of the Central Office; to W. H. BAYLEY, Esq., Acting Secretary to Government, dated 15th June 1858, No. 1146.

SIR,

With reference to Extract from the Minutes of Consultation, No. 1104, dated 11th Instant, I have the honor to state that Lieutenant A. S, Moberly's claim to the salary of a 2nd Class District Engineer from the 1st of January 1856, appears to me in every respect to merit favourable consideration at the hands of Government; and in pointing out that the responsibility of his position has continued the same from the date on which he assumed the Executive charge of the Chingleput District, I beg strongly to recommend that his application to be allowed to draw back pay from the 1st of January 1856 (*i. e*, the difference between the allowances of an Assistant Civil Engineer and a 2nd Class District Engineer in the Department of Public Works) may be complied with.

2. It is necessary for me to add that under the provisions of para. 7 Extract Minutes of Consultation 10th October 1856, No. 1841, the following Officers are as much entitled as Lieutenant A. S. Moberly, to arrears of salary as District Engineers from the dates on which they respectively assumed Executive charge of Districts, viz.

Lieutenant F. J. Moberly, } From 1st August to 10th
Lieutenant E. R. Blagrave, } October 1856.
Lieutenant J. Goddard from 1st September to do.

No. 9. . ORDER THEREON, No. 1362; dated 14th July 1858.

Para. 1. On the 31st May 1858, Lieutenant A. S. Moberly, District Engineer of Chingleput, submitted an application for back pay, as 2nd Class District Engineer from 1st January 1856, on the ground that he was authorized to assume Executive charge of the Public Works in Chingleput, and did actually so assume charge from the Collector on that date. Lieutenant Moberly explained, that he was in charge of the Chingleput District as a first Assistant Civil Engineer on a Civil salary of 200 Rupees per mensem, from that time until the 10th October 1856, when, by Extract Minutes Consultation No. 1841 of that date, he was authorized with certain other Officers who had been in charge of Districts under orders from Government, to draw the allowance of 2nd Class District Engineer viz., Rupees 600 per mensem from the date of that order.

2. The claim therefore, is for the higher allowance of 600 Rupees per mensem from 1st January to 10th October 1856, less the Civil salary of a First Assistant Engineer of 200 Rupees a month during the same period.

3. Lieutenant Moberly's application was referred to the Central Office for report, and has elicited an opinion from the Officer in charge, in favor of the claim, and a strong recommendation for the grant of back pay to Lieutenant Moberly, and to three other Officers, who similarly circumstanced under para. 7 of Extract Minutes Consultation 10th October 1856, No. 1841, seem to him to be entitled to the same indulgence. The decision of the question does not however, rest on mere expression of opinion, but depends on other grounds, and a consideration of the circumstances which led to the issue of the order of the 10th October 1856, quoted by both Lieutenant Moberly and Major Lawford, apparently with some stress. These the Government proceed to notice.

4. On the representation of the Chief Engineer of the inadequate salaries assigned to certain first and second Assistant Civil Engineers who were at the time in charge of Collectorates, this Government applied to the Government of India on the *14th July* 1856, to be allowed to disburse to such Officers "the salaries included in "the tabular statement about to be prepared, as soon as the statement shall be ready in anticipa- "tion of the sanction of the Government of India to the scheme." The approval by the Government of India of this proposal, was communicated in a Telegraph message dated 15th August 1856.

From Chief Engineer, 1st July 1856, No. 4482.
To Government of India, 14th July 1856, No. 1169, para. 5.

5. On the 9th August 1856, the Chief Engineer submitted the "tabular statement of the "proposed new permanent establishment for "the remodelled Department of Public Works." This scheme came under consideration in Extract Minutes Consultation 10th October 1856, No. 1841, when, in pursuance of the terms of the proposition made to the Government of India on the 14th July 1856, viz., "as soon as the statement shall be ready," the Government authorized in anticipation of the sanction of the Supreme Government, the payment from the date of that order the salaries proposed for 2nd Class District Engineers to the Assistant Engineers who were in charge of Collectorates. The scheme of the permanent establishment of the Public Works Department for this Presidency, having with some exceptions on minor points, been generally approved and sanctioned by the Government of India in a resolution dated 12th, and communicated in Colonel Baker's letter of the 19th December 1856, No. 5963, this Government under the authority then conveyed to them "to appoint such parts of the establishment as might be urgently required," proceeded at once to make the nominations. The creation of the permanent establishment and the nominations so made though notified on the 27th January 1857, were declared to have effect from the 1st of that month. By this order Lieutenant Moberly was appointed a Second Class District Engineer.

From Chief Engineer, 9th August 1856, No. 5652.
Extract Mins. Cons. 10th October ,, ,, 1841, para. 7.

6. Strictly speaking, Lieutenant Moberly only became entitled to the allowance of a 2nd Class District Engineer from the date on which *his appointment to that Office* took effect, viz., 1st January 1857, and his being permitted to draw that allowance for a period anterior to such appointment, must be regarded as a special indulgence and not a right. In the application to the Government of India, for permission to disburse the higher rate of salary to Officers holding charge of the Executive in Collectorates, previous to their actual appointment, "as soon as the Tabular Statement shall be ready in anticipation of the sanction of that authority to the general scheme," this Government intended that the indulgence should be limited in its operation; limited, that is to say, to the date on which the Tabular Statement received consideration, the 10th October 1856, and not to have retrospective effect. The Government cannot therefore, entertain the claim of Lieutenant Moberly, and request that this decision may be communicated to that Officer, and to any others who may make similar claims through the Central Office.

(Signed) T. PYCROFT,
Chief Secretary.

Central Office of Public Works
Fort Saint George. 15 June 1858

(2)

No 1146

From

The Superintending Engineer
in ch: of the Central Office

To

The Secretary to Government
Public Works Department

Sir

With reference to Extract from the Minutes of Consultation No 1104 dated 11th instant, I have the honor to state that Lieutenant A. S. Moberly's claim to the Salary of a 2nd Class District Engineer from the 1st of January 1856 appears to me in every respect to merit favorable consideration at the hands of Government; and in pointing out that the responsibility of his position has continued the same from

authorized

from the date on which he assumed
the Executive Charge of the Munglepur
district, I beg strongly to recommend
that his application to be allowed
to draw back pay from the 1st
of January 1856 (i.e. the difference)
between the allowances of an Asstt
Civil Engineer and a 2nd Class
District Engineer in the D.P.W.)
may be complied with

2. It is necessary for me
to add that under the provisions
of para 7 G.M.C. 10th October 1856
No 1841, the following Officers are
as much entitled as Lieutenant
A.S. Moberly to arrears of salary
as District Engineers from the
dates on which they respectively

assumed

(3)

assumed Executive charge of districts
viz

Lieut. A.S. Moberly } from 1st Augt
Lieut. C.R. Blagrave } to 10th Octr 1856
Lieut. J. Goddard from 1st Septr to do.

I have the honor to be
Sir
Your most obed. Servt.

Fort Saint George
5th June 1858

Superintending Engineer
in ch: of Central Office

authorized

P.W.D.

(1)

No. 1362

Extract from the Minutes of Consultation

Under date the 14th July 1858.

Read again letter from the District Engineer of Chingleput dated 31st May and recorded in Diary to Cons: 15th June 1858, No. 1178.

Read also the following letter from the Superintending Engineer in charge of the Central Office.

(Hereunder 15th June 1858 No. 1146.)

P. On the 31st May 1858 Lieutenant A.S. Moberly, District Engineer of Chingleput, Submitted an application for leave from as 2nd Class District Engineer from 1st January 1856, on the ground that he was authorized

From
The Secy. to Govt.
in Public Works Dept.
Central Office

To
The Secy. to Govt.
P.W.D.

Dated 31st May & Received 15th June 58

Sir,

I have the honor to request that you will be pleased to move Government to grant Lieutenant A.S. Moberly leave from as 2nd Class District Engineer from 1st January 1856 on the ground that he was authorized

Cons 15th June 1858 No 28 29
28th July 1858 32-33
2) April " " 42-43
11th Oct 1858 56 " 1860 12

P. Work 1858 Oct 8th
Dy. Secy. to Govt.
Pub. Dept.

From
The Secy. to Govt.
in Public Works Dept.
Central Office

To
The Secy. to Govt.
P.W.D.

Dated 31st May & Received 15th June 58

No. 8.

No. 1362. 14th July 1858.

Copies with the Govt. Letter to Lieut. Moberly dated 11th Inst. and Enclosure to the Superintending Engineer in charge of the Central Office for information & the necessary action.

2. Lieut. Moberly's application is returned herewith.

3. The Govt. are not aware that Lieut. Moberly was authorized to act as 2nd Class District Engineer from 1st January 1856, but the Superintending Engineer will be able to ascertain whether he was so authorized.

4. Lieut. Moberly should be informed that his application has been forwarded to the Superintending Engineer in charge of the Central Office.

Copies with the Govt. Letter to Lieut. Moberly dated 11th Inst. and Enclosure to the Superintending Engineer in charge of the Central Office for information & the necessary action.

2. Lieut. Moberly's application is returned herewith.

3. The Govt. are not aware that Lieut. Moberly was authorized to act as 2nd Class District Engineer from 1st January 1856, but the Superintending Engineer will be able to ascertain whether he was so authorized.

4. Lieut. Moberly should be informed that his application has been forwarded to the Superintending Engineer in charge of the Central Office.

No 84. Dated 11th July 1858.

authorized to assume execu-
-tive charge of the Public Works
in Chinglepet, and did ac-
-cordingly to assume charge
from the Collector on that
date. Lieutenant Moberly
explained, that he was in
charge of the Chinglepet
District as a First Assistant
Civil Engineer on a Civil
Salary of 200 Rupees per
Mensem from that time
until the 10th October 1856, when,
by Extract Minutes Cons:
№ 1841 of that date, he was
authorized, with certain
other Officers who had been
in charge of Districts under
orders from Government, to
draw the allowance of 2nd
Class District Engineer Viz:
Rupees 600 per Mensem
from the date of that order.

2 The claim therefor-
is

for the higher allowance
of 600 Rupees per mensem
from 1st January to 10th October
1856, less the Civil Salary of
a First Assistant Engineer of
200 Rupees a Month during
the same period.

3 Lieutenant Moberly's
application was referred to
the Central Office for report,
and has elicited an opinion
from the Officer in charge,
in favor of the claim, and
a strong recommendation for
the grant of back pay, to
Lieutenant Moberly, and to
three other Officers, who, on
similarly circumstanced
under paras 7 of Extract Selins
Consultation 10th October 1856
№ 1841, seem to him to be
entitled to the same in-
-dulgence. The decision of
the question does not however

rest

rest on mere expression of opinion, but depends on other grounds, and a Consideration of the circumstances which led to the issue of the order of the 10th October 1856 quoted by both Lieutenant Moberly and Major Lawford, apparently, with some stress. These the Government proceed to notice.

4 On the representation of the Chief Engineer of the inadequate Salaries assigned to certain First and Second Assistant Civil Engineers who were at the time in charge of Collectorates, this Government applied to the Government of India on the 11th July 1856 to be allowed to disburse to such Officers "the Salaries "included in the tabular "Statement

From Chief Engr to Govt 11th July 1856 No 2,482
To Govt of India 11th July 1856 No 1169 p. 5.

Statement about to be prepared, as soon as the Statement shall be ready in anticipation of the Sanction of the Government of India to the Scheme." The approval by the Government of India of this proposal was communicated in a Telegraph message dated 15th August 1856.

5 On the 9th August 1856 the Chief Engineer submitted the "Tabular Statement of "the proposed new permanent establishment for "the remodelled department "of Public Works." This Scheme came under Consideration in Extract Minutes Govt: 10th October 1856, No 1841, when, in pursuance of the terms of the proposition made to the Government of India on the 11th July 1856 Vizt" as soon

From Chief Engr to Govt 9th August 1856 No 2,652
Ext: Mi: Govt 10th October 1856 No 1841 p. 7.

soon as the Statement should be ready," the Government authorized, in anticipation of the Sanction of the Supreme Government, the payment from the date of that order the Salaries proposed for 2nd Class District Engineers to the Assistt Engineers who were in charges of Collectorates. The Schemes of the permanent Establishments of the Public Works Department for this Presidency having with some exceptions on minor points been generally approved and Sanctioned by the Govt of India in a resolution dated 12th and communicated in Colonel Dalton's letter of the 19th December 1856 No. 5963, this Government under the authority then conveyed to them "to appoint such parts of the Establishment as might be

be urgently required," proceeded at once to make the nominations. The creation of the permanent establishment, and the nominations so made, though notified on the 27th January 1857, were declared to have effect from the 1st of that month. By this order Lieutenant Moberly was appointed a Second Class District Engineer.

Strictly speaking Lieutenant Moberly only became entitled to the allowances of a 2nd Class District Engineer from the date on which his appointment to that office took effect Viz. the 1st January 1857, and his being permitted to draw that allowance for a period anterior to such appointment, must be regarded as a special indulgence and not as a right.

Lie

In the application to the Govt of India for permission to en disburse the higher rate of Salary to officers holding charge of the executive in Collectorates, previous to their actual appointment as soon as the Tabuleer State-ment shall be ready, in anticipation of the sanction of that authority to the general scheme, this Government intended that the indulgence should be limited in its operation, limited that is to say, to the date on which the Tabuleer State-ment received consideration, the 10th October 1856, and not to have re-trospective effect. The Government cannot therefore entertain the claims of Lieut Nisbett, and request that this decision may be communicated to that Officer, and to any others who may make similar claims, thro' the Central Office.

W. N. 13

10 Copies to the Offg Chief Engr Dist 15th

C 24 June 21 July

Cons: 15 June 1858 Nº 2819.

Public Works 1858 Dep.t.
Dy to Cons 20th July.

No 1362.

Extract Minutes of Cons.
Dd 14th July 1858.

No 849.

For the reasons assigned
unable to entertain the
claim of Lind.k Moberly to the
rating of 2d Class District
Engineer for the period anter-
ior to his appointment to
that Office