M.R.O. 1—77,006—8-6-37.

(1) Number of pages 12

(2) Date of repair 6-4-38

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Political (Miscl.) DEPARTMENT.

Ac 25/1/59

G.O. No. 202 Press Mis.

59.60

Dated 21-1- 1859.

Not to be folded or roughly handled

No. 59. Read the following letter from F. LUSHINGTON Esq., Civil Auditor; to W. H. BAYLEY, Esq., Acting Secretary to Government, dated 15th December 1858, No. 416.

SIR,

In acknowledging the receipt of an Extract from the Minutes of Consultation under date the 4th Instant, No. 2614, Public Works Department, Public, referring for my report, the claim of Mr. Ricketts, for the higher rate of deputation allowance claimed by him from the 21st July 1857, to 26th March 1858, I have the honor to state that at the time of Mr. Ricketts' appointment to Act for Captain J. G. Palmer, the rule which then obtained in the Department, in respect to deputation allowances, was to pass the moiety of the salary; forfeited by the absentees, to the Officiating Officer, in addition to the moiety of his own permanent Office, without; reference to the circumstance of the Acting Officer being a Civilian ar Military man.

This rule was invariably acted upon up to March 1858, when in submitting the circumstances of Mr. Dopping's case, for the consideration of Government, I pointed out that in some instances it would operate with undue severity, and I recommended in lieu thereof that, in future the deputation allowance, should be calculated not on the amount drawn by the absentee; but on the amount assigned to the Office which the Acting Officer would draw if substantively appointed. The Government concurring in my view, in Extract Minutes of Consultation 26th March 1858, directed this course to be observed in all similar cases *in future*, and from that date the higher rate of deputation allowance, has accordingly been passed to Mr. Ricketts, who like Mr. Dopping, is an Uncovenanted Civilian Acting for a Military Officer.

Mr. Ricketts' present claim is for deputation allowance at the higher rate, from the date of his Appointment viz. 21st July 1857; but as there is nothing in the order of Government which would induce the belief that it was intended to have retrospective effect his claim does not appear to me admissible.

No. 60. ORDER THEREON, No. 202; dated 21st January 1859.

Para. 1. In this letter the Civil Auditor reports on an application preferred by Mr. Ricketts, Acting Executive Engineer, to an increased rate of Officiating allowance for the earlier part of his tenure of that position.

2. Mr. Ricketts is an Assistant Engineer, Acting for an Executive Engineer; he is himself a Civilian, while the Officer for whom he acts, Captain J. G. Palmer, is a Military man. The Civil Auditor states that prior to the order of Government of March 26th 1858, No. 549, he passed to Mr. Ricketts a moiety of the salary of his own appointment, with a moiety also of the Military Staff pay of the appointment on which he acted; but that since that date he has applied to this case the order specified, and has passed to Mr. Ricketts a moiety of the *Civil* pay of the appointment in which he was acting. The result is shewn below.

Drawn at first by Mr. Ricketts.

Half his own salary as Assistant Engineer	125-0-0
Half of Captain Palmer's Military Staff pay as Executive Engineer 4th Class	150-0-0
Total.....	275-0-0

Now drawn by Mr. Ricketts.

Half his own salary	125-0-0
Half the Civil pay of a 4th Class Executive Engineer	250-0-0
Total.....	375-0-0

Mr. Ricketts now seeks to obtain the arrears of the difference between the two rates, from the date of his assuming charge of his Acting appointment, to the 25th March 1858. The Civil Auditor reports against the claim, on the ground that there is nothing to shew that the order of Government was intended to have retrospective effect.

Fort Saint George, Public Works Consultation of 25th January 1859.

3. It appears to the Government that the Civil Auditor has mistaken the rules under which cases like that of Mr. Ricketts should be treated. The order of Government of January 27th 1857, which was published in the Official Gazette, and is quoted in the Civil Auditor's Manual at page 51 Chapter XI, directs that an Assistant Engineer acting as Executive Engineer shall "be allowed 100 Rupees per mensem with travelling allowances as an Executive Engineer, in addition to his salary as Assistant Engineer." This seems to be the rule applicable to Mr. Ricketts' case, the Right Honorable the Governor in Council does not know why it has not been followed The Civil Auditor will be good enough to explain this, and to report also whether the order of the 27th January 1857 has been attended to generally in his Office, and what has been the practice followed in passing Officiating allowances in the Department Public Works.

(Signed) J. D. BOURDILLON,
Secretary to Government.

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P. W. D

No 416

From,
J. Dashington Esqre
Civil Auditor.

To,
W. H. Bayley Esqre
Acting Secretary to
Government.

Sir,

In acknowledging the receipt of an Extract from the Minutes of Consultation under date the 14th Instant No 2614, Public Works Department, Public, referring for any report the Claim of Mr Ricketts for the highest rate of Deputation Allowance Claimed by him from the 21st July 1857 to 26th March 1858, I have the honor to state that at the time of Mr Ricketts Appointment to act for Captain J G Palmer, the rule which then obtained in the Department, in respect to Deputation Allowances was to pass the Moiety of the Salary forfeited by the Absentee to the Officiating Officer in addition to the Moiety of his own permanent Office without reference to the Circumstance of the Acting Officer being a Civilian or Military man.

This rule was invariably acted upon up to March 1858, when in submitting the Circumstances of Mr Dopping's Case, for the Consideration of Government, I pointed out that in some instances it would operate with undue severity, and I recommended in lieu thereof that in future the deputation Allowance

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allowance should be calculated not on the amount drawn by the Absentee, but on the amount assigned to the Office which the acting Officer would draw if substantively Appointed. The Government Concurring in any view, in Extract Minutes of Consultation 26th March 1858, directed this Course to be observed in all similar Cases in future, and from that date the higher rate of Deputation Allowance has accordingly been passed to Mr. Ricketts, who like Mr. Dopping, is an uncovenanted Civilian Acting for a Military Officer.

Mr. Ricketts present Claim is for Deputation Allowance at the higher rate, from the date of his Appointment Viz. 21st July 1857; but as there is nothing in the Orders of Government which would induce the belief that it was intended to have a retrospective effect his Claim does not appear to be admissible.

Civil Auditor's Office,
Fort Saint George,
15th December 1858.

I have the honor to be,
Sir,
Your most Obedient Servt.
C. Lushington
Civil Auditor

P. W. Dept

No 202

Extract from the Minutes of Consultation
Under date the 21st January 1859

Read the following letter from the Civil Auditor

(Here enter 15 Decr /58 No 416)

1. In this letter the Civil Auditor reports on an application preferred by Mr Ricketts, as being Executive Engineer to an increased rate of ~~deputation~~ officiating allowance for the earlier part of his tenure of that position.

2. Mr Ricketts is an Assistant Engineer acting for an Executive Engineer; he is himself a Civilian, while the Officer for whom he acts, Captain J. G. Palmer, is a military man. The Civil Auditor states

Cons. of Audit 15 Decr /58 No 74 & 75
– 30 Novr – – 11/ 842.

P.W. – 1858 – Department
Dated Cons: 21st Jany 59.
From
The Civil Auditor
No 3146

To
The Secy to Govt
Dated 15th
Recd 20th } December 1858.

No 416

No

Reports on the Claim preferred by Mr Ricketts to the higher rate of Deputation allowance. —

Ordered to be communicated to the Chief Engineer with reference to Colonel Longford's letter dated 25th November 1858 No 5778.

With an Order No 202, 21st January 1859

No 49

24th Jany Recording

states that prior to the order of Government of March 26th 1858, at p. 329, he paid to Mr Ricketts a monthly of the salary of his own appointment with a moiety also of the Military Staff pay of the appointment in which he acted; but that since that date he has applied to this case the order specified, and has paid to Mr Ricketts a moiety of the Civil pay of the appointment in which he was acting. The result is shown below.

Drawn at first by Mr Ricketts
Half his own salary as Assistant Engineer — 125-- --
Half of Capt Palmer's Military Staff
pay as Executive Engineer 4th Class - 150-- --
Total 275-- --

Now drawn by Mr Ricketts.
Half his own salary ——————— 125-- --
Half the Civil pay of a 4th Class Ex Engr 150-- --
Total C. 275-- --

Mr Ricketts now seeks

to

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to obtain the arrears of the difference between the two rates, from the date of his assuming charge of his acting appointment, to the 25th March 1858. The Civil authorities refuse to admit the claim, on the ground that there is nothing to shew that the order of Government was considered to have retrospective effect.

3. It appears to the Government that the Civil authorities have misinterpreted the rules under which cases like that of Mr Ricketts should be decided. The order of January 27th 58, which was published in the Official Gazette, for

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and is quoted in the Civil Auditor's Manual at page 51 Chapter XI, directs that an Assistant Civil Engineer acting as Executive Engineer shall be allowed £100 per annum with the acting allowances as an Executive Engineer, in addition to his salary as Assistant Engineer. This seems to be the rule applicable to the Rushbrook case, the Right Honorable the Chancellor of the Exchequer does not know why it has not been followed. The Civil Auditor might be good enough to explain this, and to report also whether the order of the 24th January 1857 has been attended to generally in his Office and what has been the practice followed in keeping Officers allowances on the Establishment.

Copy to the Civil Auditor Dated 22nd

Canada/Lower/58/No 74 & 75
" 30th March " 41 & 42

Public Works 1859 Dep.to
Dy. to Com.: 25th Jany.

No. 202.

Extract Mins.: of Coms.:
D-f 21st Jany./59.

From the Civil Auditor 28th Com.y 59
& 244 in Com.: 25th Feb.y/59.
No. 16. 17.

Directing the Civil
Auditor to explain and to report
whether the order of the 27th July 1857
has been attended to generally in the
Office, and what has been the Practice
followed in passing Officiating
allowances in the Department
Public Works.

No. 59 & 60.