

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.
On 8/3/59

G.O. No.	<i>57</i>	Press
		~~Mis.~~
<i>86.87</i>		
Dated	<i>8-3-</i>	<i>18 59</i>

Not to be folded or roughly handled

12-2-59

1

Fort Saint George, Public Works Consultation of 8th March 1859.

Read again letter from the Chief Engineer, dated 22nd January and recorded in Diary to Consultation, 1st February 1859, No. 257.

No. 86. Read also the following letter from F. LUSHINGTON, Esq., Civil Auditor; to J. D. BOURDILLON, Esq., Secretary to Government, dated 4th February 1859, No. 67.

SIR,

I have the honor to acknowledge the receipt of Extract from Minutes of Consultation of Government, under date the 28th Ultimo* No. 257 Public Works Department, referring for my report the claim preferred by Captain F. J. Moberly, for a 2nd Deputation Allowance as Officiating District Engineer of Tanjore, in addition to the moiety of the salary of his permanent Office, as Civil Architect, and the Deputation Allowance as Acting 2nd Class District Engineer of Trichinopoly.

2. In reply I beg to state that Captain Moberly, whose permanent appointment was that of Civil Architect, was appointed under date the 30th October, to Act as District Engineer of Trichinopoly, during the employment of Captain Ryves on other duty; and on his joining the District the authorised Deputation Allowance as 2nd Class District Engineer was accordingly passed to him.

3. On the 15th October last, Captain Moberly was further nominated to act as District Engineer of Tanjore, without prejudice to his previous appointment at Trichinopoly, and having in due course submitted a bill for a Deputation Allowance on account of that appointment also, I was obliged to make a reference to Government for instructions in respect to its disposal, for although the claim seemed reasonable, I was not aware of any rule or precedent under which it could be admitted without special sanction.

4. The Government having subsequently directed me to dispose of Captain Moberly's claim according to existing rule, I was compelled to inform that Officer, that I could only admit his claim for the difference of Deputation Allowance between a 1st and 2nd Class District Engineer.

5. In the letter now referred for my report, the Chief Engineer states, that the grounds on which Captain Moberly is entitled to half Staff Allowance for the charge of Trichinopoly in addition to that he has already drawn for Tanjore, are "that by para. 9, Section I, chapter XVI of the Bengal Code, Officers of the P. W. D. are as respects salaries, placed under the General Rules for the Army, and by para. 3, page 444, of the Pay and Audit Regulations of this Presidency, an Officer holding a plurality of appointments is, in addition to the full personal salary of his permanent situation, entitled to a moiety of the salary or salaries of the other or others.

In reference to the foregoing grounds, I would observe, that neither of the rules quoted by the Chief Engineer appear to me to be strictly applicable to Captain Moberly's case, para. 9, Section I, Chapter XVI of the Bengal Code, simply declares that Officers in the D. P. W., are amenable to the Military Regulations as regards time allowed for joining appointment, leave of absence, Audit of *Military* Pay and Allowances, &c., while para. 3, page 444 of the Pay and Audit Regulations of this Presidency, declares that a Staff Officer, holding (*permanently* under special authority) a plurality of appointments is entitled to the full salary of the superior one, with a moiety of the salary or salaries and the full Office Allowance of the other or others.

It seems to me therefore, that the claim of Captain Moberly must necessarily be treated as a special case, and disposed of with reference to its own peculiar merits.

No. 87. ORDER THEREON, No. 519; dated 8th March 1859.

The Government agree with the Civil Auditor that the Rules quoted by the Chief Engineer in support of the claim preferred by Captain F. J. Moberly to a moiety of the allowance of District Engineer of Tanjore, in addition to a moiety of the allowances of District Engineer of Trichinopoly and of Civil Architect, do not apply to his case; and it does not appear that there is any rule strictly applicable.

Fort Saint George, Public Works Consultation of 8th March 1859.

2. There are, however, circumstances connected with the case of Captain Moberly, which entitle him to consideration. Captain Moberly was sent to Trichinopoly on the 27th July 1858, to supply the place of Lieutenant Ryves, who was called away on other duty. Shortly after, the District Engineer of Tanjore was suddenly withdrawn on duty, and there was no Executive Officer at hand to whom either District could be properly entrusted. The best arrangement for the time was to put Captain Moberly in charge of both, and this was done on the 15th October 1858; he retained this double charge till relieved of Trichinopoly by Captain Oakes, on the 28th December 1858. The arrangement was entirely for the convenience of the Public Service, and as it undoubtedly brought a heavy burden of additional duty on Captain Moberly, especially as the work of his Department was at that time greatly augmented in consequence of the then recent floods, the Governor in Council considers that he is justly entitled to some additional remuneration. He is pleased therefore, as a special case, and one not to be drawn into a precedent hereafter, to authorize the Civil Auditor to pass to Captain Moberly for the period during which he was in charge of both Districts, a moiety of the Staff Salary of District Engineer of each, in addition to half that of his permanent appointment of Civil Architect.

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

received 31st

27th July 1858

Not used

Ref. to

The Commission
referred to
in the
order of the
Government

also
N^o 64
D. P. M.
3
From J. Lushington Esq.
Civil Auditor
To J. D. Bourdillon Esq.
Secretary to Government
Public Works Department
Sir,

I have the honor to acknowledge the receipt of Extract from Minutes of Consultation of Government under date the 28th Ultimo N^o 254 Public Works Dept. referring for my report the claim preferred by Captain S. J. Moberly for a 2^d deputation allowance as officiating District Engineer of Tanjore in addition to the moiety of the Salary of his permanent Office, as Civil Architect, and the deputation allowance as Acting 2^d Class District Engineer of Trichinopoly.

2. In reply I beg to state that Capt. Moberly, whose permanent appointment was that of Civil Architect, was appointed under date the 30th October to act as District Engineer of Trichinopoly during the employment of Captain Ryves on other duty, and on his joining the District the authorized deputation allowance as 2^d Class District Engineer was accordingly paid to him.

3. On the 15th October last Captain Moberly was further nominated to act as District Engineer of Tanjore without prejudice to his previous appointment at Trichinopoly, and having in due course submitted a bill for deputation allowance on account of that appointment also, I was obliged to make a reference to Government for instructions in respect to its disposal, for although the claim seemed reasonable, I was not aware of any rule or precedent under which it could be admitted without special sanction.

4. The Government having subsequently directed me to dispose of Captain Moberly's claim according to existing rules, I was compelled to inform that Officer that I could

only

preferred by Captain Moberly

Moberly

only admit his claim for the difference of deputation allowance between a 1st and 2^d Class District Engineer. In the letter now referred for my report the Chief Engineer states that the grounds on which Capt. Moberly is entitled to half Staff allowance for the Charge of Trichinopoly in addition to that he ^{has} already drawn for Tanjore, are that "by para 9 Section I Chapter XVI of the Bengal Code Officers of the P. W. D. are, respects salaries placed under the General Rules for the Army and by para 3 Page 144 of the Pay and Audit Regulations of this Presidency an Officer holding a plurality of appointments is, in addition to the full personal salary of his permanent situation, entitled to a moiety of the salary or salaries of the other or others."

In reference to the foregoing grounds I would observe that neither of the rules quoted by the Chief Engineer appear to me to be strictly applicable to Capt. Moberly's Case. Para 9 Chapter XVI of the Bengal Code simply declares that Officers in the P. W. D. are amenable to the Military Regulations as regards time allowed for joining appointments, leave of absence, and of Military pay and allowances, while para 3 page 144 of the Pay and Audit Regulations of this Presidency declares that a Staff Officer, holding permanently (under special authority) a plurality of appointments is entitled to the full salary of the Superior one, with a moiety of the salary or salaries & the full Office allowance of the other or others.

It seems to me therefore that the claim of Capt. Moberly must necessarily be treated as special case, and disposed of with reference to its own peculiar merits.

Civil Auditors Office,
Fort Saint George,
1st February 1859.

I have the honor to be,
Sir,

Yours most Obedt. servt.

W. J. Moberly

Civil Auditor.

referred by Captain J. J.

Moberly

Public Works Dept.

No. 519
Extract from the Minutes of Consultation
Under date the 8th March — 1859.

Read again letter
from the Chief Engineer
dated 22nd January and
recorded in Diary to Com.
1st February 1859 No. 257.

Read also the follow-
ing letter from the Civil
Auditor.

There enter 1st February 1859
No. 671

The Govt. agree with
the Civil Auditor that the Rules
quoted by the Chief Engineer
in support of the claim
preferred by Captain J. J.

Moberly

Com. 1 Feb 1859 No. 45

27-1859 No. 286
Civil Auditor

Mr. Civil Auditor

The Secretary to Govt.

Public Works Dept.

Read 1st Feb 1859
No. 671

1859

Report on the claim pre-
ferred by Capt. J. J. Moberly
for a 2nd class pension allowance
as off duty distinct Engineer of
Army or Navy, & the result
of the salary of his former and present
as Civil Engineer and the
pension allowance according
to the 2nd class distinct Engineer
of the Army.

1859 No. 257

1859 No. 8th March 1859

Moberly to a moiety of the
allowance of District Engi-
-neer of Tanjore, ~~in addi-~~
-tion to ^a ~~the~~ moiety of
the allowance of District
Engineer of Trichinopoly
and of Civil Architect,
do not apply ^{to his case,} and it does
not appear that there is
any rule strictly applicable
~~to the case.~~

2 There are however
circumstances connected
with the case of Captain
Moberly which entitle him
to consideration. Captain
Moberly was sent to Tri-
chinopoly ^{on the 27 July 1858} to supply the
place of Lieut. Paves
who was called away
on other duty. Shortly after,
the ~~acting~~ District
Engineer

9
Engineer of Tanjore was
suddenly withdrawn on
duty, and there was no
executive Officer at hand
to whom either District
could be properly entrusted.
The best arrangement
for the time was to put
Captain Moberly in
charge of both, and
this was done on the
15th October 1858. He re-
-tained this double
charge till relieved of
Trichinopoly by Captain
Oakes on the 28th December 1858.
The arrangement was
entirely for the convenience
of the public service, and
as it undoubtedly
brought a heavy burden
of additional duty on
Captain Moberly, —
especially

especially as the works of
his Department were at
that time greatly augmented
in consequence of the then
recent floods, the Governor
in Council considers that
he is justly entitled to
some additional remunera-
-tion. He is pleased there-
-fore as a special case
and one not to be drawn
into a precedent hereafter
to authorize the Civil
Auditor to pass to the
Capt. Insamby,
~~Officer~~ for the period during
which he was in charge
of both Districts, a
moiety of the staff salary
of District Engineer
of each, in addition to
half that of his permanent
appointment of Civil Architect.

[Signature]

10 Copies to the Chief Eng. Dated 10th.
1 ———. Quaid Aurangzeb

Public Works 1857. Page 10.
Enc. 8. 11 Aug. 57.

c 1857.

Extract from the
278th March 1857.

Whereas that the Rules
passed by the Council of Engineers in
support of Captain Walker's
claim to a priority of invention
and District of Engineers,
do not apply to this case, but
however as a special case
authorizing the Civil Engineer
to pay to him for the service
during which he was in
charge of the project, the
District a priority of
staff, and a District Engineer
of Rank, in addition to the
act of his permanent
Appointment of Civil
Engineer.

1886 1887.