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(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 2298 Press / Mis.

3031

Dated 26-5- 1955.

Not to be folded or roughly handled

Read again letter from the Chief Engineer dated 20th and recorded in Proceedings of Government dated 25th August 1859 No. 2031.

No. 30. Read also the following letter from J. L. LUSHINGTON, Esq., Civil Auditor; to J. D. BOURDILLON, Esq., Secretary to Government, dated 9th September 1859, No. 685.

I have the honor to acknowledge the receipt of the orders of Government, No. 2031, in the Public Works Department, dated the 25th ultimo,* referring to me for report a letter from the Chief Engineer to your address, No. 4022, dated the 20th idem, recommending that a moiety of the salary of Civil Engineer 9th division, which was drawn by Lieutenant E. H. Harington, then 2nd Assistant Civil Engineer in the same division, and retrenched by this office, may be passed to that officer from the 13th to the 26th January 1855, whilst he was in temporary charge of that division, no other officer having claim to it for the same period.

* With 4 enclosures herewith returned.

2. In reply, I beg to state, that Captain (then Lieutenant) E. H. Harington whilst holding the office of 2nd Assistant Civil Engineer, and Acting as 1st Assistant Civil Engineer, in the 9th division, drew a moiety of the salary of each of the offices of 2nd and 1st Assistant Civil Engineer for the period abovementioned; viz., from the 13th to the 26th January 1855, to which he was entitled under the rules. But having also drawn a moiety of the salary of Civil Engineer 9th division, for the *same period*, during which he fell in charge of the division, it was retrenched by this office, because he had not been appointed by Government to that charge, and was *consequently* not entitled to a moiety of the salary of that office, agreeably to the regulation quoted in the margin.

Military Pay Code. Section 21 "Staff" head "General rules," paragraph 10 page 445.

3. As however, it would appear that the duties of the office of Civil Engineer 9th division, were performed by Lieutenant Harington, from the 13th to the 26th January 1855, and as, a moiety of the salary of that office was not claimable by any other officer for that period, Government are at liberty, and may be pleased, to recognise Lieutenant Harington *as having acted* in that office for the period in question. In the event of their doing so, I shall be enabled to withdraw the retrenchment against that officer to the extent of the period abovementioned; but for the 11th, 12th and 27th of the same month for which days also he has drawn a moiety of the salary, the retrenchment by this office will hold good, because such moiety has already has been drawn by other officers, for those days, under regulation.

4. The withdrawal of the present retrenchment against Lieutenant Harington under these circumstances will, however, entail the issue of another retrenchment against him of a less amount, viz., of a moiety of the salary of Acting 1st Assistant Civil Engineer from 13th to 26th January 1855 @ Rupees 100 per mensem which he has drawn, but which he cannot under the rules retain, when permitted to draw a moiety, viz., Rupees 350 per mensem, of the salary of the superior office of Civil Engineer of the 9th division, for the same period.

No. 31. ORDER THEREON, 26th September 1859, No. 2298.

Lieutenant Harington was appointed 2nd Assistant Civil Engineer in the 9th division on the 27th June 1854, and on the 5th December following he was appointed to act as 1st Assistant during the employment of Lieutenant Haig on other duty: while so officiating he drew a moiety of the allowances of both appointments of 2nd and 1st Assistant Civil Engineer. On the 3rd January 1855 Captain Rundall District Engineer of the 9th division was appointed to act as Civil Engineer of the Godavery division and Major Birdwood was appointed to act in the 9th division. In the interval between the departure of Captain Rundall and the arrival of Major Birdwood, the charge of the division devolved on Lieutenant Harington, and under the impression that he

had a claim to the moiety of the allowances of Civil Engineer, he drew it in addition to his then receipts and has been retrenched in consequence in the amount so drawn, being Rupees 191-14-11.

2. The Civil Auditor shows clearly that this was not allowable; and the Government must remark that an officer is not under any circumstances entitled to draw officiating allowance, merely for being in temporary charge of a superior office for a week or two, where not specially appointed to act. The retrenchment therefore must hold good. If this retrenchment were taken off another must issue for the moiety of the 1st Assistant's pay drawn by Captain Harington for the same period.

3. The Civil Auditor will be requested to explain the cause of the excessively long delay in bringing this case to adjustment.

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

Contingent Department

No. 685

3 A

From

J L Sushington Esq.
Civil Auditor

To.

J D Bourdillon Esq.
Secretary to Government
Public Works Department

Sir

I have the honor to acknowledge the receipt of the order of Government No. 2031 in the Public Works Department dated the 25th Ultimo referring to me for report in letter from the Chief Engineer to your address dated the 20th Idem recommending that a moiety of the salary of Civil Engineer 9th Division which was drawn by Lieut. E W Harrington, then 2d Assistant Civil Engineer in the same Division, and retrenched by this Office, may be passed to that Officer from the 13th to the 26th January 1855, whilst he was in temporary charge of that Division, no other Officer having claim to it for the same period.

2. In reply I beg to state that Captain (then Lieutenant) E W Harrington whilst holding the Office of 2d Assistant Civil Engineer, and Acting as 1st Assistant Civil Engineer, in the 9th Division, drew a moiety of the Salary of each of the Offices of 2d and 1st Assistant Civil Engineer for the period abovementioned, Viz: from the 13th to the 26th January 1855 to which he was entitled under the rules. But having also drawn a moiety of the salary of Civil Engineer 9th Division for the same period during which he fell in charge of the Division, it was retrenched

× With 4 enclosures herewith returned.

retrenched by this Office, because he had not been appointed by Government to that charge, and was consequently not entitled to a moiety of the Salary of that Office; agreeably to the regulation quoted in the margin.

3 As however it would appear that the duties of the Office of Civil Engineer 9th Division were performed by Lieut. Harrington from the 13th to the 26th January 1855, and as a moiety of the Salary of that Office was not claimable by any other Officer for that period; Government are at liberty, and may be pleased, to recognise Lieut. Harrington as having acted in that Office for the period in question. In the event of their doing so, I shall be enabled to withdraw the retrenchment against that Officer to the extent of the period abovementioned; but for the 11th 12th & 27th of the same Month for which days also he has drawn a moiety of the Salary, the retrenchment by this Office will hold good; because such moiety has already been drawn by other Officers, for those days, under regulation

Military Pay Code. Sec: 21 "Staff". Head "General Rules" para 10 Page 1465.

4 The withdrawal of the present retrenchment against Lieut. Harrington under these circumstances, will however entail the issue of another retrenchment against him of a less amount, Viz.: of a moiety of the Salary of Acting 1st Assistant Civil Engineer from 13 to 26 January 1855 @ Rs. 100 per mensem which he has drawn, but which he cannot under the rules retain, when permitted to draw a moiety, Viz.: Rs. 350 per mensem, of the Salary of the Superior Office of Civil Engineer of the

the 9th Division, for the same period.

5 A

Fort Saint George.
Civil Audit's Office
7th September 1859

I have the honor to be
Sir
Your Most Obedient Servt.
J. Huddleston
Civil Auditor

P.W.D. 7

No 2298.

Proceedings of the Madras Government
Under date the 26th September 1859.

Read Letter from the Chief Engineer
No 685 dated 22nd Septr 1859.

Read Letter from the Secretary
to Government
No 2031 dated 25th Septr 1859.

Read Letter from the
Secretary to Government
No 6532

Ordered that the Chief Engineer
be requested to report with reference
to the Monetary Salary drawn by Lieut.
E. H. Barrington (2nd Assistant Civil Engineer)
as Acting Civil Engineer of the 7th
Division & returned by the
Audit Office.

(Signed) [illegible]
Secretary

Pro. of Govt. 26: Augt 59. No 6667.

P.W. 1859 Department.
Pro: of Govt 24th Octr
No 2390.

From

The Civil Auditor

To

The Secretary to
Government.

Dated 9th
Rec'd 10th } September 1859.

3 Encls returned No 685
dated 22-10-59.

With reference to the
Orders of Government No 2031
in the P.W.D. dated the 25th
I return herewith
a Report with reference to the monetary Salary
drawn by Lieut E. H. Barrington
(2nd Assistant Civil Engineer) as
Acting Civil Engineer of the 7th
Division & returned by the
Audit Office.

No 2298. 26 Septr 1859.

No 30.

Capt Harrington was
not entitled to draw
any Salary as Civil Engr
while in Command of
the Escort to the Commissioner
in Travancore

employment of Lieut.
Haig on other duty; while
so officiating he drew
a moiety of the allow-
ances of both appoint-
ments of 2d and 1st Asst.
Civil Engineer. On the
3d June 1855 Captain
Rundall District En-
gineer of the 9th Division
was appointed to act
as Civil Engineer of
the Godavery Division
and Major Birdwood
was appointed to act
in the 9th Division. In
the interval between
the departure of Capt.
Rundall and the arrival
of Major Birdwood,
the charge of the di-
vision devolved on
Lieut.

Lieut. Harington, and
under the impression
that he had a claim
to the moiety of the
allowances of Civil Engr.
he drew it in addition
to his own receipts and
has been retrenched
in consequence in
the amount so drawn
being Rs. 191-14-11.

2. The Civil Auditor
shows clearly that
this was not allow-
able, and the Govt.
cannot remark that
an officer is not en-
titled under any circumstances
to draw
officiating allowances
merely for being
in temporary charge
of

of a superior office
for a week or two, where
not specially appointed
to act. The settlement
ment therefore must
held good. If this
settlement were
taken off another
must issue for the
moiety of the sum Asst
may draw by Cashr
Lexington for the
same period.

3. The Civil Auditor
will be requested to
explain the cause of the
unnecessarily long delay
in transmitting their pass
to adjustment.

10 Copies
Ch. Engr. Offr. 27
Civil Audr

Com 26th Augt 59 Nos 66 & 67

Public Works 1859 Dept.
Pro: of Govt 4th October.

No 2298.

Pro: of the Madras Govt.
Of 26th Sept. 59.
Com Civil Audr 7/10th November 59
No 2922.

Retrenchment of a
sinecity of Salary drawn by
Lt. C. H. Harrington, held
good.

No 30 & 31.