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Government of Madras.

Public Works DEPARTMENT.

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Dated 18 7 .

Not to be folded or roughly handled

Fort Saint George, Public Works Consultation of 29th April 1859.

No. 111. Read the following letter from Lieutenant-Colonel H. YULE, Secretary to the Government of India; to J. D. BOURDILLON, Esq., Secretary to the Government of Madras, dated Fort William, 21st March 1859, No. 1652.

SIR,

In the Madras printed Abstract Proceedings of the 29th of October last certain cases (Nos. 31, 32, 96 and 97) relating to travelling allowances are observed, respecting which the Government of India deems it requisite to make some remarks, though the orders of the Right Hon'ble the Governor in Council appear to have been perfectly proper.

2. It would seem from these cases that the Madras Officers, generally, have looked upon the travelling allowances as so much fixed addition to their incomes, instead of regarding them as compensation for expenses actually incurred in travelling.

3. In the order issued by the Madras Government to the Chief Engineer, the essential point of the limitation as to daily allowances to be drawn while halting, "that the Officer should have been obliged to maintain his marching establishment complete." In the Bengal Code it is required that the Officer shall have maintained "carriage for his tent;" see Code page 177, Rule 3, which expression is perhaps more definite; unless a complete marching establishment is of an understood strength.

4. The views of the Government of India on this subject will be found in the accompanying order passed on a case under the Punjab Government, No. 296, dated 21st January last.

5. In simply rejecting the claim preferred by Major Birdwood (case 96-97) for ten days' travelling allowance, while it appears that he did not travel at all, it is presumed that the Madras Govenment was satisfied that the claim was put forward avowedly under those circumstances; or, at least, that there was no withholding of the fact that the claimant had not travelled, since the Government of India cannot doubt that had an Officer, whose special duty it is to check these very payments, been proved to have himself knowingly preferred a fictitious claim, the Madras Government would have followed up the rejection of the claim with some punishment adequate to so grave an offence.

Letter from the Officiating Secretary to the Government of India; to the Secretary to the Government of the Punjab, dated Fort William, 21st January 1859, No. 296.

SIR,

In reply to your No. 264—1555, dated 17th September, and No. 343—1891, dated 15th November last, I am directed to state that the Hon'ble the President in Council confirms the grant of travelling allowance to Lieutenant Colonel Laughton up to the end of May 1858, but declines to sanction any payment after that date. The sum passed by the Chief Engineer for June must therefore be retrenched from Colonel Laughton.

2. In coming to this decision the Hon'ble the President in Council observes that Rule 3, page 177, of the Public Works Code contains three conditions which are necessary to the admission of daily travelling allowance while halting.

1st. That the allowance shall not be drawn for more than three days while halting within 10 miles of the permanent or temporary residence.

2nd. That carriage for tents, &c., shall have been kept up.

3rd. That it was necessary to keep up this carriage.

3. As to the first condition, it may be urged that Kussowlee was not Colonel Laughton's temporary residence within the meaning of the rules. He was ordered to that place on duty, there to remain so long as the duty lasted and no longer. He marched there and halted; and may have been kept much longer than he expected, but hoping each week to have got away, and keeping up his establishment all the while.

4. As to the second condition, Colonel Laughton has declared on honor that his carriage was kept up.

5. But on the third condition the Hon'ble the President in Council has no hesitation in saying that the allowance must be withheld. The necessity for maintaining camp carriage while halted, simply depends on the Officer's being likely to require to move his camp within a shorter period than it would take him to get the carriage again if he discharge it. If Colonel Laughton had been released from his duty at Kussowlee during May, June, July, August, or even September, it cannot be supposed that he would then have marched back to Lahore, or even that he would have marched his tents or baggage back. It was open to him either to have sent his tents back at the end of April, or to have kept his tents at Kussowlee till the end of the rains, returning dawk to Lahore if required. In neither case could it be necessary to keep up carriage all through the rainy season. The allowance may be granted up to the end of May, on the ground that Colonel Laughton may have taken six weeks to find out that his marching cattle would not be again required for many months. But he must have been aware that it was unnecessary for him to keep up his marching establishment in the rains.

6. As Captain Nicolls, who was a member of the same Court of Inquiry as Colonel Laughton, has received his travelling allowance for the same period for which Colonel Laughton cliams it, he too should be called upon to show cause why he should not refund for June, July, August and September.

7. It is further observed that Colonel Laughton says that Captain Nicholls "had not kept up a marching establishment and equipage," whereas Colonel Ommanney as directly asserts that "he had satisfied himself in his visit to the hill stations in May, that Captain Nicolls had marching establishment complete." This contradiction should be explained, and strict enquiry should be made as to what marching establishment was actually kept up by both Officers. The President in Council cannot avoid thinking, that there is reason to fear that too lax a practice has prevailed in passing travelling allowances in the Punjab.

Paragraph 2 of letter of 4th November.

Paragraph 3 of letter of 9th November.

8. The original Bills forwarded with your letter No. 264—1555 are returned.

Fort William, the 1st January 1859.

No. 112. ORDER THEREON, No. 984; dated 28th April 1859.

Ordered that copies of the above letter and its enclosure be forwarded to the Chief Engineer with reference to Extract Minutes Consultation 22nd and 25th October 1858 Nos. 2215 and 2248, with instructions to communicate the views of the Government of India regarding travelling allowance to all Officers of the Public Works Department, for invariable future observance.

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

Public Works 1859 Dept.
Pro: of Govt. 29th April
No. 984

Pro: of the Madras
Government.

D/28th April 1859.

The Chief Engineer
to communicate the views
of the Government of
India, regarding Travel-
ling Allowances to all
Officers of the Public
Works Departments.

No. 117-182