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(1) Number of pages 6

(2) Date of repair 23-7-42

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 952 Press ~~Mis.~~

123-124

Dated 5- 5- 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 5th May 1862.

No. 123. Read the following letter from Lieutenant-Colonel J. OUCHTERLONY, Acting Deputy Chief Engineer, Northern Circle, to Lieutenant-Colonel W. H. HORSLEY, Secretary to Government, Public Works Department, dated Chepauk, 21st March 1862, No. 221/M 41 :—

SIR,

1. I trust Government will not deny me the privilege of an appeal to the Government of India upon the subject of the reduction of my salary, referred to in Order of 17th March 1862, No. 462.

No. 462, dated 17th March 1862.

2. It would of course be unbecoming in me to animadvert upon a regulation the object of which can alone be the protection of the public interests and the promotion of efficiency in the public service. But as I deem that Government, in authorizing it, could never have contemplated the achievement of that object at a cost involving absolute pecuniary loss, or, if I may employ the term, injustice to their servants, I venture to solicit a reference to higher authority upon the subject.

3. When I arrived from England in December last, I was informed that Lieutenant-Colonel Ludlow having been absent from India considerably more than six months, the salary of this his office was at disposal; and having been honored by a nomination to it, I entered thankfully upon my present duties. Greatly to my surprise I learnt, on the presentation of my first Abstract, that by a foot note introduced in page 8 of the former Regulations, I was precluded from drawing more than a moiety of the salary apportioned as their recompense.

Note to Rule 40, Military Pay and Audit Regulations, page 8.

4. The Officiating Civil Paymaster, as the expounder of the Rules and Regulations of Government, has pronounced that the note in question admits of no other interpretation; and his judgment is of course authoritative. In seeking, therefore, to refer the matter, I am not appealing against that Officer's decision, but against the hard application of the law which he quotes in a case such as mine; where deprivation of guerdon for work honestly performed is made to constitute a source of absolute profit to Government, a source which I cannot think it was ever contemplated to supply by such means.

5. I am informed that after I have served six months in my present appointment I shall be entitled to draw the full salary; but to recite this in my case is vain, because when I was nominated to it there were not six months of Colonel Ludlow's leave left for me to serve in, that Officer's absence from duty being authorized only till May next.

6. Whether I have, or have not, efficiently performed the duties of the office entrusted to me is of course beside the question; I may nevertheless be permitted to advert to the circumstance, well known to the Chief Engineer, that owing to causes which were beyond control, the work of the Northern Circle had fallen greatly into arrears, every one of the new projects and estimates entered in the Budget of 1862-63 remaining to be digested and submitted to Government. To clear off these arrears naturally called for unusual personal exertion, and it seems hard that the fair and allotted requital for the labor bestowed should now be withheld; and that my emoluments should be reduced, not only to less, but to one-half less than the stipend received by the seven District Engineers, whose proceedings I have to control, and for the due discharge of whose duties I am responsible.

7. It is, I submit with all respect, discouraging to Officers of my standing and service (30 years), to find themselves placed by the operation of new Regulations, in a position of such apparently undeserved disadvantage.

No. 124. ORDER THEREON, 5th May 1862, No. 952.

Ordered that the foregoing letter from the Acting Deputy Chief Engineer, Northern Circle, together with the papers noted in the margin, be submitted to the Government of India.

No. 247, dated 18th February 1862.
No. 462, dated 17th March 1862.

(Signed) W. H. HORSLEY, Lieut.-Colonel,
Secretary to Government.

Proceedings of the Madras Government, Public Works Department, 5th May 1862.

Ordered that the following letter be despached.

No. 125. From Lieutenant-Colonel W. H. HORSLEY, Secretary to Government, Public Works Department, Fort Saint George, to the Secretary to the Government of Iudia, P. W. D., dated 5th May 1862, No. 953.

SIR,

Proceedings, No. 247, dated 18th February 1862.
Do. No. 462, dated 17th March 1862.
Lieutenant-Colonel Ouchterlony's letter, No. 221, dated 21st March 1862.

1. I am desired by the Madras Government to submit for the orders of the Right Honorable the Governor General in Council the papers noted in the margin.

2. Under the Notification, Financial Department, Fort William, No. 25, dated 28th March 1860, no Military Officer in Civil employ appointed to act for another is entitled to full Staff pay until he shall have performed the duties for more than six months.

3. The case brought under review in the papers submitted with this letter is that of Lieutenant-Colonel Ouchterlony, of the Madras Engineers, who was appointed on the 10th January 1862, to act as Deputy Chief Engineer, Northern Circle, during the absence of Lieutenant-Colonel Ludlow. In accordance with the ruling of the Notification abovementioned, the Civil Paymaster declined to pass to Lieutenant-Colonel Ouchterlony more than a moiety of the salary attached to the appointment during the first six months, and without attempting to question the correctness of the Civil Paymaster's proceeding, that Officer referred the matter to this Government under the impression that they would not be indisposed to relax the Rule in his case, particularly as Lieutenant-Colonel Ludlow for whom he is officiating has been absent from India twelve months, and draws no Civil salary.

4. The orders of this Government declaring their inability to authorize any relaxation of the Rules in favor of Lieutenant-Colonel Ouchterlony, will be found in their Proceedings, No. 462, dated 17th March 1862, herewith enclosed.

5. In his letter No. 221, dated 21st March 1862, Lieutenant-Colonel Ouchterlony solicits the privilege of an appeal to the Government of India on the subject, and it is in compliance with this request that I have been directed to submit the accompanying papers. Lieutenant-Colonel Ouchterlony is an able Officer, and one of long standing in the Department, and considering that the full salary of the appointment of Deputy Chief Engineer, Northern Circle, is available, I am desired to request that his appeal may receive the favorable consideration of the Right Honorable the Governor General in Council.

No. 221

Central Office, Pub. Works
Chepauk, 21st March 62

3

From Lt. Colonel Ouchterlony
Asst. Depy. Chief Engineer N.C.
to Lt. Colonel W.H. Horsley,
Secretary to Govt. P.W.D.

Sir,

I trust Government will not deny me the privilege of an appeal to the Govt. of India upon the subject of the reduction of my Salary, referred to in Order of 17th March 1862, No. 462.

No. 462 dy 17th March, 1862,

2. It would of course be unbecoming in me to animadvert upon a regulation the object of which can alone be the protection of the Public interests & the promotion of efficiency in the Public Service. But as I deem that Govt. in authorizing it, could never have contemplated the achievement of that object at a cost involving absolute pecuniary loss, or - if I may employ the term - injustice to their Servants, I venture to solicit a reference to higher Authority upon the subject.

3. When I arrived from England in December last I was informed that Lt. Colonel Ludlow having been absent from India considerably more than 6 months, the Salary of this his Office was at disposal; & having been honored by a nomination to it, I entered thankfully upon my present duties. Greatly to my surprise I learnt, on the presentation of my first abstract, that by a foot Note introduced

in page 8 of the former Regulations, I was precluded from drawing more than a moiety of the salary appointed as their recompence.

Note to Rule 40 Military Pay & Audit Regulations page 8.

4. The officiating Civil Paymaster, as the expounder of the Rules & Regulations of Govt, has pronounced that the Note in question admits of no other interpretation; his judgment is of course authoritative.

In seeking therefore to refer the matter I am not appealing against that Officer's decision but against the hard application of the law which he quotes in a case such as mine; where deprivation of guerdon for work honestly performed is made to constitute a source of absolute profit to Govt. - a source which I cannot think it was ever contemplated to supply by such means.

5. I am informed that after I have served 6 months in my present appointment I shall be entitled to draw the full salary; but to recite this in my case is vain, because when I was nominated to it there were not 6 months of Colonel Ludlow's leave left for me to serve in, that Officer absence from duty being authorized only till May next.

6. Whether I have, or have not, efficiently performed the duties of the Office entrusted to me is of course beside the question; but I may nevertheless be permitted to advert to the circumstance, well known to the Chief Engineer, that owing to causes which were beyond control, the work of the Northern Circle had fallen greatly into arrear, every one of the new Project Estimates entered in the Budget of 62/63 remaining to be digested & submitted to Govt. To clear off these arrears naturally called for unusual personal exertion, it seems hard that the fair allotted requital for the labor bestowed should now be withheld; that my emoluments should be reduced - not only to less, but to one half less than the stipend received by the 7 District Engineers whose proceedings I have to control, for the due discharge of whose duties I am responsible.

7. It is, I submit with all respect, discouraging to Officers of my standing Service (30 years), to find themselves placed by the operation of new regulations, in a position of such apparently undeserved disadvantage.

I have the honor to be
Sir,
Your most obed.t Serv.t

J. Ouchterlony Colonel
Actg. Depy. Chief Engineer
Northern Circle.

Central Office of P.W.
& Chief Engr
21st March 1862.

To,
Lieutenant Colonel W. H. Horsley
Secretary to Government P.W.
Fort Saint George.

Pub: Works 1862 Departt.
Pro: of Govt. Fort St. George May
No. 838.

From,
Lieutt. Colll. J. Ouchterlony
Actg. Depy. Chief Engr. R.E.

To,
Lieutt. Colll. W. H. Horsley
Secy. to Govt. D. P. W.
Fort St. George.

Dated 21st } March 1862.
Recd. 22d. }

No. 221

No. 952 5 May.

Solicits the privilege of an appeal to the Government of India upon the subject of the reduction of his salary for the Office held by him.

For Orders

With an Order

It appears that the rule is peremptory - but I cannot see the ground upon which it was framed - the Papers may be forwarded I think.

[illegible]

W.M.

Orders are requested as to whether Lieutenant Colonel Ouchterlony's appeal may be submitted to the Government of India -

The latest orders of the Supreme Govt. upon the subject treated of in this letter will be found in pages 850 and 1094 of the Fort St George Gazette dated 17 April and 11 Decr./60 respectively copies of which are enclosed.

[illegible]

No. 952 - Ordered that the foregoing letter from the Actg. Chief Engr. No. Arch together with the papers noted in the margin be submitted to the Government of India -

See order No. 953 dated 5 May

[illegible]

247 D 18th Feby/62
262 D 17 March/62
Telegraph 5 May 1862
to Secy.
to Actg. Chief Engineer R.C. Depy.

C 26 March B7
C 10 April B7