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(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.**Government of Madras.***Public Works* **DEPARTMENT.**

G.O. No. 1234	Press
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Dated 29-4-	1866

Not to be folded or roughly handled*CB*

15

*Proceedings of the Madras Government, Public Works Department,
29th April 1864.*

Read the following papers:—

No. 696. From J. H. DOPPING, Esq., Civil Engineer, to Colonel C. A. ORR, R. E., Secretary to Government, Public Works Department, dated Tulloch's Garden, 4th April 1864:—

SIR,

1. I have the honor to request you will call upon the Auditor of the Public Works Accounts to explain clearly the reasons or rules for not paying to me the full salary of the appointment of Second Class Executive Engineer for the period over six months.

2. By the rules of the Department Public Works of the Madras Presidency an Officer officiating in a higher grade, after he has been acting for six months, becomes entitled to the full salary, and in accordance with these rules I submitted my salary abstract for January and February, but Colonel Wilkieson has reduced them to the moieties of both appointments, and has referred me to a rule of the Bengal Code, to which I submit I am not in any way subject, but which if I were subject to it, would if strictly followed entitle me to the moiety of the higher and the full salary of the substantive appointment.

3. Colonel Wilkieson states that the Madras Department is now entirely guided by the Bengal Code of 1858, but to this I cannot consent in my individual case, and I trust you will see the injustice of such an arrangement and that you will make an enquiry into the matter.

4. I would take this opportunity of drawing your attention to the "Revised rules" upon which my leave to Europe has been granted, and to state that I cannot see how they are construed into rules referring to me as I do not admit that I am subject to the Uncovenanted Rules in any way save the portion referring to pension.

5. I think it right to myself to place my opinion on record as in the event my resignation not being completed the question might arise hereafter.

Referred to the Controller and Auditor of Public Works Accounts for report.

Chepauk.
5th April 1864.

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government, P. W. D.

No. 697. Report from the Controller and Auditor of Public Works Accounts, to Colonel C. A. ORR, R. E., Secretary to Government, Public Works Department, dated Madras, 7th April 1864, No. 2,942.

1. Mr. Dopping is not entitled to the full salary after acting six months. The Rule granting the full allowance after acting six months (see page 8, paragraph 40 of the Military Pay and Audit Regulations) is only applicable to Military Officers and does not apply to an Uncovenanted Officer acting for a Military one.

2. Paragraph 221, page 44 of the Vade Mecum Rules, "when a Military Officer officiates for a Civilian or a Civilian for a Military Officer the rule is applied so as to affect each in the same manner as if he were officiating in the room of an Officer of his own branch of the service." Now the Rules of the Uncovenanted Civil Service do not give the full salary to the officiating Officer after six months.

3. Mr. Dopping is mistaken in what he says he is entitled to, in the last part of paragraph 2.

4. The Controller never made the statement contained in paragraph 3 of Mr. Dopping's letter.

5. With reference to paragraph 4 of letter, Mr. Dopping is bound by the Uncovenanted Service Rules, vide page 93, Volume II of the "Fort Saint George Gazette" of 1858, and these Rules having now been revised by the Home Government he is also bound to be governed by them.

*Proceedings of the Madras Government, Public Works Department,
29th April 1864.*

6. Mr. Dopping was given full pay after acting six months on a former occasion, viz., from the 18th September 1862 to the 18th February 1863, as Acting District Engineer of North Arcot. This amount, with the exception of the last 15 days, was passed in the Civil Paymaster's Office prior to the transfer of the salary branch of the Department Public Works to this Office, but I think under a mistaken interpretation of the Rules, and it is for the Government to decide whether Mr. Dopping ought to be retrenched this amount or not.

(Signed) C. V. WILKIESON, Lieut.-Colonel, R. E.,
Controller and Auditor of P. W. Accounts.

MEMORANDUM.

1. Under the Rule quoted in paragraph 2 of this letter, Mr. Dopping's case appears to come within the provisions of paragraph 195, page 33 of the Vade Mecum, which expressly allows to an Uncovenanted Servant officiating in any appointment for another member of the same service, "so much of the salary of the situation as equals the sum deducted on account of absence from the real incumbent." The Controller and Auditor of Public Works Accounts will be requested to state if there are any objections to the rule being applied to Mr. Dopping's case and to his being allowed, under it, to draw full pay for the whole period he acted as Second Class Executive Engineer—Captain Harington for whom he officiated not having drawn any portion of the salary of the office during that period.

2. Colonel Wilkieson will also quote the prohibitory Rule referred to by him in the latter clause of paragraph 2.

Chepauk,
11th April 1864.

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government, P. W. D.

To the Controller and Auditor of Public Works Accounts.

No. 698. Report from the Controller and Auditor of Public Works Accounts, to Colonel C. A. ORR, R. E., Secretary to Government, Public Works Department, dated Madras, 12th April 1864, No. 2,980.

1. In reply to Memorandum from the Secretary to Government, under date 11th April, on the subject of Mr. Dopping's extra pay, the Controller begs to state that he does not consider that the Rule quoted applies to Mr. Dopping, as only from paragraph 217 of the Section 8 appears to apply to the Public Works, and in No. 2,701 * M. G. O. 4th December 1863, No. 3,561. b. a. G. G. of 3rd November 1863, it rules the Department of Public Works is to be guided by its own Rules regarding acting allowances.

2. The Controller refers to no Rule in latter part of paragraph 2, and says that there is no Rule giving salary to an Uncovenanted Officer after six months.

3. An Uncovenanted Officer when away on Sick Certificate draws his half pay for 15 months, so an Officer acting for him would not find the full salary available until that time has expired, which is not the case with a Military man whose term is only six months.

4. It would therefore require the special sanction of Government to give Mr. Dopping the full pay; it is available from 30th June, the date of his first appointment as acting. On the 20th August 1863, Major Harington's appointment lapsed, he having been then 20 months away.

(Signed) C. V. WILKIESON, Lieut.-Colonel, R. E.,
Controller and Auditor of P. W. Accounts.

No. 699. ORDER THEREON, 29th April 1864, No. 1,234.

1. In his letter recorded above, Mr. Dopping submits, under a Rule applicable only to Military Officers, his claim to the full salary of the appointment of Second Class Executive Engineer for the period he officiated as such in excess of six months.

*Proceedings of the Madras Government, Public Works Department,
29th April 1864.*

2. The question of that gentleman's acting allowances, which is now before Government must, however, be considered with reference to the special Rules of the Public Works Department, or to the general Rules of the Uncovenanted Service, if the former be found not to meet the case.

3. In his earlier report on the claim, the Controller and Auditor Public Works Accounts advises its rejection on the ground that "the Rules of the Uncovenanted Civil Service do not give the full salary to the officiating Officer after six months;" but on its being pointed out to him that so far from this being the case, those rules expressly give a *locum tenens* "so much of the salary of the situation as equals the sum deducted on account of absence from the real incumbent," and that under them Mr. Dopping was apparently entitled to the full pay of Second Class Executive Engineer from the date the permanent incumbent, Captain Harington, ceased to draw any portion of the salary of the appointment, Colonel Wilkieson changes the ground of objection and declares that Mr. Dopping, being an Officer of the Public Works Department, must abide by the special Rules which guide the Department, and cannot consequently claim under the general Uncovenanted Service Rules.

4. The Governor in Council concurs with the Controller that the special rules of the Department Public Works govern all the members of the Department, but Colonel Wilkieson has failed to quote any Rule which withholds from Officiating Uncovenanted Officers in that Department, the privilege of drawing the salary forfeited by the permanent incumbent. The question is one which the Departmental Rules do not provide for; and under these circumstances the general Rules of the Uncovenanted Service must be held to govern it.

5. Those Rules, it has already been stated, allow full salary from the date it becomes available. His Excellency in Council accordingly directs that the full salary of the office of Second ~~Class~~ Executive Engineer be passed to Mr. Dopping from the 30th June 1863, the date of his first appointment to officiate, and when, the Controller reports, it was available.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To J. H. Dopping, Esq.

To the Controller and Auditor of Public Works Accounts.
,, Accountant General.

Exd. S. T. Augustin.

N^o 2980.

Office of the Contr^r & Aud^r of P^ub^lic Accounts
Madras 12th April 1864.

38
Report of the Controller and
Auditor of Public Works Accounts.

Enclosure

1901
1902

In reply to Memo from the
Secretary to Government under date 11th
April on the subject of Mr. Dopping's
extra pay; The Controller begs to state;
that he does not consider that the rule
quoted, applies to Mr. Dopping, as only
from Para 217 of the Sec: 8 appears
to apply to the Public Works- and in
N^o 2701 b.a. G. G. of 3rd November 1863,
it rules the Department of Public
Works is to be guided by its own rules
regarding acting allowances.

2. The Controller refers to no
rule in latter part of Para 2, and says
that there is no rule giving salary to an
Uncovenanted Officer after six months.

3. An Uncovenanted Officer when
away on Sick Certificate draws his half
pay for 15 months, so an officer acting
for him would not find the full
salary

65
salary available until that time has expired, which is not the case with a Military man whose term is only six months.

4. It would therefore require the special sanction of Government to give Mr. Dopping the full pay; it is available from 30th June the date of his first appointment as acting. On the 20th August 1863.

Major Harington's appointment lapsed, he having been then 20 months away.

Wm. Wilson Lt. Col. R. E.

Controller & Auditor of P. W. Accounts.

To,

Colonel C. A. Orr R. E.
Secretary to Govt. P. W. D.

I have the honor to acknowledge the receipt of your letter of the 21st inst. in relation to the appointment of a Substantive Engineer for the period one six months. By the Rules of the P.W. of the Madras Presidency an officer officiating in a higher grade after he has been acting for six months becomes entitled to the full salary and in accordance with these rules I have submitted my salary schedule for January and February last. Colonel Wilkison has reduced them to the amount of both appointments could be referred me to a rule of the Bengal Code to which I submit. I am within my way and just but which I were subject but would if checked. I still meet the necessity of the higher the full salary of the Substantive appointment. Colonel Wilkison states that the Madras

The.

Dec. 2nd Secretary / 1864-72
 83.

17th 1864
 Dec. 1st 1864
 1864/5790

From
 Mr. G. V. Wilkinson A.E.
 Comdr. H. Madras of P.W. &
 Mr. G. A. C. C. &
 Secy to Govt. P.W. &

Dated 12th
 Dec. 1864
 No. 2980.
 Enclosure 2.

Reports upon the
 claims of Mr. D. D. D. D.
 for the full salary of
 his acting appointment.

C. 1864/1864-72 2184

No. 1234 - 2920/1864/64.

Massachusetts Department of Justice
by the Marshal Code of 1858 but this I can
not consent in my individual case and
I trust you will see the injustice of such
an arrangement and that you will make
an enquiry into the matter.

I would take this opportunity of drawing
your attention to the "Revised Rules" upon
which my leave to practise has been granted
and to state that I cannot see how they are
construed into rules referring to me
as I have admitted that I am subject to
the same concentrated rules in every way
from the position referring to fees is
I think it right to myself to place
my opinion on record in the event
my resignation not being completed the question
might arise hereafter.

I am, Sir, very respectfully,
Your obedient servant,
J. H. [Signature]
Civil Engineer

Report of the Controller and Auditor of Public Works Accounts.

Mr. Dopping is not entitled to the full salary after acting six months. The rule granting the full allowance after acting six months (See Page 8, Para 40, of the Military Pay and Audit Regulations) is only applicable to Military Officers and does not apply to an Uncovenanted officer acting for a military one.

Para 221 Page 44 of the Vide mecum rules, "when a military officer officiates for a civilian or a civilian for a military officer the rule is applied so as to affect each in the same manner as if he were officiating in the room of an officer of his own branch of the service." Now the Rules of the Uncovenanted Civil service does not give the full salary to the officiating officer after six months.

Mr. Dopping is mistaken in what he says, he is entitled to, in the last part of Para 2.

The.

Original letter returned.

(3)

Mr 18th Dec 28
C/O Secy of Govt
12/12/44

From Mr. Dopping. Civil Eng.

Cost 4-8 pms/44

1590
1877/1877/44
1234-2942 pms

Regulation that the

1877

Chambers
5/12/44

Refers to the Controller
of Public Works Accounts
for work.

Wm. H. B. R. L.
Secy to Govt

Mr. Dopping is called upon to explain
the cause of the full salary of the
officer in 1877. (See Secy's letter, 1877,
not being paid for pay 8/12/44.

With an Order.

4 The Controller never made the statement contained in Para 3 of Mr. Dopping's letter.

5. With reference to Para 4 of letter, Mr. Dopping is bound by the uncovenanted service rules - vide Page 93 Vol. II of the Fort Saint George Gazette of 1858, and these rules having now been revised by the Home Government he is also bound to be Governed by them.

6. Mr. Dopping was given full pay after acting six months on a former occasion viz: from the 18th September 1862 to the 18th February 1863 as Acting District Engineer of North Arcot. This amount, with the exception of the last 15 days, was passed in the Civil Paymaster's Office prior to the transfer of the Salary branch of the D. P. Works to this Office, but I think under a mistaken interpretation of the rules, and it is for the Government to decide whether Mr. Dopping ought to ^{be} retrenched this amount or not.

Office of the Contr^r & Aud^r
of P.N. Accounts
Madras 7th April 18

[illegible]

To,
Colonel C. A. Orr R. I.
Secretary to Govt. P. H. D.

Mr. Drippings case and to his being
allowed, under it, to draw full pay for
the whole period, he acted as 2^d Class
Executive Engineer - Captain Harrington
for whom he officiated not having
drawn any portion of the salary of
the office during that period -
John Peterson will
also quote the prohibitory rule
referred to by him in the latter
clause of para 2.

to the Controller
Auditor of Probate
Chester R. Fox

From Mr. Dopping, Civil Engineer.
 Requesting that the Controller of M.R. & C.
 may be called upon to explain the cause
 of the full salary of the appointment
 of 2nd Class Engr. not being paid to
 him for Jan & February, 1864 -
 From Cont. & Audr of M.R. & C. accounts
 Reports on the claims of Mr. Dopping
 for full salary after the expiration of
 6 months service.

H.E. dated 4th April 1864.

From Mr. Dopping
 Reports upon the claim of Mr. Dopping
 for the full salary of his acting
 appointment.

H.E. dated 7th April 1864 No. 2942.

H.E. dated 12th April/64 No. 2980.

In his letter
 recorded above, Mr.
 Dopping admits, un-
 der a rule applicable
 only to military officers,
 his claim to the full
 salary of the appoint-
 ment of 2nd Class En-
 engr. for the period he
 officiated as such in
 excess of six months.
 The question of
 that gentleman's actual
 allowances, which is
 now before Govt, must,
 however, be considered
 with reference to the
 special rules of the
 P.W.D., or to the general

MR

JP

1864 Date
 19/10/64
 19/10/64

From
 Mr. Dopping & Mr. Williamson & Co.
 Cont. & Audr of M.R. & C. accounts.
 Mr. Dopping & Mr. Williamson & Co.
 Cont. & Audr of M.R. & C. accounts.

1864 Date
 19/10/64
 19/10/64

From
 Mr. Dopping & Mr. Williamson & Co.
 Cont. & Audr of M.R. & C. accounts.
 Mr. Dopping & Mr. Williamson & Co.
 Cont. & Audr of M.R. & C. accounts.

Under the rule quoted
 para 2 of the letter, Mr. Dopping
 case appears to come within the
 provisions of para 195 page 38 & 39
 of the Manual which expressly
 to an unincorporated demand of
 in any appointment for a number
 of the same service, so much of the
 salary of the station as equi-
 the sum deducted on account
 absence from the local income
 the Controller and Auditor of the
 M.R. & C. accounts will be required
 & that if there are any officers
 to the rule being applied to

rules of the Unemancipated
service. if the former
be found not to meet
the case.

In his earlier re-
port on the claim, the
Com. & Under Secy. advised its rejection
on the ground that "the
rules of the Unemancipated
Civil Service do not give
the full salary to the
Special Agent after
six months;" but on its
being pointed out to
him that so far from
this being the case,

these rules expressly
give alocum tenens
"so much of the salary
of the situation as
equals the sum deducted
on account of absence
from the real incumbent"
and that under them
W. Dopping was ap-
parently entitled
to the full pay of 2^d
Class Engr. from
the date the permanent
incumbent - Capt. Waring -

he ceased to draw any
portion of the salary
of the appointment.
Col. McKieson changes
the ground of objection
and declares that W.
Dopping, being an officer
of the P.M.D., must
abide by the special
rules which guide
the department - and
cannot, ^{consequently} claim under
the general rules. Sec.
rules.

The final comment
with the Com. is that
the special rules of
the P.M. govern all the
other members of the
dept. but Col. McKieson
has failed to quote
any rules which with-
~~hold from that dept.~~
~~the privilege~~
holds from Special
unemancipated Officers
in that dept. the pri-
vilege of receiving the
salary ~~as~~ ^{per} ~~for~~ ^{fe} ~~fe~~
by the permanent incum-
bent. The question
is one which the
departmental rules

do not provide for; and
under these circumstances
the general rules of the
uncompensated service
must be held ~~open~~
to govern it.

These rules it
has already been stated
allow full salary from
the date it becomes
available. It will
accordingly direct
that the full salary
of the office of 2^d ~~Asst.~~
Ec. Engr. be passed
to Mr. Dopping from
the 30th June 1863 - the
date of his first
appointment to office.
When, the ^{Cont.} ~~Ec.~~ reports
it was available.

(3)

W.B.

no 696 @ 699

J. H. Dopping, Secy
Comdr & Under Secy
Academy
April 1864

30
Dec 1863

471864 Dep't
Pro. of Gov't for Shuck

N. 1204
Pro. of the Algon?
Dep't April/64

Pro mission granted
for the full salary of
the Office of 2^d Assis't
Exp. Eng'r being passed
to Mr. Dopping from
30 June/63. the date of
his first appointment
to Affiliated.

No 696. 699