

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 687	Press ~~Mis.~~
486.487	
Dated	29-3-1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
29th March 1865.*

No. 486. Read the following Proceedings of the Madras Government in the Military Department:—

Communicating a letter from the Controller of Military Accounts, affording his explanation with reference to the allowances of Major Gib, Assistant Conservator of Forests. } (Here enter 4th March 1865, No. 880.)

No. 487. ORDER THEREON, 29th March 1865, No. 687.

Forests, No. 11.

Under the circumstances stated, Major Gib can only receive Rupees 765 per mensem, the whole of which will be a charge on the Forest Department.

(True Extract.)

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

To the Military Department.
„ the Conservator of Forests.

Exd, S. T. Augustin.

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MILITARY DEPARTMENT.
PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

Proceedings of the Madras Government,
Revenue Department.

Requesting that the Controller may be called upon for a report on the letter of Major Gib, Assistant Conservator of Forests, in advertence to the point that, although the salary of the Office now held by him will, for all future incumbents, be consolidated, Major Gib does not himself draw a consolidated allowance.

Here enter 6th February 1865, No. 231.

Referred for the consideration and report of the Controller of Military Accounts.

13th February 1865.

Report from the Acting Controller of Military Accounts, Fort Saint George, 17th February 1865, D.

I have the honor to return the Proceedings of Government in the Revenue Department, dated 6th February 1865, No. 231, referred for report under your docket of the 13th February 1865, and to observe that Major Gib's plea, that, although he holds an appointment to which a consolidated salary is attached, he does not draw a consolidated salary, does not appear to me to avail in regard to any prospective increase claimed.

2. It appears that Government in their Order, dated 14th October 1862, No. 2211, paragraph 3, decided that present incumbents were not to be prejudiced by the consolidation of salaries in the Forest Department.

3. I do not suppose that Government meant more by the provision than the usual security against a reduction of the salary of present incumbents—the terms of the decision, “present incumbents, of course, not being prejudiced,” certainly do not indicate any special meaning, or an extraordinary application of the principle observed in such changes.

4. The security conceded in such cases to present incumbents is that the position in which the Order finds them shall not be prejudiced by the revision of salaries.

5. When Major Gib was first appointed to the Forest Department as Assistant

18th September 1860.

Conservator, and the salary of the appointment was fixed, his receipts in the appoint-

ment were, under the rules then in force, limited prospectively to Rupees 300, in addition to a Captain's pay and allowances, because promotion to the rank of a Field Officer then disqualified him for holding the Office; and, giving even a wider application to the principle of security, with reference to any expectations formed on the original terms of the appointment, Major Gib's present claim is not supported.

6. Major Gib had no grounds, after the salary of his appointment had been consolidated at Rupees 700, and the appointment was placed upon a new footing, for expecting that he should be allowed future accessions to his salary on the attainment of higher Military rank—he was secured in what he then received, but on promotion, it was a matter for his consideration, as in the case of Military Officers, generally, holding Civil appointments, whether it was more advantageous for him to continue in Civil employ, or to revert to Military duty.

7. It is not the province of this Office to say what Major Gib should receive: as he is employed solely in the Civil Department, and under the orders of the Government of India, his receipts are wholly chargeable to that Department; Resolution, Financial Dept., No. 14,416, dated 19th December 1861.
Resolution, Financial Department, No. 821, dated 11th February 1864.

but, as regards the particular point referred, the consolidation of the salary of the Office restricted him to Rupees 765, (in lieu of the consolidated salary) in which he was secured, only because he was actually in receipt of that amount under the terms of the Order of the 18th September 1860.

8. Major Gib lays much stress upon the fact that the salary which he draws is not the consolidated salary of the appointment; but the real question is whether Government, by its Order of the 14th October 1862, No. 2211, intended to declare that Major Gib should, under the Order of 18th September 1860, be secured not only in his then receipts, but in any pay that might be due to Military rank subsequently attained, were he employed in the Military Department.

9. The principle has been clearly enunciated, that, where a salary is fixed for a Civil Office, nothing in excess is due to Military rank, and practically, in cases where, in some subordinate grades, a salary, in addition to the pay of rank, is fixed, the maximum amount of remuneration which the Civil Department is prepared to allow for the duties must place a restriction on the rank of the incumbent.

ORDER, No. 880, 4th March 1865.

Ordered that the foregoing letter from the Controller of Military Accounts be communicated to the Revenue Department, with reference to the Proceedings in that Department above recorded.

(True Extract)

Marshall

Secretary to Government.

To the Revenue Department. *With 100 paid copies*
" Controller of Military Accounts.
" Military Accountant.
" Examiner Pay Department.
" Adjutant General.

Ed. T. Stubbs.

The point of the Govt in consolidating the salary of the Officer of the Conservancy Dept was to get rid of the anomaly arising out of the increasing pay due to increase of military rank - I think Major Gib cannot claim more than
Letter to Mr. R. 760
3rd Dec 1864

Major Gibbert, Conservator of Forests represents that he ought to draw his military pay as Major plus his civil pay as Conservator (640 + 800 or 400? I suppose). He relies on the following orders:

1860, 4th March 1864 - When he was appointed Govt ordered that he should draw Rs 1000 a month civil pay besides military pay & allowances.

14th Oct 1862, 2211.

In Oct 1862 Govt on the recommendation of Capt Biddome resolved that the assistants in the forest department should be placed on a scale of salary Rs 800, 700 & 500 per annum. Capt Biddome gave his reasons

that Major Morgan was drawing
640 military pay + 400 civil pay
or more than himself, that
Captain Gib (applicant) would
soon become a Major, & that
the forest department could
not afford to pay as large a
sum as R1040 to the incumbents
of the offices held by the Govt.
in his orders say that the
proposals are made because under
the present system as an officer
advances in Military rank he
without reference to his Civil
Service gets a corresponding increase of pay
we are referred to the de-
partments. They refer to this
principle in the consolidated
salaries are to be calculated
"present incumbents of course"

15 Dec 1882, 2615
pam 2

not being prejudicial to adopt
Capt Biddome's proposals

In reviewing the Conservators
Budget for 1883 - the Govt say
allowing border of, the 1st 1882
That order does not guarantee
to the (present incumbents)
the higher allowances to which
they may be entitled by their
future promotion in the Mili-
tary department; & alluding to
"Capt" Gib they say: Should he
attain his majority hereafter
any higher allowance to which
he may be entitled
cannot be charged to the
Forest Department

When Major Gib got his pro-
motion he applied for increased
pay. Govt then said they had struck
out of the Budget the provision
made in it for Major's allowance

in anticipation of Capt Lib's
expected promotion, leaving him
to receive whatever additional
sums might be payable for the
Military Department, & to send
the application to that department
with an intimation that R785
per mission was in the
could be passed in the Civil de-
partment.

The Military controller
now refuses to give any thing to
Major Lib on the belief that
govt. did not intend to guarantee
him any thing more than the
consolidated pay of a Subsis-
tant after his promotion.

In M. Military
Dept. 4th
Mar 1865

The gov^t of India have ordered
(in accordance with directions of
the Secretary of State that the
Civil Department should bear
the entire charge on account.

Pro. Madras Gov
5th Mar 1865

D. 18th Sept
1864 No 1699

Resume

on account of the emoluments
of a military officer in civil
employ.

Major Lib was promoted
on the 4th April 1863. When
Capt Biddome asked whether
he could draw any extra allow-
ance in the military department
as he could not do so in the Forest Dept.
govt. brought the application
to the military department with
the intimation that R785 (his
former pay) was all that would
be given him in the Forest De-
partment.

In their order of Oct 1862
govt. resolve to attach the con-
solidated salaries to the posts
of Assistant Conservators of
forests because ^{Capt Lib} Major Lib
among others would become

too heavy a charge on the
Civil Department after he
became a major unless the
rules were consolidated. They
evidently intended thereby
that he should not be able
to obtain more than the conso-
lidated rate after his promotion
or rather more than the R765,
R765 in excess of the consolidated
rate, which he had previously en-
joyed. In their subsequent or-
ders however govt seem to think
that Major Gib may get an
extra allowance for the mili-
tary department; but whether
this order of the Imperial
govt quoted above is
to be in force

29

22nd March 05 R25

that put clearly in mind that Major Gib
should get R765 from the Great Dept. and no
more - but they left him to enjoy besides
any thing that under military rules he could
get - this proves the point - If an exception
made in his favor, it will run on for the next 10 years.

No. 14 Oct 1862 11:15-182
6 Feb 1865 107-108
12:10 March 1864 137-138

No. 687.

Under the ci.
Circumstances
stated herein
it can only
be seen that
the whole
of which will be
a charge on the
Trust kept

L. D.
29th March/65.

To the Secretary of the Govt. of Madras
The Conservator of Forests with C. M.
Off. Ch. 880 V.

4/11/65 No. 1512 1864-67.

Year 1865 (V. part)
No. 653.

Proceedings of the
Madras Govt. in
the Military Dep't.

Dated 11th March
Received 8th 1865.
No. 880.

Communicating
a letter from the Con-
troller of Mil. Accounts
affording explanation
with reference to the al-
lowances of Major Lib.
A. H. Coner of Forests.
From the Off. Consr. of
Forests dated 6th May/65 at 1235.

No. 687 2/11/65.

Without Order

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