

(1) Number of pages 16

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(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 2197	Press
522-23	Mis.
Dated 22 7	1867.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
22nd July 1867.*

No. 522. Read the following letter from the Superintending Engineer, 3rd Division, to the Secretary to Government, Public Works Department, dated Bellary, 8th July 1867, No. 959 :— •

I have the honour to submit, for the decision of Government, the accompanying original docket* from the Executive Engineer, Kurnool Range, with the correspondence that accompanied it.

• No. 157, dated 29th June 1867.

Docket from the Officer in charge of Kurnool Range, to the Superintending Engineer, 3rd Division, dated Kurnool, 29th June 1867, No. 157.

Forwards the undermentioned correspondence relative to the disallowance of his travelling allowance for 18th April 1867, and requests to send them to Government for their decision :—

Copies of

1 Memorandum, No. 217, from the Controller to the Executive Engineer, Kurnool Range, dated 28th May 1867.

1 Letter, No. 124 of 10th June 1867, from the Executive Engineer to the Controller.

1 Letter, No. 741 of the 14th June 1867, from the Controller to the Executive Engineer, Kurnool.

1 Letter, No. 139 of 17th June 1867, from the Executive Engineer to the Controller.

1 Letter, No. 788 of 22nd June 1867, with copy of the enclosure, from the Controller to the Executive Engineer.

No. 217.

MEMORANDUM.

Travelling allowance claimed by Captain Hunter for the 18th April, is inadmissible. It has been ruled by Government that journeys such as that made by Captain Hunter on the day in question, during a halt of no less than twenty-eight days at his head-quarters, do not constitute a claim to travelling allowance.

(Signed) W. A. HART,
Acting Deputy Controller, P. W. A.

MADRAS,
28th May 1867.

From the Executive Engineer in charge of Kurnool Range, to the Controller of Public Works Accounts, dated Kurnool, 10th June 1867, No. 124.

1. I have the honour to acknowledge the receipt of your Memorandum No. 217, dated 28th May 1867, disallowing a day's travelling allowance claimed by me for the 18th April 1867, on which day I travelled twelve miles, as an excursion six miles out and six back on public duty.

2. As it has been ruled by Government that journeys of this kind do not constitute a claim to travelling allowance, I suppose there is no appeal; but in justice to myself I must point out that the claim is in strict accordance with the Travelling Allowance Rules, furnished for our guidance.

3. Paragraph 1 of those Rules lays down that a journey beyond five miles from an Officer's ordinary residence constitutes a claim to travelling allowance. Paragraph 2 distinctly lays down that for travelling on public duty any distances not exceeding twenty miles, whether as an excursion ten miles out and ten back, or the whole in one direction, Officers shall be allowed travelling allowance.

out and 10 back or the whole in one direction Officers shall be allowed travelling allowance.

Proceedings of the Madras Government, Public Works Department.
22nd July 1867.

3. My case falls clearly within this, but to avoid the annoyance and humiliation of having my claims summarily disallowed for the future, I request that you will be so good as to inform me whether the new ruling finally cancels the clauses in paragraphs 2 and 4 of the Travelling Allowance for excursions out and back.

From the Acting Controller of Public Works Accounts, to the Officer in charge of Kurnool Range,
dated Madras, 10th June 1867, No. 741.

With reference to your letter No. 124, dated 10th instant, I have the honour to state that Rule 1, Clause 1 of the Travelling Allowance Rules, applies to Officers employed in field ten miles beyond their fixed station, permanent or temporary, who do not halt more than three days, and to those who, under peculiar circumstances, are compelled to live in tents for a longer period. The mere visiting works within reach of an Officer's residence during a halt of more than three days (Sunday excepted) does not entitle an Officer to claim travelling allowance under the above-mentioned rule.

From the Executive Engineer in charge of Kurnool Range, to the Controller of Public Works Accounts, dated Kurnool, 17th June 1867, No. 139.

1. I have the honour to acknowledge the receipt of your letter No. 741, dated 14th June 1867, giving the meaning of Rule 1, Clause 1 of the Travelling Allowance Rules.

2. To facilitate reference I extract this Clause: "No travelling allowance shall be granted in any case where an Officer does not proceed to a greater distance than five miles beyond the boundary of his station, or from his ordinary residence, permanent or temporary, or standing camp."

It is surely a fair inference from this that when an Officer does proceed to a greater distance than five miles from his ordinary, permanent residence, he has established a claim to travelling allowance for that day.

Your rendering of the clause however is different.

To quote from your letter under reply, "Rule 1, Clause 1 of the Travelling Allowance Rules applies to Officers employed in the field ten miles beyond their fixed station, permanent or temporary, who do not halt more than three days, and to those who, under peculiar circumstances, are compelled to live in tents for a longer period. The mere visiting works within reach of an Officer's residence during the halt of more than three days (Sunday excepted) (sic) does not entitle an Officer to claim travelling allowance under the above-mentioned rules."

I submit that none of this is to be found in Rule 1, Clause 1, above quoted.

3. Rule 1, Clause 2, expressly states that for travelling on public duty any distance not exceeding twenty miles, whether as in an excursion ten miles out and ten back, or the whole in one direction in one day, Officers shall be allowed travelling allowance. My claim is that on the 18th April I travelled on public duty a distance greater than ten miles, and less than twenty, viz., six miles out from my permanent residence and six miles back as an excursion, and that I am therefore entitled to travelling allowance for that day, and that the rules as they stand do not justify you in disallowing it.

I therefore request that this correspondence may be submitted to Government for decision, for if Rule 1, Clause 1, have the meaning now attributed to it, it will be impossible for an Officer to feel confident that any of the rules are to be explained by the simple meaning of the words they contain.

From the Acting Controller of Public Works Accounts, to the Executive Engineer in charge of Kurnool Range, dated Madras, 22nd June 1867, No. 788.

With reference to your letter No. 139, dated 17th instant, I have the honour to furnish you with an Extract of the Proceedings of Government, under which the travelling allowance claimed by you for the 18th April last has been disallowed. If you feel dissatisfied with the decision of this office, you can refer the matter to Government, through regular channel.

Proceedings of the Madras Government, Public Works Department,
22nd July 1867.

Extract from the Proceedings of the Madras Government, Public Works Department,
dated 22nd May 1867, No. 1,549.

Paragraph 1. The rules provide for the grant of travelling allowance to Officers of the Public Works Department, during occasional halts at head-quarters of not more than three days, and no allowance whatever is claimable under those rules when the halts are of longer duration.

2. It appears from Mr. Smith's Inspection Report for March, that between the 14th and 31st idem he did not pass a single night away from his head-quarters, and although he is shown to have visited works during that interval, yet as the journeys made by him do not constitute such travelling as is contemplated by the rules, he must be considered as having remained at his fixed station during the period in question, and to have forfeited his claim to travelling allowance.

(True Extract.)

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

(True Extract.)

(Signed) J. SHAW STEWART,
Acting Controller of Public Works Accounts.

No. 523. ORDER THEREON, 22nd July 1867, No. 2,197.

ESTABLISHMENT, No. 51.

As the ruling in the Proceedings of Government of the 22nd May 1867, No. 1,549, exactly applies to the case

of Captain Hunter, no further orders are necessary on the claim submitted in the foregoing papers.

(True Extract.)

(Signed) J. H. M. SHAW STEWART, Major, R. E.,
Under Secretary to Government.

To the Superintending Engineer, 3rd Division.
" Controller of Public Works Accounts.

Exd. S. T. Augustin.

out and 10 back or the whole in one direction Officers shall be allowed travelling allowance.

No 217

Madras 28th May 1867 35

Memo

Travelling allowance claimed by Captain Hunter for the 18th April is inadmissible. It has been ruled by Government that journeys such as that made by Captain Hunter on the day in question, during a halt of no less than 28 days at his Head Quarters, do not constitute a claim to travelling allowance.

Signed / W A Stark

As Deputy Controller P.W. Accounts.

No 124 of 1867/68

Kinnock Range Office
Kinnock, 10th June 1867

From

Captain J. A. Hunter R.E.

To
Executive Engineer in Charge of Kinnock Range
The Controller of Public Works Accounts
Madras.

Sir I have the honor to acknowledge the receipt of your Memo No 217 dated 28th May/67 disallowing a day's Travelling allowance claimed by me for the 18th April/67 on which day I travelled 12 miles as an excursion 6 miles out and six back on public duty.

As it has been ruled by Government: that journeys of this kind do not constitute a claim to travelling allowance. I suppose there is no appeal, but in justice to myself I must point out that the claim is in strict accordance with the travelling allowance Rules furnished for our guidance.

Para 1 of those Rules lays down that a journey beyond 5 miles from an Officer's ordinary residence constitutes a claim to travelling allowance. Para 2 distinctly lays down that for travelling on public duty any distance not exceeding 20 miles - whether as an excursion 10 miles out and 10 back or the whole in one direction Officers shall be allowed travelling allowance.

Yrs

My case falls clearly within this and to avoid the annoyance and humiliation of having my claims summarily disallowed for the future. I request that you will be so good as to inform me whether the new ruling finally comes to the clause in Para 284 of the Travelling allowance for excursions out and back.

I have recd
Signed J. H. Stewart Esq.
Executive Engineer in Charge of
Kurnool Range

Kurnool
10th June 1867

No 741
From
To
Sir

Office of the Controller of P.W. Accounts
Madras 14th June 1867.

The Controller of P.W. Accounts.
The Officer in Charge of Kurnool Range

With reference to your letter No 124 dated 10th Instant, I have the honor to state that Rule 1 Clause 1 of the Travelling allowance Rules applies to Officers employed in field 10 miles beyond their fixed station, permanent or temporary, who do not halt more than three days, and to those who under peculiar circumstances are compelled to live in tents for a longer period. The mere visiting works within reach of an Officer's residence during a halt or more than three days (Sunday excepted) does not entitle an Officer to claim travelling allowance under the above mentioned rule.

I have recd
Signed J. H. Stewart Esq.
Controller of P.W. Accounts

No 139 of 1867/68

From
The Executive Engineer in Charge of
Kurnool Range
To
The Controller of P.W. Accounts
Madras.

Sir
I have the honor to acknowledge the receipt of your letter No 741 dated 14th June 1867 giving the meaning of Rule 1 Clause 1 of the Travelling allowance Rules.

2 To facilitate reference I extract this clause
"No Travelling allowance shall be granted in any case, where an Officer does not proceed to a greater distance than five miles beyond the boundary of his station, or from his ordinary residence permanent or temporary or standing camp"

It is surely a fair inference from this that when an Officer does proceed to a greater distance than 5 miles from his ordinary permanent residence he has established a claim to Travelling allowance for that day.

Your rendering of the Clause however is different. To quote from your letter under reply "Rule 1 Clause 1 of the Travelling allowance Rules applies to Officers employed in the field 10 miles beyond their fixed station, permanent or temporary, who, do not halt more than 3 days and to those who under peculiar circumstances are compelled to live in tents for a longer period. The mere visiting works within reach of an Officer's residence during the halt of more than 3 days (Sundays excepted) (sic) does not entitle an Officer to claim travelling allowance under the above mentioned rules."

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I submit that none of this is to be found in Rule 1 Clause 1 above quoted.

3 Rule 1 Clause 2 expressly states that for travelling on Public duty any distance not exceeding 20 miles whether as in an excursion 10 miles out & 10 back or the whole in one direction, in one day officers shall be allowed travelling allowance. My claim is that on the 18th April I travelled on Public duty a distance greater than 10 miles and less than 20 viz 6 miles out from my permanent residence and 6 miles back as an excursion and that I am therefore entitled to travelling allowance for that day and that the rules as they stand do not justify you in disallowing it.

I therefore request that this correspondence may be submitted to Government for decision, for if Rule 1 Clause 1 have the meaning now attributed to it, it will be impossible for an Officer to feel confident that any of the Rules are to be explained by the simple meaning of the words they contain.

Mumoo 6
17th June 1867

I have
Signed J. H. Hunter Esq. D.C.
Executive Engineer In-charge
of Mumoo 6
Range

17/6/67

Office of the Controller of
Madras 22nd June 1867

N^o 788

From,

The Acting Controller of
Madras

To,

The Executive Engineer In-charge of
Mumoo 6 Range.

Sir,
With reference to your letter No. 17th instant, I have the honor to furnish you with an Extract of the Proceedings of the Government, under which the travelling allowance claimed by you for the 18th April has been disallowed. If you are dissatisfied with the decision of this Government, you can refer the matter to Government through regular channel.

I have &c
Signed J. H. Hunter Esq.
Acting Controller of

Extract from the Proceedings of the
Government, Public Works Department,
22nd May 1867. N^o 1549.

N^o 529

Para 1. The rules provide for the
of travelling allowance to Officers
of the Public Works Department
during occasional halts at head-quarters
of not more than three days, and no
whatsoever is claimable under those rules
the halts are of longer duration.

It appears from Mr. Smith's Inspection Report for March that between the 14th and 31st when he did not pass a single night away from his head quarters, and altho he is shown to have visited works during that interval, yet as the journeys made by him do not constitute such travelling as is contemplated by the Rules, he must be considered as having remained at his fixed station during the period in question, and to have forfeited his claim to travelling allowance.

(True Extract)

Signed Charles A. Orr C.E. R.E.

Secretary to Government
(True Extract)

Signed J. Shaw Stewart.

Ap. Controller of P.W. Accounts
(True Copies)

J. C. Wheeler Capt. R.E.
Executive Engineer in charge
of Kurnool Range

1867/25394/67

+ No. 157 dt. 29 June 1867.

I have the honor to submit for the decision of Government the accompanying original (Docket from the Executive Engineer Kurnool Range with the correspondence that accompanied it.

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A. W. B. Major E.
Superintending Engineer

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S. Engr 3rd and
Controller -

Recd 23/7/67

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[Signature]

No. 157 of 1867/65
From
The Officer in charge of

To, The Superintendent Engineer
Kurnool Range.

Station Kurnool

Dated 29 June 1867

Received
Subject

Enclosed the inclosed

mentioned correspondence relative to the disallowance of his travelling allowances for 18th April 1867 and requests to send them to & out for their decision.

Copies of

1 Memo 13217 from the Comr. to the Engr. Engineer in Charge dated 28th May 1867.
1 Letter 124 of 10th June 1867 from the Comr. Engineer to the Controller.

Range

21/97
From Govt of Madras
No 2597

From the Supt. Engrs 3rd Div

To the Secy to Govt 1st Div

By 8th Dec 12th } July/67
En: 3rd No 59.

Submitting for orders
Captain Hunter's claims to
travelling allowance
for April last

No 522
C. 15th July 1867. A. 18th
2197-22nd July 1867

Public Works Department.

2197
2197

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 22nd July/67

Read the following

From the Supt. Engineer of the
3rd Division (Here enter No 959 dated 8th July/67)

As the ruling in
the Proceedings of Govt
of the 22nd May 1867,
No 1549, exactly ap-
plies to the case of
Captain Hunter, no
further orders are ne-
cessary on the claim
submitted in the fore-
going papers.

W.D.

The S. Engr 3rd Div
Controller - ✓

Recd 23/7/67

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W.D.

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P. W. 1867. Department.
Pro: of Govt for July
No. 2197

PROCEEDINGS OF GOVERNMENT *of Madras*

Dated *22nd July 1867*

*Disallowing the
claim of Captain. Munder
Executive Engineer. Kurnool
District to travelling allowance
for the 18th April last.*

No. 522-523