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(2) Date of repair _____

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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. <i>14</i>	Press
<i>24-25</i>	Mis
Dated <i>4 - 1 -</i>	<i>18 68</i>

Not to be folded or roughly handled

No. 24. Read the following letter from the Officiating Superintending Engineer, 8th Division, to the Secretary to Government, Department Public Works, dated Madura, 17th December 1867, No. 1,886:—

1. I have the honor to submit, for the orders of Government, claims for travelling allowance, which are not admitted by the Controller.

2. A Sub-Engineer has halted three days at his fixed station, the fourth day he has made an inspection five miles distant, the fifth day he has made an inspection three miles off, and the Controller disallows tentage for the five days, "the entire period being regarded as a halt, under the provisions of the Orders of Government of India, recorded in Proceedings of Government, No. 3,566, dated 19th idem."

A Talook Overseer halts at seven miles distance from his fixed station, remains there three days, and the following day proceeds to a point sixteen miles from his fixed station, and the Controller disallows tentage "under the same orders," for the three days of halt.

3. Now, by the rules that have been in force for some years past, the Sub-Engineer may draw his tentage for five consecutive days at head-quarters, if the Superintending Engineer passes his bill, and likewise the Overseer may draw his allowance for three days; and it appears to me that the Controller has put quite a wrong construction on paragraph 2 of the letter from the Secretary to the Government of India. The interpretation of the Rules as there laid down regarding Officers, is in a more liberal spirit than had been enforced latterly by the Controller; for Clause 2 allows the travelling allowance for marches within a radius of ten miles, to which objection had previously been made. Then, paragraph 2 applies an analogous interpretation for Upper Subordinates, and the Controller takes this to mean that subordinates are to be brought under the same rules as Officers. If this had been intended, Clause 6, paragraph 2 of the Travelling Allowance Rules would have been cancelled, as this Clause grants the tentage during the continuance of such duty as renders it necessary for a Subordinate Officer to keep up a tent and carriage for it, &c.

It appears to me on the contrary, that by the analogous interpretation, the Upper Subordinates are to have disputed claims adjusted by the more liberal reading of the rules, and not that they should be brought under the rules of the Officers which are much more strictly defined. The tentage allowance has been always given to subordinates under certain conditions, when they maintain a marching equipage, without restriction as to the number of days of halt, the Superintending Engineer being at liberty to pass horse allowance instead, according to his judgment; but when a subordinate has to remain at one place within the ten miles radius for a few days, keeping up his marching establishment, it is surely not intended that he should suffer a reduction of his travelling allowance.

4. The Controller applied* to Government to pass bills of Upper Subordinates for the previous month in general terms, without explaining the change he proposed to make; and his Circular of the 23rd November, No. XX., merely requires that the name of "fixed station" should be entered at the head of the Inspection Reports of subordinates. Thus, the Government could not be

* G. O. No. 3,630 of 22nd November 1867

distance

*Proceedings of the Madras Government, Public Works Department,
4th January 1863.*

aware of the radical alteration in the rules that the Controller makes; and it is only on bills being cut down, that the measures he intended to adopt have been known.

5. Again, by the Controller's objections, an entirely new question is opened, as to the three days' halt which has been always allowed to Executive Officers. By Rule 1, Clause 3, tentage is passed continuously, provided an Officer does not halt more than three days; Clause 2, paragraph 1 of the letter of the Government of India, reads "provided he never halts for three days," which strictly taken, means not more than two days. I imagine the restriction to two days was not contemplated; and that the meaning is, provided he never halts for three days, without marching on the fourth; but unless this is clearly understood, questions on the point must arise, and be referred to the Government.

6. Hence, I beg to be informed whether in the instances brought forward a Sub-Engineer is not entitled to tentage for five continuous days at head-quarters, the Superintending Engineer being satisfied of the necessity of the halt; and whether the Talook Overseer is not entitled to tentage for three days' halt, at a place more than five miles distant from his head-quarters. As general questions likewise, the Sub-Engineer might have been more than five days halting, and the Talook Overseer more than three days, in which cases, I should have argued that the travelling allowance was admissible.

No. 25. ORDER THEREON, 4th January 1863, No. 14.

ESTABLISHMENT, No. 3.

The construction placed by the Controller of Public Works Accounts on the provisions of the Travelling Allowance Rules under which he considered the claims referred to in this letter to be inadmissible, appears to be in accordance with the ruling of the Government of India in their letter of the 1st November 1867, No. 1,509.

(True Extract.)

Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 8th Division.
" Controller of Public Works Accounts
To all other Superintending Engineers

Exd. F. R. Bantleman.

*Superintendent Engineer's Office S. Division
No. 1886. Madras. 17th December 1867.
From: Captain H. S. Trendergast M.E.
Off. Superintending Engineer
S. Division
To: Colonel C. A. Croome
Secretary to Government P.W.D.
Madras
Sir, I have the honor to submit for the
Orders of Government, claims for travelling
allowance, which are not admitted by the
Controller. 2. A Sub-Engineer, has halted 3 days
at his fixed station. the 1st day he has made
an inspection 5 miles distant; the 2nd day
he has made an inspection 3 miles off
and the Controller disallows tentage for the
3 days. The entire period being regarded as
a halt, under the provisions of the Orders of
Government of India, recorded in Proceedings
of Government. No. 3566 dated 19th Sept.
A Taluk Overseer, halts at 7 miles
distance*

distance from his fixed station, within a time
3 days, and the following day, to a
point 10 miles from his fixed station; and the
Controller disallows his stage under the rule
for the 3 days of halt.

3. Now, by the rules that have been laid down
for some years past, the Sub Engineer may draw
his stage for 5 consecutive days, at Head
Quarters, if the Superintending Engineer passes
his bill; and likewise the Engineer may draw
his allowance for 3 days; and it appears to me
that the Controller has put quite a wrong
construction on para 2 of the Letter from the
Secretary to the Government of India. The
interpretation of the Rules in their laid down
regarding Officers, is in a more liberal spirit
than had been enforced hitherto by the Controller.
For Clause 2, allows the travelling allowance
for marches, within a radius of 10 miles; to
which objection had previously been made.
Then, para 2 applies an analogous interpreta-
tion for Upper Subordinates; and the Controller
takes

takes this to mean, that Subordinates are to
be brought under the same rules, as Officers.
If this had been intended, Clause 22 para 2
of the Travelling Allowance Rules, would
have been cancelled; as this Clause grants
the stage, during the continuance of such
duties, renders it necessary for a Subordi-
nate Officer to keep up a tent and Carriage
for it &c. —

It appears to me, on the contrary,
that by the analogous interpretation, the
Upper Subordinates, are to have disputed
Claims adjusted, by the more liberal reading
of the rules; and not that they should be
brought under the rules of the Officers which
are much more strictly defined. The tentage
allowance has been always given to Subordinates,
under certain conditions, when they maintain
a marching equipage; without restriction as
to the number of days of halt; the Superintending
Engineer being at liberty to pass horse allowance
instead, according to his judgement; but
when

when, as Subordinate, had to remain alone, & within the 10 miles radius for a few days; keeping up his marching establishment: it is surely not intended that he should suffer a reduction of his travelling allowances.

4. The Controller, applied to Commandment, to pass bills of Officer Subordinates for the previous month, in general terms, without explaining the change he proposed to make; and his Circular of the 23rd Jan. 1879, No. XX, merely requires that the name of "fixed station" should be entered at the end of the Inspection Reports of Subordinates. Thus the Government could be aware of the radical alteration in the rules, that the Controller makes; and it is only on bills being put down, that the measures he intended to adopt have been known.

5. Again, by the Controller's objections, an entirely new question is opened, as to the 3 days halt which has been always allowed

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allowed to Executive Officers. By rule 1 Clause III, tentage is passed continuously; provided an Officer does not halt more than 3 days. Clause 2 para 1 of the Letter of the Government of India, reads, "provided he never halts for three days," which strictly taken, means not more than 2 days. I imagine the restriction to 3 days was not contemplated; and that the meaning is, provided he never halts for 3 days, without marching on the 4th: but unless this is clearly understood, question on the point must arise, and be referred to the Government.

6. Once they to be informed, whether in the instances brought forward, a Sub. Engineer is not entitled to tentage for 5 continuous days at Head Quarters, the Superintending Engineer being satisfied of the necessity of the halt: and whether the Sub. Engineer is not entitled to tentage for 3 days halt, at a place more than 5 miles distant from his Head Quarters.

As

As general questions likewise, the Sub-
Engineer might have been more than 5 days
halting; and the Sub-Engineer more than
3 days; in which cases, I should have
argued that the travelling allowance was
admissible —

Yours &c

New Windsor, N.C.

Off. Superintending Engineer S. Division

C. 2200 8002/67. 21. 26

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10-11-4 1867

Submits for the Controller of Public Works Accounts (Mr. King) attention which was not submitted by the Controller of P.W. Accounts.

10-11-4 1867

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10-11-4 1867

Public Works Department
No 14 14

Proceedings of the Madras Government
Under date the 4th Decr 1867

Read the following

From The Offg Supt Engineer } M.C. No 1886 Dated 17th Decr 1867
8th Decr

The Construction placed by the Controller of Public Works Accounts on the provisions of the Travelling allowance rules under which he considered the claims referred to in this letter to be inadmissible, appears to be in accordance with the ruling of the Government of India in their letter of the 1st Novr 67. No 1509.

W.R.

10-11-4 1867

10-11-4 1867

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(7)
P. W. 1868. Department.
Pro of Govt for January
No. 14

PROCEEDINGS OF GOVERNMENT.

Dated 4th January 1868

Passing orders on a
letter from the officiating
Suptg Engrs (Division regard-
ing certain claims for
Travelling Allowances
not admitted by the Controller.

C/24-25