

(1) Number of pages _____

(2) Date of repair _____

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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No.	1407	Press Mis.
724-25		
Dated	10-11-1869.	

Am
Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
29th April 1869.*

No. 724. Read the following letter from Captain J. MULLNIS, R. E., Acting Chief Engineer for Irrigation, to the Secretary to Government, Public Works Department, dated Fort St. George, 14th April 1869, No. 177 :—

1. I have the honour to submit, for the consideration of Government, a letter, No. 61 of the 6th instant, from the Acting Controller of Public Works Accounts, returning the bill for deputation allowance which I had forwarded for audit, and explaining his views of the interpretation which the rules, governing deputation allowances in the Public Works Department, should receive.

2. The Controller has already passed to me, in the pay bill of your office, a deputation allowance at the rate of 200 Rupees a month, and my claim was made for an allowance at the rate of 600 Rupees

	RS.	A.	P.	
* Military pay	433	10	0	
Staff salary	1,000	0	0	
	1,433	10	0	
Deputation allowance ...	600	0	0	
	2,033	10	0	
Chief Engineer, 2nd class ...	2,000	0	0	
† Total ...	33	10	0	

3. There appears to be no rule in the Public Works Department governing directly the amount of salary and deputation allowance which an Officer performing the duties of two appointments may be allowed to draw, but there is an order† in the Financial Department, which the

Controller considers to be applicable likewise to the Public Works Department, which limits the total amount drawn to the salary of the most highly paid of the appointments which an Officer may fill.

4. The question then arises what is the salary (which must not be exceeded) of the most highly paid of the appointments, which I at present fill? On the one hand,

§ Rupees	1,200	0	0	
	433	10	0	
	1,633	10	0	
Deduct pay proper	140	0	0	
	1,493	10	0	
Salary drawn in Public Works Department				

of the higher appointment alone. On the other hand, the consolidated salary, Rupees 2,000, of the higher appointment may be taken as the standard, and this would seem to be the fairer way of interpreting the Rule, because the deputation allowance is confessedly calculated, not upon the Military Staff salary, but upon the Civil consolidated pay.

5. I would ask your perusal of the Resolution in the Financial Department, of the Government of India, dated 18th March last, No. 1,753, which lays down

the rule for the grant of deputation allowances to acting Officers in the Railway Department. Were I acting as Consulting Engineer for Railways, instead of as Chief Engineer for Irrigation and Joint Secretary to Government, I should clearly be entitled to the deputation allowance which I have claimed, even if I were performing only the duties of that one appointment. The consolidated salaries of the two appointments are the same, and the only difference is that the former has no alternative Military Staff salary, and the latter has.

6. The Government of India have shown in their explanation* of the principles on which the salaries of the several grades of the Public Works Establishments were fixed, that the Military Staff salaries were intended, when added to the Military pay of the Officers holding these appointments, to approximate closely to the Civil consolidated salaries fixed for the same appointments. Accidentally the post of Chief Engineer for Irrigation at Madras is now held by a Captain of Engineers, and consequently the total salary attaching thereto is Rupees 368-6-0 less than the consolidated Civil salary, and Rupees 368-10-0 less than a Lieutenant-Colonel would draw. I do not think it was the intention of the Government of India that such considerable differences, to the prejudice of a Military Engineer, should result.

7. I may mention also that for very nearly five years past I have held the appointment of Consulting Engineer for the Madras Irrigation and Canal Company, of which the Military Staff salary is Rupees 1,000, and the consolidated Civil salary Rupees 1,750; and I have drawn altogether Rupees 1,433-10-0 a month during that period, or Rupees 316-6-0 less than a Civil Officer would have received for the same work. I attained the rank of Captain nearly eleven years ago, and it is not improbable that I shall have to wait four or five years more before obtaining a higher substantive Military rank, though I became entitled to the brevet rank of Major, which carries no additional pay, in December last. It will be seen from these remarks that the question I have raised is one of no slight importance to me; and as, whatever my Military rank, the appointment which the Government have done me the honour to confer upon me entails the same expense and the same work, I hope I shall be excused for bringing these circumstances to notice.

8. Lastly, as not altogether foreign to the question, I may point out that the salary, Rupees 1,493-10-0 a month, which the Controller considers to be the maximum which I, individually, can draw in the Public Works Department, is actually less than the maximum, Rupees 1,550, which can be drawn in the same Department by a Superintending Engineer of the 2nd class, 1st grade, while the total salary† drawn by me in the Civil and Military Departments is considerably less than that‡ enjoyed by several of Superintending Engineers to whom I am departmentally senior.

Vide margin of paragraph 4 above.

Rupees † 1,633-10-0.

Rupees ‡ 1,802-4-0.

From the Acting Controller of Public Works Accounts, to the Acting Chief Engineer for Irrigation, dated Madras, 6th April 1869, No. 61.

1. In returning your bill for deputation allowance for the month of March 1869, I have the honour to state that, under the Rules in force in the Public Works Department, an Officer holding a substantive appointment and officiating in another, is permitted to draw deputation allowance at the following rates:—

I Bill

G. O. No. 3,937, 17th December 1868.

- (1.) If acting in a grade immediately superior to his own, the same allowances as if he were confirmed in that grade.
- (2.) If acting in a grade higher than that immediately superior to his own, at the rate of thirty per cent. on Rupees 2,000 and under, and twenty per cent. on the balance, if any, of the consolidated pay of the grade in which he is acting.

2. In all cases of acting appointments, Clause III., paragraph 9, Section 2, Chapter IV., of the Code of the Government of India provides that only such portion of the deputation allowance may be drawn as may bring up the salary of the Officer to the amount which he would be entitled to if confirmed in the lowest grade of the class in which he officiates.

3. The Chief Engineer for Irrigation in this Presidency holds the rank of a Chief Engineer of the 2nd class, in which there are no grades, and the salary attached to the appointment is—

Rupees 1,200 Staff, if held by a Military Officer.

„ 2,000 Maximum, if held by a do.

„ 2,000, if held by a Civilian.

4. Under Clause I., of paragraph 1 above, the appointment of Chief Engineer for Irrigation being immediately superior to your own, you are precluded from drawing more than you would be entitled to if confirmed in that post, viz., Rupees 1,200 Staff, with Military allowances, pay proper being chargeable to the Military Department under the Rules.

5. Adopting, however, the rates mentioned in Clause II. of paragraph 1, the deputation allowance to an Officer Acting as Chief Engineer for Irrigation is Rupees 600 per mensem; but as that amount, added to the Staff salary of your substantive appointment, viz., Rupees 1,000, would raise your receipts above the sanctioned Staff pay of the higher appointment of Chief Engineer for Irrigation, the deputation allowance in your case must be restricted, in my opinion, to Rupees 200, which is the difference between the staff salary of the two appointments.

6. In this opinion I am confirmed by the recent notification of the Government of India, in which it is ruled that when an Officer carries on the duties of more than one office, his entire salary, including acting allowances, must, in no case, exceed the salary of the most highly paid of the appointments which he fills.

Page 244 of "Fort St. George Gazette" of the 10th February 1869.

No. 725. ORDER THEREON, 29th April 1869, No. 1,407.

ESTABLISHMENT, No. 82.

The foregoing letter will be referred to the Controller of Public Works Accounts, who, in the event of his feeling unable to decide on Captain Mullins' claims, will refer them to the Accountant General in the Public Works Department for an authoritative ruling.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, E. R.,

Secretary to Government.

To the Controller of Public Works Accounts.
„ Chief Engineer for Irrigation.
Exd. S. T. Augustin.

Govt. of Madras.

PUBLIC WORKS

Chief Engineer, Public Works

RECEIVED

1st April 1869

1869

1st April 1869

APRIL

Nos. 724-725

Deputation allowance. - Enclosed is a letter from the Acting Chief Engineer for Irrigation regarding his deputation allowance.

Office of the Controller of M. & A.
Madras, 6 April 1869.

N^o 61

From

The Acting Controller of M. & A.

To the Acting Chief Engineer for Irrigation.

Sir

Inclosure
1 Bill

In returning your bill for deputation allowance for the month of March 1869, I have the honor to state that, under the Rules in force in the Public Works Department, an Officer holding a substantive appointment, and officiating in another, is permitted to draw deputation allowance at the following rates:

- | | |
|--|--|
| 1/ If acting in a grade immediately superior to his own, the same allowances as if he were confirmed in that grade. | 2. In all cases of acting appointments, Clause III, para 2, of the Code of the Government of India provides that only such portion of the deputation allowance may be drawn as may bring up the salary of the Officer to |
| 1/2/ If acting in a grade higher than that immediately superior to his own, at the rate of 30 per cent on Rs 2000 and under, and 20 per cent on the balance, if any, of the consolidated pay of the grade in which he is acting. | |

to the amount which he would be entitled to if confirmed in the lowest grade of the class in which he officiates.

3. The Chief Engineer for Irrigation in this Presidency holds the rank of a Chief Engineer of the 2^d Class, in which there are no grades, and the salary attached to the appointment is

Rupies 1200 Staff - if held by a Military Officer.
Rupies 2000 Maximum - if held by a Civilian.
Rupies 2000 - if held by a Civilian.

4. Under clause 10 of para 1 above, the appointment of Chief Engineer for Irrigation being immediately superior to your own, you are precluded from drawing more than you would be entitled to if confirmed in that post, namely, Rupies 1200 Staff, with Military Allowances, pay & per being chargeable to the Military Department under the Rules.

5. Adopting, however, the rates mentioned in Clause II, of para I, the deputation allowance to an Officer acting as Chief Engineer for Irrigation is, Rupies 600

per

per mensem, but as that amount, added to the Staff Salary of your substantive appointment, vizt. Rupies 1000, would raise your receipts above the sanctioned Staff Pay of the higher appointment of Chief Engineer for Irrigation, the deputation allowance in your case must be restricted, in my opinion, to Rupies 200, which is the difference between the Staff Salary of the two appointments.

6. In this opinion, I am confirmed by the recent notification of the Government of India, in which it is ruled

Page 246 of Lat. St. George Gazette, of the 16th February 1869.

that when an Officer carries on the duties of more than one Office, his entire salary, including acting allowances must, in no case, exceed the salary of the most highly paid of the appointments which he fills.

I have the honor to be,
Sir,
Your Most Obedt. Servant

S. Hoof
Acting Controller of Public Works

Encl. 1869.

N^o 177

Fort St George
14th April 1869.

Friend

Captain J. Mullins R. E.
Acting Chief Engineer for Irrigation

To

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

Sir,

I have the honor to submit for the consideration of Government a letter, etc. of the 6th instant, from the Acting Controller of Public Works Accounts, returning the bill for Deputation allowance, which I had forwarded for audit, and explaining his view of the interpretation which the rules, governing deputation allowances in the Public Works Department, should receive.

2. The Controller has already passed to me, in the pay bill of your office, a deputation allowance at the rate of 200 Rupees a month, and my claim was made for an allowance at the rate of 600 Rupees a month, being $\frac{3}{10}$ of the

consolidated salary of the appointment in which I have been acting since the 11th Ultimo, less the amount which that sum, added to the salary of my substantive appointment, would be in excess of 2000 Rupees a month, the consolidated salary of

Salary	1133-10	- consolidated salary of the appointment in which I have been acting since the 11 th Ultimo, less the amount which that sum, added to the salary of my substantive appointment, would be in excess of 2000 Rupees a month, the consolidated salary of
Deputation allowance	600	-
Total	2033-10	-
Consolidated salary of my substantive appointment	2000	-
Excess	33-10	-

10-356
1869 Oct 11
The Secretary to Government
P.W.D.
Colonel C. A. Orr R. E.
Secretary to Government P.W.D.
Deputation allowance bill
for March 1869, and return
being no to what amount
of that allowance, he will
be entitled to under the
rules.

of a Chief Engineer of the 2nd class

3. There appears to be no rule in the Public Works Department governing directly the amount of salary and deputation allowance which an officer performing the duties of two appointments is to be allowed to draw, but there is an order in the Financial Department, which the Controller considers to be applicable likewise to the Public Works Department, which limits the total amount drawn to the salary of the most highly paid of the appointments which an officer may fill.

republished at page 2114 of the Fort St. George Gazette of the 16th Feb. 1869

4. The question then arises what is the salary (which must not be exceeded) of the most highly paid of the appointments, which at present fill? On the one hand it may be taken to be the staff salary of that appointment added to military pay, and this is the view taken by the Controller. The effect of this ruling is to give me precisely the same amount of pay for doing the work of 2 appointments that the rules allow for doing that of the higher appointment alone.

On the other hand the consolidated salary, Rupees 2000, of the higher appointment may be taken as the standard, and this would seem to be the fairer way of interpreting the rule, because the deputation allowance is confessedly calculated not upon the military staff salary, but upon the civil consolidated pay.

5. I would ask your perusal of the Resolution in the Financial Department of the Government of India, dated 18th March last at 1/53, which lays down the rule for the grant of Deputation

Rupees	1200	"	"
"	1133	10	"
"	1633	10	"
"	140	"	"
"	1493	10	"

Deputation allowances to acting officers in the Railway Department. I am a Acting Consulting Engineer in Railways, instead of as Chief Engineer for Irrigation & Port Assistant to Government, I should clearly be entitled to the deputation allowance which I have claimed, even if I were performing only the duties of that one appointment. The consolidated salaries of the two appointments are the same, and the only difference is that the former has no alternative military staff salary, and the latter has.

6. The Government of India have shown in their explanation of the principles on which the salaries of the several grades of the Public Works Establishments were fixed, that the military staff salaries were intended, when added to the military pay of the officers holding these appointments, to approximate closely to the civil consolidated salaries fixed for the same appointments. In the case of the post of Chief Engineer for Irrigation at Madras is now held by a Captain of Engineers, and consequently the total salary attaching thereto is Rupees 366-6-0 less than the consolidated civil salary, and Rupees 562-10-0 less than a Lieutenant Colonel would draw. I do not think it was the intention of the Government of India that such considerable difference to the prejudice of a Military Engineer should result.

I may mention also that for very nearly 5 years past I have held the appointment of Consulting Engineer for the Madras Irrigation and Canal

canal Company, of which the military staff salary is Rupees 1000, and the consolidated civil salary Rupees 1750; and I have drawn altogether Rupees 1433-10-0 a month during that period, or Rupees 316-6-0 less than a civil officer would have received for the same work. I attained the rank of Captain nearly 11 years ago, and it is not improbable that I shall have to wait 4 or 5 years more before obtaining a higher substantive military rank, though I became entitled to the Secret rank of Major, which carries no additional pay, in December last. It will be seen from these remarks that the question I have raised is one of no slight importance to me; and as, whatever my military rank, the appointment which the Government have done me the honor to confer upon me entails the same expense and the same work, I hope I shall be excused for bringing these circumstances to notice.

Lastly, as not altogether foreign to the question, I may point out that the salary Rupees 1493-10-0 a month which the Controller considers to be the maximum which I, individually, can draw in the Public Works Department is actually less than the maximum, Rupees 1550, which can be drawn in the same Department by a Superintending Engineer of the 2nd class, 1st grade, while the total salary drawn by me in the Civil and Military Departments is considerably less than that enjoyed by several of the Superintending Engineers.

wide margin of para 4 above.

*1633-10-0

*1802-4-0

Engineer to whom I am Departmentally senior.

I have the honor to be,
Sir,

Your most obedient servant.
Wm. Cunningham Esq. Capt. R.E.
acting Chief Engineer for Irrigation

To the Comr. of B.N.W. Co. 11/2/89
This is for the sum of Rupees 30/4/89

Public Works Dept.
No. 1107

Proceedings of the Madras Government
Under the 29th April 1869.

Read the following

From the actg Chief Engineer
for Irrigation

(Here enter No 1117 of 14th April 1869)

The foregoing letter
will be referred to the
Controller of Public
Works Accounts, who,
in the event of his feeling
unable to decide on
Capt. Sullivan's claims,
will refer them to the
Accountant General in
the Public Works Deptt.
for an authoritative ruling.

WON
A.A.

[Signature]

[Faint handwritten notes at bottom right]

1700/1869

Public Works Dept.
No. 1107-29th April 1869
Capt. Sullivan's
claims for the consideration
and order of go-
vernment
No. 1107-29th April 1869
Capt. Sullivan's
claims for the consideration
and order of go-
vernment
No. 1107-29th April 1869
Capt. Sullivan's
claims for the consideration
and order of go-
vernment

Defended

Ans 1505.

Court of 1869, Madras.

PUBLIC WORKS.

To The Controller of Public
Works Accounts

Dated

Recd.

29th April 1869 No. 1407

Nos. 724-725

Deputation allowance Paying
orders on the letter from
the Acting Chief Engineer from
Bengalun regarding his
deputation allowance.