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MADRAS RECORD OFFICE

Government of Madras

Public Works. DEPARTMENT

G.O. No.	2093	Press
B.P. No.		Mis.
354-360		
Dated	22. 8.	1873.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
22nd August 1873.*

No. 359. Read the following letter from T. MOSS, Esq., Officiating Controller of Public Works Accounts, to Colonel G. W. WALKER, R.E., Chief Engineer, Public Works Department, dated Fort St. George, 17th July 1873, No. 2,216 :—

One Inspection Report for June 1873. I HAVE the honour to address you on the following subject.

2. In his bill for September 1872, Captain Bailey, the Executive Engineer at Cannanore, submitted a claim to travelling allowance for the following days in that month :—

- 1st.—Sunday, head-quarters.
- 2nd.—Halt at do.
- 3rd.—Visit to work and return to head-quarters, 14 miles.
- 4th.—Do. do. do. 13 miles.
- 5th.—Halt at head-quarters.

3. Seeing, however, that Captain Bailey returned to head-quarters on the 31st August, and had not encamped away from it on any of the five following days, this Office declined to pass the claim for the 5th, and pointed out that under G. O., No. 2,439, dated 3rd August 1866, and the Accountant General's interpretation communicated in this Office Circular No. VIII. of 1870, Captain Bailey was not entitled to travelling allowance for more than the first three days of a longer halt at head-quarters.

4. To this disallowance Captain Bailey objected, and his letter* on the subject was forwarded to you by the District Engineer in December last.

* No. 981, dated 23rd December 1872

† No. 8, dated 9th January 1873.

5. The letter was subsequently transferred to this office with the following endorsement† :—

"The Chief Engineer is of opinion that under the exceptional privileges granted to officers of the department in Malabar, Canara, and the Neilgherries, in paragraph 5 of G. O., No. 2,439, of 3rd August 1866, Captain Bailey has grounds for urging the claim made in his letter No. 981 of the 23rd December.

"His halt on the 5th September is considered by him to be the third day of a halt, whereof the 1st and 2nd September were the commencement, the runs in and out on the 3rd and 4th, for which he claimed and drew travelling allowance, being an interlude only; and it appears to Colonel Walker that the alternative view by which the halt on the 5th would be taken as the first day of a fresh halt involves the admission of a claim to three days' more travelling allowance under the peculiar rule applicable to Malabar."

6. Under the opinion expressed in this endorsement Captain Bailey's claim for the 5th September was admitted.

7. No claim of a similar description has since been made until now. In his bill for June Captain Bailey claims travelling allowance for the following days :—

- 13th.—Halt at head-quarters.
- 14th.—Visit to Tellicherry and return to head-quarters, 23 miles.
- 15th.—Sunday, head-quarters.
- 16th.—Halt at do.
- 17th.—Do. do.

8. According to the views expressed in the endorsement above quoted travelling allowance will be passed to Captain Bailey for the 17th. Under the rules

† Returned to head-quarters on the 12th, 26 miles.

*Proceedings of the Madras Government, Public Works Department,
22nd August 1873.*

however as applied in districts, other than Malabar, Canara, and the Neilgherries, the claim is inadmissible.—*Vide* orders of the Government of India communicated in G. O., No. 3,566, dated 19th November 1867, and the Accountant General's interpretation embodied in this Office Circular No. VIII. of 1870, and therefore I beg to suggest that the confirmation of Government be obtained to the opinion held by you on the subject. I am particular in this matter because the Accountant General, Public Works Department, informed me, while I was holding another charge, that custom or the practice of years would not justify the passing of charges inadmissible under the regular rules and not specially sanctioned by the Government of India.

No. 360.

ORDER THEREON, 22nd August 1873, No. 2,093.

ESTABLISHMENT, No. 22.

Works Department in the first case alluded to, as being in strict conformity with paragraph 5 of G. O., No. 2,439, of 3rd August 1866; and approves of the Controller having passed the travelling allowance claimed in the second case; both cases being disposed of on the understanding that the West Coast Districts, Wynaad and Neilgherries, were exempted from the operation of the order disqualifying an officer who remains at his head-quarters more than three days from drawing travelling allowance for the first three days of such halt.

2. The reference, however, has induced His Excellency in Council to reconsider the subject of such exemption; and he is of opinion that, considering the improved state of the communications of those districts since the date of the order above quoted, while the officers serving in them are still excused from maintaining and carrying tents, there is no longer any reason why the order of the Government of India, communicated with G. O., No. 3,566, of 19th November 1867, should not be of universal application.

3. The Controller would appear, in both these cases, to have overlooked the fact of the intermediate journey having taken the officer to a distance exceeding 10 miles from his fixed station. In a district where tents are used, a journey of the kind specified in the latter case, provided tents were moved out to the station visited, would entitle the officer to claim travelling allowance for a succeeding halt at head-quarters of three days or less, the Accountant General's opinion only applying to cases where the move has not exceeded 10 miles.

4. But the Controller is informed that in any case the Accountant General's opinion is not binding on the Government of Madras; and that he is not at liberty to quote instructions, stated to have been received by him from the Accountant General when serving under other Governments, as authorizing him to dispute exemptions from general rules made by this Government under special circumstances.

(True Extract.)

(True Extract.)

(Signed) G. W. WALKER, Colonel, R.E.,
Sergeant

Secretary to Government.

To the Officiating Controller of Public Works Accounts.
District Engineer, Malabar.

to the District Engineer, Malabar.
 " " " " South Canara.
 " " " " Nilgcherries.

To "Major R. B." Kennedy.

Frd. S. T. Austin.

Spare Copies.

Office of the Controller of
Public Works Accounts.

Fort Saint George, 17 July 1873

V₀ 2216

From

The Offg: Controller of R.W. Accounts

The Chief Engineer.

Public Works Department,

Fort Saint George

Sir,

I have the honor to
you on the following

subject

2. In his bill for September, 1872, Captain Bailey, the Executive Engineer, set

Campanore submitted, of

claim to travelling allow-
ance for the following
days

Accompaniment
Inspection Report
for June 18/19

days in that month.

- 1st Sunday - Head Quarters.
- 2nd Halt at — do —
- 3rd Visit to work and re-
turn to Head Quarters 14 miles.
- 4th — do — do — 13 miles.
- 5th Halt at Head Quarters.

3. Seeing, however,
that Captain Bailey re-
turned to Head Quarters
on the 31st August and had
not encamped away from
it on any of the five
following days, this office
declined to pass the claim
for the 5th, and pointed
out that under G. O. No. 2439,
dated 3rd August 1866 and
the

the Accountant General's in-
terpretation, communicated in
this Office Circular No. VIII
of 1870, Captain Bailey was
not entitled to travelling al-
lowance for more than the
first three days of a longer
halt at Head Quarters.

4. To this disallowance
Captain Bailey objected and
his letter on the subject was
forwarded to you by the
District Engineer in De-
cember last.

5. The letter was sub-
sequently transferred to this
office with the following
endorsement. -

The

x
No. 981, dated
23rd December
1872.

x
No. 8, dated 9th
January 1873.

The Chief Engineer is of opinion that under the exceptional privileges granted to officers of the Department in Malabar, Canara, and the Neilgherries in para 5 of G. O. No. 2139 of 3rd August 1866, Captain Bailey has grounds for urging the claim made in his letter No. 981 of the 23rd December.

His halt on the 5th September is considered by him to be the 3rd day of a halt whereof the 1st and 2nd September were the commencement, the runs in and out on the 3rd and 4th for

4 3
for which he claimed and drew travelling allowance being an interlude only - and it appears to Colonel Walker that the alternative view by which the halt on the 5th would be taken as the first day of a fresh halt involves the admission of a claim to 3 days more travelling allowance under the peculiar rule applicable to Malabar.

6. Under the opinion expressed in this endorsement Captain Bailey's claim for the 5th September was admitted.

7. No claim of a similar description has since been made, until now. In his bill for June Captain Bailey claims travelling allowance for the following days:

13th * Halt at Head Quarters.
14th Visit to Tellicherry and return to Head Quarters
28 miles.

* Returned to Head Quarters on the 12th - 26 miles.

15th Sunday - Head Quarters
16th Halt at Head Quarters
17th ~~and so on~~ Do.

8. According to the views expressed in the endorsement above quoted travelling allowance will be passed to Captain Bailey for the 17th. Under the rules however as applied in Districts

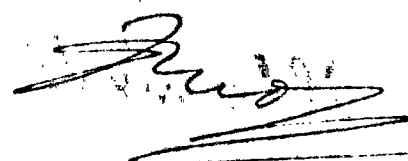
4
Districts, other than Malabar, Canara and the Nilgheries, the claim is inadmissible. Vide orders of the Government of India communicated in G.O. No. 3566, dated 19th November 1867, and the Accountant General's interpretation embodied in this Office Circular No. VIII of 1870, and therefore I beg to suggest that the confirmation of Government be obtained to the opinion held by you on the subject. I am particular in this matter because the Accountant General Public Works Department informed me while I was holding another charge

change, that custom or the
practice of years would not
justify the passing of
charges inadmissible under
the regular rules and not
specially sanctioned by the
Government of India. -

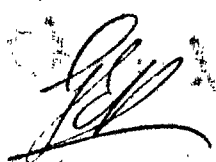
I have the honor to be,

Sir,

Your most obedient servant,



Offg. Controller of M. Accounts.



P.W. 1873 Report
No. of 4034.

From
The offy. Controller of
P.W. Accounts.

To
The Chief Engineer
P.W. Department.
Enclosure 1.

Dated 17
Recd 18 } July 1873.

No. 2216

Forwarding Inspection
Report of Captain Bailey
for June 1873, with re-
marks and suggesting
that the confirmation of
Government be obtained
to the opinion held by
the Chief Engineer.

No. 2093. 22. Aug 1873

No. 209
Recd to Govt 18.7.73

No. 2093 P.W. d. 1873
Pro. of the Madras Port
Read the following

From the Controller of P.W. Accounts
H.R. No. 2216 of 17 July 1873

His Excellency the
Governor in Council
confirms the opinion
expressed by the Chief
Engineer of the Public
Works Department
in the first case al-
luded to, as being in
strict conformity with
para. 5 of G.O. No. 3439
of 3rd August 1866; and
approves of the Controller

having passed the
Travelling allowance
claimed in the second
case; both cases being
disposed of on the
understanding that
the West Coast Dis-
tricts, Wynad, and
Neilgherry, were ex-
empted from the
operation of the order
disqualifying an officer
who remains at his
head quarters more
than 3 days from
drawing Travelling
allowance for the first
3 days of each halt.

The reference, however,
has induced His

Excellency in Council
to reconsider the subject
of such exemption; and
he is of opinion that,
considering the im-
proved state of the
communications of those
Districts since the date
of the order above
quoted, while the of-
ficers serving in them
are still excused from
maintaining and
carrying Pento, there
is no longer any reason
why the order of the
Govt of India com-
municated with
G.O. No. 3566 of 19th
November 1867 should

not be of universal application.

The Controller would appear in both these cases, but has overlooked the fact of the intermediate journey having taken the officer to a distance exceeding 10 miles from his fixed station. In a District where Sents are used, a journey of the kind specified in the latter case, provided Sents were moved out to the Station visited, would entitle the officer to claim Travelling

allowance for a succeeding halt at Head Quarters of three days or less; the Accountant General's opinion only applying to cases where the move has not exceeded 10 miles.

But the Controller is informed that in any case the Accountant General's opinion is not binding on the Govt of Madras, and that he is not at liberty to quote instructions, stated to have been received by him from the Accountant General.

when serving under
other Governments, as
authorizing him to dis-
pute exemptions from
general rules made
by this Government
under special circumstances.

GMW

To the Controller with his
specimen Report
"St. Louis North American S.C. dated 8/14/73
"Albany Messenger
S.C. dispatch to the Controller on line
11/9/73

* To St. Louis Alabaster
* " " S. Cannon
* Sign Copies & pass
dated 9/9/73

N^o 359.60

No 4034

Govt. of 1873 Madras.

PUBLIC WORKS.

*The Off. Controller of
Public Works Accounts*

Dated

Recd.

Encl.

G. O. 22nd Aug. No. 2093.

Nov. 3891 also

Travelling allowance.

Paying orders on letter
from the Inspector of
Mr. C. A. B. Submitting
claim of Capt. Hailey
for Travelling Allowance.

Reference to the

of the same

see list of