M.R.O. 1—10,006—28-2-50.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE

Government of Madras

Publick Works DEPARTMENT

G.O. No. 2772	Press
B.P. No. 215 216	Mis.
Dated 15. 11. 1873	195 .

Not to be folded or roughly handled

No. 215. Read the following endorsement of the Officiating Controller of Public Works Accounts, dated Fort St. George, 23rd October 1873, No. 4,685 :—

From Captain J. PENNYCUICK, R.E., District Engineer, North Arcot, to Colcnel G. W. WALKER, R.E., Secretary to Government, Public Works Department, (through the Controller of Public Works Accounts,) dated Vellore, 17th October 1873, No. 2,281.

With reference to G. O., No. 2,369, of 25th September 1873, I have the honour to forward, for the favourable consideration of Government, a letter from Lieutenant Bevan requesting to be allowed to revert to the old rates of pay, and cancel the choice made by him of the new consolidated rates.

2. It will be seen that Lieutenant Bevan accepts the decision of Government regarding his promotion, but considers that, as he elected for the new rates of pay on the supposition that he would receive promotion in ordinary course, he has a right to cancel such election on finding that the supposition under which he made it was a mistaken one.

3. It appears to me that the justice of his present claim is altogether unquestionable; the misapprehension was a very natural one, as Lieutenant Bevan could not have expected that a clause of the circular of the Government of India, which distinctly referred to officers promoted under the operation of that circular, would be held to apply to one who was not so promoted.

4. I have forwarded this letter through the Controller of Public Works Accounts, with a view to that officer's notifying what will be the amount of back pay to be drawn by Lieutenant Bevan if his request be complied with.

From Lieutenant W. G. BEVAN, Assistant Engineer, Poloor Range, to Captain J. PENNYCUICK, R.E., District Engineer, North Arcot, dated Arnee, 9th October 1873, No. 532.

As the decision of Government in disallowing my promotion in the department appears to be final. I have the honour to request that you will be good enough to take such measures as you may see fit in order that I may be allowed to revert to the old rate of pay, and obtain the back pay due to me since September 1871.

2. I elected for the new rates in full confidence of receiving promotion to the Executive grade, but as this promotion is now refused, I beg to submit that I am entitled to alter a choice which was made under a misapprehension.

3. The Circular of the Government of India, No. 76, of the 7th August 1867, referred to in the order disposing of my application, has never been communicated to me, but at all events as it had no existence at the time of my appointment (unless it was retrospective), it is not, I believe, usual for such orders to affect appointments already made.

4. The fact of my having been appointed to the Engineering grade while holding the rank of Conductor, led me to believe that I was placed on the strength of the establishment and not on the extra, and justified my expectation of further promotion.

LIEUTENANT BEVAN drew, as an Assistant Engineer of the second grade, Rupees 444-10-4 per mensem, viz. :—

	RS.	A.	P.
Staff pay	200	0	0
Personal allowance under G. O., No. 2,692, dated 3rd September 1867	50	0	0
Military allowance as Deputy Commissary	194	10	4
Total...	444	10	4

2. In October* 1870, Lieutenant Bevan was promoted to the rank of Assistant Engineer 1st grade, and having† elected the new scale of salaries the consolidated pay (Rupees 450 per mensem) of an officer of that rank has since been passed to him. Had Lieutenant Bevan abided by the old rules he would not have drawn any increase of pay on his departmental promotion, as the personal allowance of Rupees 50 granted to him when Assistant Engineer of the 2nd grade made his total receipts equal to those‡ to which he was entitled as Assistant Engineer 1st grade. On promotion,§ however, to the rank of Assistant Commissary he would have drawn Rupees 25 in excess of his present pay, viz. :—

* *Vide Fort St. George Gazette*, of 4th October 1870, Page 1,274.

† *Vide* Statement forwarded by Secretary to Government, dated 12th June 1871.

‡ Staff salary as Assistant Engineer 1st grade ... ... Rs. 250 0 0
Military allowance as Deputy Commissary ... . Rs. 194 10 4
Total... Rs. 444 10 4

§ On the 20th September, *vide Fort St. George Gazette* of the 7th Nov. 1871, page 1,731.

	RS.
Present consolidated pay	450
Staff salary as Assistant Engineer 1st Grade 250	
Military allowance as Assistant Commissary 225	
	475
Difference...	25

3. In the event, therefore, of Lieutenant Bevan's request being acceded to, the arrears of pay to be passed to him will be as follows :—

	RS.	A.	P.
From 20th to 30th September 1871, at Rs. 25 per mensem ...	9	2	8
From 1st October 1871 to 30th September 1873, at do. ...	600	0	0
Total...	609	2	8

(Signed) T. MOSS,
Offg: Controller, P. W. Accounts.

No. 216. ORDER THEREON, 15th November 1873, No. 2,772.

ESTABLISHMENT, No. 19.

LIEUTENANT Bevan will be allowed to revert to the old rates of pay as he requests ; and the Controller is authorized to pay him the arrears noted in his endorsement. It is not, however, understood by His Excellency the Governor in Council how a Government of

Proceedings of the Madras Government, Public Works Department,
15*th November* 1873.

India Circular, printed with an order of this Government in which a personal allowance was passed to Lieutenant Bevan, could fail to have been communicated to that officer as stated in the third paragraph of his letter.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

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

of this present claim is altogether unquestionable

No. 2281.

North Arcot,
District Engineer's Office
Vellore 17th October 1873.

From

The DISTRICT ENGINEER,
NORTH ARCOT.

To

The Secretary to Government, C.W.D.
(Thro' the Controller of P. W. Accounts)

Sir,

With reference to G.O. No. 2369 of 25th September 1873, I have the honor to forward for the favourable Consideration of Government a letter from Lieut Bevan requesting to be allowed to revert to the old rates of pay, and Cancel the choice made by him of the new Consolidated rates.

2. It will be seen that Lieut Bevan accepted the decision of Government regarding his promotion, but Considers that as he elected for the new rates of pay on the supposition that he would receive promotion in ordinary Course, he has a right to Cancel such election on finding that the supposition under which he made it was a mistaken one.

3. It appears to me that the Justice of his present claim is altogether unquestionable, the

the mis-apprehension was a very natural one, as Lieut. Bevan could not have expected that a clause of the Circulars of the Govt. of India which distinctly referred to Officers promoted under the operation of that Circular would be held to apply to one who was not so promoted.

2. I have forwarded this letter thro' the Controller of P. W. Accounts, with a view to that Officer's notifying what will be the amounts of back pay to be drawn by Lieut. Bevan if this request be complied with.

I have the honor to be
Sir.
Your most Obed. Servant
John Benyon Capt. R.E.
Dist. Engr. North Arcot

No. 4685

Lieutenant Bevan drew as an Assistant Engineer of the Second Grade, Rs 444-10-4 per mensem and Staff Allowance under G.O. No. 2692 dated 3rd Septr 1867 Rs 200—·—· Military Allowance as Asst. Commissary 60—·—· 194-10-4 Total Rs. 444-10-4

2.

In October 1870 Lieutenant Bevan was promoted to the rank of Assistant Engineer 1st Grade, and having elected the new scale of Salaries, the Consolidated pay (Rs 450 per mensem) of an Officer of that rank has since been passed to him.* Had Lieutenant Bevan abided by the old rules he would not have drawn any increase of pay on his departmental promotion, as the personal allowance of Rupees 50 granted to him when Assistant Engineer of the 2nd Grade made his total receipts equal to those to which he was entitled as Assistant Engineer 1st Grade. On promotion, however, to the rank of Asst. Commissary he would have drawn Rupees 25 in excess of his present pay viz:-

Present Consolidated pay	Rs 450—·—·
Staff Salary as Asst. Engineer 1st Grade	250
Military Allowance as Asst. Commissary	225
	475—·—·
Difference Rupees	25—·—·

In the event therefore of Lieutenant Bevan's request being acceded to the arrears of pay to be passed to him will be as follows.—

From 20th to 30th September 1871 @ Rs 25 per mensem	9-2-8
From 1st October 1871 to 30th Septr. 1873 @ —2—	600—·—·
Total Rupees	609-2-8

Office of the Controller of P.W. Accts
Fort St. George 25th October 1873

Off'g Controller of P.W. Accts.

To
The Secretary to Government
P.W. Department
Fort St. George

Sd. Illegible

* Vide Statement forwarded by Secy. to Govt 7/12 June 1871.

* On the 20th September Vide Fort St. George Gazette of the 7th Novem. ber 1871 Page 1731.

* In Saml. Govt. Rectr 1870 Vide Gazette of 4th Jany 1871 Page 12.

No 532.

From

The District Engineer,
North Arcot.

To

The Secretary to Government
P. W. D.

Dated 17 } October 1879
Received

No. 2281

Enclosure /

Subject

Forwards for favorable consideration copy of a letter from Lieut Glennan.

No 2772. 15th Nov/79

P. W. 1873 Department.
Rec.d 27th Oct.r No. 5775.

From
The Offg Controller of P.W. Accts

To
The Secy to Government
P.W. Departt
Fort Saint George

dated 23rd
Rec.d 24th } October 1873

Gen.l. No. 4665

Submits with observations the original papers received from the District Engineer North Arcot regarding the difference of pay claimed by Lieut.t Beran between the old and new rules.

No. 915
Cir. 25-10-73

No. 2778-15 Nov.r 73.

No. 532.

North Arcot District
No. 4 or Poloor Range Office
Arnee 9th October 1873.

From
Lieut.t W. G. Beran
Asst.t Engineer Poloor Range

To
Captain J. Pennycuick R.E.
District Engineer N. Arcot.

Sir

As the decision of Government in disallowing my promotion in the Department appears to be final, I have the honor to request that you will be good enough to take such measures as you may see fit in order that I may be allowed to revert to the old rate of pay, and obtain the back pay due to me since September 1871.

I elected for the new rates in full confidence of receiving promotion to the Executive grade but as this promotion is now refused. I beg to submit that I am entitled to alter a choice which was made under a misapprehension.

The Circular of the Government of India No. 76 of the 7th August 67 referred to in the order disposing of my application has never been communicated to me, but at all events as it had no existence at the time of my appointment

(unless

(unless it was retrospective) it is not. I believe it usual for such orders to affect appointments already made.

The fact of my having been appointed to the Engineering grade while holding the rank of Conductor led me to believe that I was placed on the strength of the Establishment, and not on the extra, and justified my expectation of further promotion.

I have the honor to be
Your most obt. Servt.
(Signed) W. J. Bevan
Lieut.
asst. Engrs. Poloor Range

"True Copy"

John Benyon Captain R.E.
District Engineer Arcot

P.W.S. 7.73.
No. 2772 - 28/11/73.

Public Works Department

Proceedings of the Madras Government

No. 2772

Read the following

From
The Offg. Controller
of P.W. accounts

(Recd. Cutcherry No. 4685 dated 25th October 1873)

Lieut. Bevan

will be allowed to revert to the old rate of pay as he requests; and the Controller is authorized to pay him the arrears noted in his endorsement. It is not, however understood

Apl 28/10

1

by His Excellency the
Governor in Council,
how a Government
of India Circular,
printed with an
Order of this Govern-
-ment, in which a
personal allowance
was passed to
Lieut. Bevan, could
fail to have been
communicated to
that officer as
stated in the 3rd

para of his letter
(Encl.)

Contr. for
R. Nath Asst
S.C. dated 21/11/73

Ch. 577 5r

PUBLIC WORKS.

To the Offr. Controller of
P.W. Accounts

Date

Encl 1

15th March 1772.

No. 215216

Rent and Rect. Com-
pany Berar. Copy
Letter in the Expend
Rent: Berar to Revert
to the old rate of Span.