

(1) Number of pages _____

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(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	2066	Press
B.P. No.		Mts.
Dated	30-7	6874
		195

Not to be folded or roughly handled

No. 684. Read the following endorsement of the Consulting Engineer for Railways, dated Madras, 23rd June 1874, No. 366:—

From R. B. ELWIN, Esq., Agent and Manager of the Madras Railway Company, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Madras, 16th June 1874, No. 533.

I HAVE the honor to acknowledge the receipt of your letter No. 542 of the 12th instant, from which I have learned with regret that His Excellency the Governor in Council is not prepared to accord his approval to the proposal submitted with my letter No. 323, of the 15th of April 1874, with regard to the salaries of Mr. Going and Mr. Robinson.

2. There is no doubt that, as a general rule, the allowance to be made to an officer acting in a superior grade is half the salary of his permanent grade or appointment and half that of his officiating grade or appointment, but this is on the assumption (which as a general rule is the case) that the absentee of the higher grade is also drawing a moiety of his pay. Thus, for the first twelve months of Mr. Anderson's sick leave, during which he was paid half his salary, Mr. Going and Mr. Robinson received acting allowances as interpreted above, and it is only for the last six months of Mr. Anderson's term of leave, during which he is to receive no pay from the Company, that it is proposed that Mr. Going and Mr. Robinson shall draw the full salaries of the posts in which they are officiating.

3. If Clause I. of the Rules* bearing upon this question had been worded as it is quoted in your letter, I am prepared to admit that I should have no grounds for urging this application, but I beg

* Circular from the Government of India, No. 35, dated 2nd May 1862.

particularly to point out that the word "only" does not occur in the clause, though it is used in your letter, and I submit that if the meaning which the insertion of that word would have given to the clause had been intended, there would have been no necessity for the 3rd clause of the Rules at all. The only object of that clause, as it appears to me, is to provide for cases similar to those of Mr. Going and Mr. Robinson, and to define what is to be the *maximum* of an acting allowance when circumstances justify the payment of such allowance at a higher rate than that defined in Clause I.

4. The same meaning is more clearly expressed in the following extract from the "Acting Allowance Code" of the Civil Service Regulations, viz.:—

"Section 3 (a).—The maximum salary of an Officiating Officer shall be the pay of the appointment.

"(b).—The minimum salary of an officiating officer shall be half the pay of the appointment.

"Section 4.—If an absentee draws no part of the pay of his appointment, another officer may be appointed thereto substantively for a time only, on full pay, without disturbing the lien of the absentee."

I hope therefore that, taking this view of the case, His Excellency the Governor in Council will be pleased to alter the decision he has arrived at, and will be induced to agree with the opinion held by the Board that the proposal may be carried into effect without transgressing the orders laid down by the Government upon the subject.

Proceedings of the Madras Government, Public Works Department,
30th July 1874.

SUBMITTED for the further consideration of Government with reference to
their Order, No. 1,438, dated 1st June 1874.

(Signed) J. H. M. SHAW-STEWART, Lieut.-Colonel, R.E.,
Consulting Engineer for Railways.

No. 685.

ORDER THEREON, 30th July 1874, No. 2,066.

RAILWAY, No. 75.

His Excellency the Governor in Council concurs, on re-consideration of the question, with the Agent and Manager of the Madras Railway that Clause III. of Circular No. 35 of 1862, of the Government of India, relates to a maximum acting salary, higher than the ordinary acting salary laid down in Clause I., admissible conditionally on the aggregate of the full salaries of the sanctioned appointments not being exceeded.

2. He sanctions accordingly the proposed arrangements in favor of both the officers in question, as approved by the Directors of the Company, and not precluded by the Rules.

(True Extract.)

Colonel, R.E.,

Secretary to Government.

To the Consulting Engineer for Railways.
" Examiner of Railway Accounts.

Exd. S. T. Austin.
Spare Copies.

No. 533.

MADRAS RAILWAY.

AGENT AND MANAGER'S OFFICE.

Madras, 16th June 1874.

From

Robert B. Allen Esq.
Agent and Manager of the M.R.C.

To

Lieut. Colonel J. H. M. Shaw-Stewart
Consulting Engineer for Railways.

SIR,

I have the honor to acknowledge the receipt of your letter of 5th of the 12th instant from which I have learned with regret that His Excellency the Governor in Council is not prepared to accord his approval to the proposal submitted with my letter of 3rd of the 10th of April 1874 with regard to the salaries of Mr. Hoing and Mr. Robinson.

2. There is no doubt that as a general rule the allowance to be made to an Officer acting in a superior grade is half the salary of his permanent grade or appointment and half that

571 2

of his officiating grade or appointment, but this is on the assumption (which as a general rule is the case) that the absence of the higher grade is also drawing a moiety of his pay - Thus for the first twelve months of Mr. Andersson's sick leave, during which he was paid half his salary, Mr. Loring and Mr. Robinson received acting allowances as interpreted above, and it is only for the last six months of Mr. Andersson's term of leave, during which he is to receive no pay from the company, that it is proposed that Mr. Loring and Mr. Robinson shall draw the full salaries of the positions in which they are officiating.

3. If Clause I of the Rules
of the Port of India bearing upon this question had been
worded as it is quoted in your letter.
I am prepared to admit that I should
have no grounds for urging the application,
but they particularly to point out
that the word "only" does not occur
in the clause though it is used in your
letter, and I submit that if the

* Circular from
the Port of India
p 35-20
May 1877
1852

7A 3
meaning which the insertion of that
word would have given to the clause
had been intended, there would have
been no necessity for the 3rd clause of
the Rules at all - The only object
of that clause as it appears to me is to
provide for cases similar to those of
Mr. Young and a Mr. Robinson, and to
define what is to be the maximum of
an acting allowance when circumstances
justify the payment of such allowance
at a higher rate than that defined in
Clause 1

4. The same meaning is more
clearly expressed in the following extract
from the "Acting Allowance Code" of the
Air Service Regulations, viz.

"Section 3(a) - The maximum salary
of an acting officer shall be the
pay of the appointment."

(b) "The minimum salary of an
acting officer shall be half the
pay of the appointment"

"Section 4 - If an absentee
draws no part of the pay of his
appointment, another officer may
be appointed thereto substantively

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated

1st

Decr.

9H 4

"for a time only, on full pay,
 "without disturbing the list of the
 "absentees."

I hope therefore that taking this view
 of the case the Excellency the Governor
 in Council will be pleased to alter the
 decision he has arrived at; and will
 be induced to agree with the opinion
 held by the Board, that the proposal
 may be carried into effect without
 transgressing the orders laid down
 by the Government upon the subject.

I have the honour to be
 Sir,
 Your most obedient servant
 W. J. A. White
 Agent and Manager

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated

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Recd.

Na

Railway Dept. Law Engineer's Office
 No 366

Submitted for the further
 consideration of Government with
 reference to their order No 1438 dated
 1st June 1874

W. M. M. M. M.
 Lt Col R.E.

Law Engineer
 for Railways

Madras
 23rd June
 1874

MADRAS RAILWAY.

From
 The Agent and Manager.

To
 The Consulting Engineer

for Railways.

Dated 16th June 1874
 Recd. 19

No. 533.

Regarding the salaries
 to be drawn by Messrs
 Goring and Robinson
 during the months
 in which the construction
 ceases to draw they

S. P. M. 3864/74
 12th July 30 July 1874
 21st July 30 July 1874

P. W. 1874 Depart.
 Pri. of 3rd for duty
 7 Dec No 3864.
 The Consulting Engineer
 for Railways

The Secretary to Govt.
 P W Depart
 Fort Saint George

Dated 23 June 1874
 Received 25 June 1874
 Eng. No 366.
 C. E. No 2066: 20-7-74
 Submitting for the
 consideration of Govt. a
 letter from the Agent of the
 regarding the salaries to
 be drawn by Mr. L. R.
 Gouge and Mr. Robinson.
 During 6 months in which
 Mr. Robinson ceases to draw pay

Robt.

Recd to City 25 June 74

From

The Consulting Engineer
 for Railways

(H. E. No 366 of 23rd June 74)

The Agent and Manager
 of the Madras Railway

Company is apparently
 mistaken in stating

that Clause I of
 Circular No 35 of 1862

of the Govt. of India had
 been misquoted by the

Consulting Engineer.

According therefore
 his own showing in

para 3 of this letter
 he has no grounds
 for urging his application
 that

I am much sorry.
 The E. C. sees no reason
 to doubt the soundness
 of the construction put on the
 rules in respect to acting at
 low & inefficient
 as the
 report of the full jury of
 the officers in question is very
 drawn & absters and the
 arrangement will not contra-
 vene Rule III. The Govt. will
 not withhold their sanction
 of the arrangement admitted
 the Board under the Special
 Circumstances noted by them
 in the case of Mr. Loring - Mr. Robinson
 Rule III is a general
 prohibition & does not refer to
 Absentee or act-arrangement
 as is assumed by Mr.

that the Acting Chief Engineer and Acting Deputy Chief Engineer should draw the full salary of the appointments in which they are acting.

But this second reference has called the attention of His Excellency the Governor in Council more closely to the exact wording of the Clause referred to in the correspondence on the subject. And he is of opinion that the Agent and Manager has laid undue stress on the word "only", on which he states his

I am to draw that these persons are fully entitled to the full benefit of the African in acting - in as much as Rule 3 in the Act is infringed.

But if there be any doubt as to whether he then let a for the rule. Look down.

I would not draw it. But.

Robinson - this case is state. sub. - p. 100.

L & S
1/7.

I will sanction the arrangement in favour of the Officer in question - on the condition that the Company desired and the Rules do not appear to preclude it.

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case to turn - that word in Clause I applies, it would appear to His Excellency in Council to the "allowance" of the higher position as distinguished from the "salary;" and consequently has not the force attributed to it by the Agent and Manager. Concurring, therefore, with Mr. Robinson that Clause III relates to a maximum acting salary, higher than the ordinary acting salary laid down in Clause I, which may be drawn conditionally on

on the aggregate of the
amount of the full
salaries of the same.
-tioned appointment
not being exceeded.
His Excellency the
Governor in Council
will not object to
sanction the adoption
of the course autho-
-rized by the Board
of Directors in Mr.
Living's case.

He regrets however
that this indulgence
cannot be extended
to Mr. Robinson; whose
name is at present
brought before Govt.
in

Admitted - His
Excellency has
- In more say he
advisable for
to be made
publicly made

in an unfavorable
light, in connection
with the late disas-
-trous accident at
the Pausugnee Bridge,
from all blame re-
-lative to which he
has to clear himself
before any such
concession be made.
C.W.W.

To The Commissioners
for Rygo
a Cert. of Rygo
S. Caprio dec 24/74

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It is to be noted
that the proposed
amendment is in favour
of both the Officers in
question, as approved
by the Directors of the
Company, and not
precluded by the Rules.

684-685

684-685

Proceedings of the Madras Government
From the Secretary to the Government
for Railways. (No. 366 of 23 June 1874)
2000

H. S. The E. & C. concerns,
in reconsideration of
the question, with the
Agents and Managers
of the Mysore Railway,
that Clause III of the
- order No. 35 of 1862
of the Board of India,
relates to a maximum
Acting Salary, higher
than the ordinary
Acting Salary laid
down in Clause I,
advisable condition
ally in the aggregate
of the full Salaries of
the present and appoint-
ments not being 42
- exceed -

The sanction is necessary
only the proposed am-
- endments in favour
of both the Officers in
question, as approved
by the Directors of the
Company, and not
precluded by the Rules.

10.7.74

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Amor

Po

Qui 11/11/14 Ret 14/11/14

3864 ✓

Gobt. of 1874 Madras.

PUBLIC WORKS.



The Insp. Engr.
for Railways.

Dated

Recd.

Encl. /

20. 30 July 1874. No. 2166

Nos. 684-685.

Messrs. Young and Robinson
Madras Railway - The pro-
posed arrangements in regard
to the salaries of the posts in
which they are acting for the
next month during which Mr.
Anderson ceases to draw pay
as approved by the Directors
of the Company, sanctioned.