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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	2317	Press
B.P. No.		Mis.
Dated	31-8-	C876 195

Not to be folded or roughly handled

No. 703. Read the following letter from Captain L. CONWAY-GORDON, R.E., Examiner of Public Works Accounts, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Fort St. George, 15th August 1876, No. 170-W:—

I HAVE the honor to acknowledge the receipt of the Proceedings of Government, No. 1,856, dated 21st July 1876, and in reply respectfully to remark as follows.

2. The terms of the Secretary of State's despatch, No. 249, dated 14th October 1875, appear to me perhaps to apply more directly to officers who obtain an authorized extension of furlough than to those who without such authorization overstay their leave. But as I have no ruling to show that, in the latter case, in the event of the leave being subsequently granted, the subsequent grant does not retrospectively carry all the privileges that would have attended the same grant of leave antecedently made, I have no wish to raise this point.

3. My object in referring the matter to Government is simply to point out that two totally opposite views as to the same case ought not to exist in two departments of Government at the same time, and that still less should one department of Government decide a question partly according to one view and partly according to the other.

4. At the date of his return to India Major Wood either had or had not forfeited his appointment in the Public Works Department. If he had forfeited his appointment, the course that has been followed by Government appears, except in a single point, to be correct. He should have drawn pay, as he has done, from the Military Department up to the date of his transfer to the Public Works Department. His services should have been placed at the disposal of the Public Works Department as they were by Government Order, in the Military Department, No. 411 of 1876. He should have been appointed to the Public Works Department as he was by G.O., No. 1,665, dated 1st July 1876; the appointment being a new one, the travelling allowance rules appear to admit of Major Wood's horse being conveyed to Vizagapatam at the public expense—*vide* letter from the Government of India, No. 1,402 E-G., dated 13th September 1875, and this office was authorized to pass, as it has done, Major Wood's steamer passage-money under Public Works Code IV, iii, 1, Clause X. In fact, under the hypothesis that Major Wood had forfeited his appointment, the whole course would apparently have been correct but for the fact that no suitable vacancy existed in the department to which Major Wood could have been appointed by the Madras Government. And this, it will be remembered, was the sole point brought to the notice of Government in my former letter.

5. But, if Major Wood at the date of his return to India had not forfeited his appointment in the Public Works Department, the course pursued appears to have been incorrect from beginning to end. Under this hypothesis Major Wood, at the date of his return, still held his Public Works appointment, and, being in the Department, he was not under the direct orders of the Commander-in-Chief; he should not therefore have drawn any pay from the Military Department, nor was there any occasion to transfer him from the Military Department to which he did not belong, or to appoint him to the Public Works Department, which he had never quitted; moreover this office was not authorized to pass Major Wood's passage-money to Vizagapatam,

and the grant of the passage-money for the horse would seem to have been slightly beyond the intention of the Government of India as expressed in the above-quoted letter.

6. I should, therefore, be very much obliged by your being good enough to obtain from Government a decision as to which of these two mutually destructive hypotheses is finally to be adopted in order that I may be in a position to regulate Major Wood's pay and allowances and to post his register of service.

No. 704.

ORDER THEREON, 31st August 1876, No. 2,317.

ESTABLISHMENT, No. 39-A.

THE Examiner is informed that Major Wood had for the time forfeited his appointment by overstaying his leave, but such forfeiture was cancelled as his transgression of regulations was condoned by the exercise of the Government prerogative in the Military Department. The errors of procedure pointed out in paragraph 5 of his letter appear, therefore, not to have occurred as supposed. Major Wood's travelling allowances to join his district were authorized to be passed under Clause IX, paragraph 1, Section III, Chapter IV of the Travelling Allowance Rules.

(True Extract.)

(Signed) G. W. WALKER, Major-General, R.E.,
Secretary to Government.

To the Examiner of Public Works Accounts.

Exd. J. W. Fischer.

Spare copies

34

Travelling Allowance Rules.

IX. +. +. +. +.

If an Officer is transferred while on leave, he is allowed Travelling Allowance to join his new appointment, either from his old station, or from the place where he receives the order, whichever may be the least expense to Government.

X^o att^o

From

THE CONTROLLER,
PUBLIC WORKS ACCOUNTS,

To

The Secretary to Government,
Public Works Department.

FORT SAINT GEORGE,

15th August 1876.

Sir

I have the honor to acknowledge the receipt of the Proceedings of Government No. 1356 dated 21st July 1876, and in reply respectfully to remark as follows:-

2. The terms of the Secretary of State's dispatch No. 249 dated October 14 1875 appear to me perhaps to apply more directly to Officers who obtain an authorized extension of furloughs than to those who without such authorization prostray their leave. But as I have no ruling to show that in the latter case, in the event of the leave being subsequently granted, the subsequent grant does not retrospectively carry all the privileges that would have attended the same grant of leave antecedently made, I have no wish to raise this point.

3. My object in referring the matter to Government is simply to point out that two totally opposite views as to the same case ought not to exist

in

in two Departments of Government, at the same time, and that still less should one Department of Government decide a question partly according to one view, and partly according to the other.

4 At the date of his return to India Major Wood either had or had not forfeited his appointment in the Public Works Department. If he had forfeited his appointment, the course that has been followed by Government appears, except in a single point, to be correct. He should have drawn pay, as he has done, from the Military Department up to the date of his transfer to the Public Works Department. His services should have been placed, at the disposal of the Public Works Department, as they were by Government order in the Military Department No. 244 of 1876. He should have been appointed to the Public Works Department, as he was by Government order No. 1665 dated 1st July 1876, the appointment being a new one, the travelling allowance rules appear to admit of Major Wood's horse being conveyed to Vizagapatam at the public expense. Vide letter from the Government of India No. 1402 E G dated 13th September 1875, and this office was authorized to pass, as it has done, Major Wood's Steamer passage

money)

7th 1st money) under Public Works Code. IV. iii. 1. clause 4. In fact, under the hypothesis that Major Wood had forfeited his appointment, the whole course would, apparently, have been correct, but for the fact that no suitable vacancy existed in the Department, to which Major Wood could have been appointed by the Madras Government. And this it will be remembered was the sole point brought to the notice of Government in my former letter.

5 But if Major Wood, at the date of his return to India had not forfeited his appointment in the Public Works Department, the course pursued appears to have been incorrect from beginning to end. Under this hypothesis, Major Wood, at the date of his return, still held his Public Works appointment, and being in the Department, he was not under the direct orders of the Commander-in-Chief; he should not therefore have drawn any pay from the Military Department, nor was there any occasion to transfer him from the Military Department to which he did not belong, or to appoint him to the Public Works Department which he had never quitted; however this Office was not authorized to pass Major Wood's passage money to Vizagapatam, and the grant of the passage money for the horse would seem to have been slightly beyond the intention of the Government of India, as expressed

expressed in the above quoted letter
I should therefore be very
much obliged by your being good enough to
obtain from Government a decision as to which
of these two mutually destructive hypotheses is
finally to be adopted, in order that I may be
in a position to regulate Raja Nood's pay and
allowances, and to post his Register of
Service.

I have the honor to be
Sir
Your most Obedient Servant

Lonny-fordou

Examiner P. M. Accounts

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P.W.D.
16 AUG 76
From No. 5588

The Examiner
P.W. Accts.

To. The Secy. to Govt.
P.W. Dept.

Dated 15th August 1876.
27 16.8.76

No 1701r

Requesting the
decision of Government
as to the Pay and
allowances of Major
Wood.

No 703

23-8-76 P.W.D. 31.8.76

No. 2317. Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the

31st Aug^t 1876

Read the following:—

From

The Examiner

P.W. Accounts

(H.E. No 1701r of 15th August 1876)

The Examiner is in-
formed that the difficulty
pointed out by him is of
his own creating. Major Wood
had for the time forfeited
his appointment by overstaying
his leave, but such forfeiture
was cancelled, as his transgression
of regulations was condoned,
by the exercise of the Govern-
ment prerogative in the
Military Department. The
errors of procedure pointed
out in para 5 of his letter
appear therefore to be
more imaginary than real.
Major Wood's Travelling
Allowances to join his

5882

Govt. of 1876 Madras.

PUBLIC WORKS.

To

The Examiner of P. W. & C.

Dated

Issued

Recd.

Encl.

O. 31st August, No.

23/7

Letter with
reference to the
note to Govt.
7/11/76

Nos. 713/4

Major Hood. 728

Passing order in
letter from the Examiner
of P. W. & C. regarding
the subject of pay &
travelling allowances
of —

6/11/76
27/11/76