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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P.W. DEPARTMENT

G.O. No. / B.P. No. 1254-55 W Press. / Mis.

Dated 11.3.1878 197 .

Not to be folded or roughly handled

1254-55
8

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

11th March 1878, No. 1,254 W.

General
Establishment.

Read the following paper:—

No. 147. From Major L. CONWAY-GORDON, R.E., Examiner of Public Works Accounts, to the Secretary to Government, Public Works Department, General Branch, dated Chepauk, 2nd March 1878, No. 218 W.

At the request of the Accountant-General, Public Works Department, as contained in his letter No. 992 E, dated 12th November 1877, I have the honor to address you with a view to the orders of the Government of India being obtained on the subject of the acting allowance admissible to Major (now Lieutenant-Colonel) Prendergast, R.E., for the period he officiated as Consulting Engineer for Railways from the 1st September 1870 to the 31st March 1872.

2. The facts of the case are as follow:—

Prior to September 1870, appointments in the Railway Branch were not divided into classes or grades, and the Consulting Engineer for Railways drew a consolidated pay of Rupees 2,000 per mensem: the acting allowance admissible to an officiating incumbent would therefore be 20 per cent. on Rupees 2,000 or Rupees 400. *From* and after September 1870 the Consulting Engineer having been graded as a third-class Chief Engineer, the deputation allowance to Major Prendergast for the time he officiated as Consulting Engineer for Railways was calculated by this office at 20 per cent. on Rupees 1,800, which is the consolidated salary of a Chief Engineer of the third-class.

3. Under Public Works Circular No. 63, dated 31st August 1876, Major Prendergast re-elected the "old scale," and the Accountant-General, Public Works Department, (Colonel Mellis) in his letter No. 137 E, dated 12th February 1877, being of opinion that his deputation allowance should be calculated on the old rates, instructed this office to revise with reference to Public Works Circular No. 79 of 1871 the acting allowance that had already been passed to Major Prendergast. This was accordingly done and the necessary intimation made to Major Prendergast.

4. According to paragraph 2 of Public Works Circular No. 79 of 1871 the acting allowance to be passed to officers who elected the "old scale" should be calculated on the civil rates of pay which obtained prior to the introduction of the new scale, and as prior to September 1870 appointments in the Railway Branch had not been divided into classes or grades; it was concluded that the old rate to which the Accountant-General, Public Works Department, (Colonel Mellis) referred was the old consolidated rate of pay of Rupees 2,000 for the appointment of Consulting Engineer. The Accountant-General, Public Works Department, (Colonel Innes), however, in a subsequent communication, (*vide* his letter No. 280 E, dated 31st March 1877), holds that as from September 1870 Consulting Engineers were graded as Chief Engineers, the basis on which the percentage to arrive at Major Prendergast's acting allowance should be calculated is not the consolidated pay of Rupees 2,000 per mensem, but the civil pay on the scale then in force of a Chief Engineer of the lowest class, viz., Rupees 1,750. The Accountant-General, Public Works Department, (Colonel Innes), goes on to say that the order introducing the change in pay, &c., from the 1st September 1870, provides that no reduction should be made in consequence of these changes in the *substantive* pay of any officer, but contains no such proviso in the case of *acting* pay.

5. Under the above circumstances I shall accordingly feel obliged by your referring the matter to the Government of India, with a view to a decision being arrived at as to the basis on which the acting allowance to Major Prendergast should have been calculated.

6. I enclose copies of correspondence that has taken place on the subject.

ENCLOSURE No. 1.

Copy of a letter from Major H. L. PRENDERGAST, R.E., District Engineer, North Arcot, to Captain L. CONWAY-GORDON, R.E., Examiner of Public Works Accounts, dated 3rd February 1877, No. 3,337.

IN your letter No. 151 A, dated the 15th December 1876, you have shown that I drew deputation allowance, Rupees 360 not Rupees 400, for the months November and December 1870, together with military pay and allowances. On reference to the Consulting Engineer for Railways, I find that this is correct; but I have the honor to request your attention to the fact that the above were only *ad interim* payments, and that I subsequently drew by Supplemental Bill the difference of pay, so that I finally received consolidated salary from the 1st September.

2. You have disallowed my claim, viz., that I would have drawn deputation allowance Rupees 400 under the old rules, by saying that I actually did draw the reduced deputation allowance, Rupees 360, for two months; but in those two months I knew of course that the new consolidated scale would come in with retrospective effect, and I think it very hard that I should be considered to have suffered or acquiesced in a reduction of allowances, because I did not object to that reduction of deputation allowance which was forthwith to be made up by the altered form of consolidated salary.

3. I really do not think the Government would require me to pay the Rupees 760; for this is not money that I have actually received, such as the remaining amount, Rupees 3,565, of which I have had the advantage, but it is the difference between the pay that I drew and that which you consider I would have drawn if I had elected for the old rules. I use the words "you consider" as referring to your official audit by strict rule. At the same time, I myself consider that, if I had retained the old scale of payment, I certainly would have represented my case to the Government, and it cannot be asserted that the Government would have decided against it.

4. I therefore beg you will be so good as to represent the matter for the orders of the Government, and it is briefly this—

I have to refund the amount which I have drawn to my own advantage, by the consolidated salary scale, as compared with what I would have drawn, had I not chosen to adopt that scale. The enclosed list obtained from the Consulting Engineer for Railways shows that I drew, for the months April to October 1870, at the rate of Rupees 400, deputation allowance, on the salary of Rupees 2,000. But when I came on the new scale of payment, which had effect from 1st September, my pay was adjusted; so that I finally received from that date Rupees 360. Now the appointment was reduced nominally from Rupees 2,000 to Rupees 1,800, but while a regimental Captain would then be entitled to Rupees 1,940 including pay-proper, a Lieutenant-Colonel would have drawn Rupees 2,043-8-0, thus gaining by the reduction. And as the Government have always dealt liberally with present incumbents of offices on reduction; I may fairly say that, if I had not taken the new scale, I would have had good grounds for asking the Government to allow me to retain personally the allowances which I had already been receiving.

5. I am also not asking to be exempted from a liability to which other officers are subject, for there is no other similar case. The former rates of pay were not altered except in the one appointment of Consulting Engineer for Railways, and if you can admit that I have established a doubt as to my claim for the deputation allowance, I trust that the Government will give me the benefit of the doubt, and not call upon me to pay the 40 Rupees for the nineteen months, September 1870 to March 1872.

ENCLOSURE No. 2.

Copy of a letter from the Accountant-General, Public Works Department, to the Examiner of Public Works Accounts, dated 12th February 1877, No. 137 E.

I HAVE the honor to acknowledge receipt of your letter No. 203 A, dated the 24th ultimo, forwarding statements of the re-adjustment of salaries of certain Royal Engineer Officers who have re-elected for the former scale of pay.

1254

Major Mead, Executive Engineer, 1st Grade.
„ Vertue, „ „
„ Wood, „ 2nd „

2. I observe that the officers named in the margin were on furlough and holding the rank of Major on the 1st April 1875, when the pay of that rank was increased, but that you have not credited them with any addition to their furlough allowance on account of that increase. I am of opinion that those officers having now elected for staff pay plus military pay and allowances are, under Section V, Rule 2 of the Military Furlough Regulations entitled to a moiety of that increase from the 1st April 1875 to date of termination of their furlough.

3. The acting allowances of Majors Prendergast and Smith for periods that they officiated in the Consulting Engineer's Department appear to have been calculated on new rates of pay. If so, they should now be revised with reference to Public Works Department Circular No. 79 of 1871, and the calculation made on the old rates.

6. The rates of subsidiary leave allowances to Majors Mead and Montgomerie appear to be incorrect. As these officers were on the maximum pay of their grade, the staff pay for determining their subsidiary leave allowances should obviously be the difference between the maximum and their military allowances. Their subsidiary leave allowances should accordingly be—

$\frac{1}{2}(900-458{\cdot}4) = 220, 14 + 640{\cdot}14 =$ Rupees 861-12-0.

ENCLOSURE No. 3.

Copy of a letter from the Accountant-General, Public Works Department, to the Examiner of Public Works Accounts, dated 31st March 1877, No. 280 E.

I HAVE the honor to acknowledge receipt of your letter No. 236 A, dated 28th February last forwarding revised statements of the re-adjustments of the salaries of certain Royal Engineer officers, in consequence of their having re-elected the old scale of pay. I observe that you have therein credited Majors Prendergast and Smith with acting allowances at Rupees 400 per mensem for the several periods that these officers while holding the rank of Executive Engineers, 1st grade, officiated as Consulting Engineer for Guaranteed Railways, Madras.

2. Major Prendergast so officiated from March 1870 to March 1872, and as the pay of the Consulting Engineer, Madras, was, up to 31st August 1870, a consolidated pay of Rupees 2,000; he was therefore, up to that date, entitled to acting allowance at the rate of Rupees 400 per mensem. But from the 1st September 1870 a change came into force by which Consulting Engineers were graded as Chief Engineers. I am of opinion that from that date, in consequence of that change, the pay on the basis of which the percentage to arrive at Major Prendergast's acting allowance should be calculated, is, not the consolidated pay of Rupees 2,000 per mensem, but the Civil pay, on the scale then in force, of a Chief Engineer of the lowest class, viz., Rupees 1,750. This would reduce the acting allowance from Rupees 400 to 350 per mensem. It was provided in the order introducing the change in pay, &c., from the 1st September 1870, that no reduction should be made in consequence of those changes in the *substantive* pay of any officer, but there is no such proviso in the case of *acting* pay.

3. For similar reasons Major Smith, who officiated as Consulting Engineer, Madras, on two occasions subsequent to September 1870, is not apparently entitled to an acting allowance of more than Rupees 350 per mensem.

4. I would inquire whether there were any special reasons for passing the higher rates.

ENCLOSURE No. 4.

Copy of a letter from the Examiner of Public Works Accounts, to the Accountant-General, Public Works Department, dated 20th April 1877, No. 8A.

WITH reference to your letter No. 280 E of the 31st March 1877, I have the honor to remark as follows:—

2. In preparing the original statements of the re-adjustment of salaries of Lieutenant-Colonel Prendergast and Major Smith, which accompanied my letter No. 203 A of the 24th January 1877, this office in determining the deputation allowance to be passed to those officers while acting as Consulting Engineer for Railways subsequent to 1st September 1870, calculated the amount at the rate of 20 per cent. on Rupees 1,800, the appointment having from that date been graded as that of a Chief Engineer of the 3rd-class.

3. These acting allowances Colonel Mellis in his letter No. 137 E of the 12th February 1877, desired should be revised with reference to Public Works Circular No. 79 of 1871 and the calculations made on the old rates.

4. According to paragraph 2 of this Circular, the acting allowances to be passed to officers who elected the former scale of pay should "be calculated on the Civil rates of pay which obtained prior to the introduction of the new scale," and as prior to September 1870 appointments in the Railway Branch had not been divided into classes or grades, it was concluded that the old rate to which Colonel Mellis referred was the old consolidated rate of pay of Rupees 2,000 for the appointment of Consulting Engineer. The original statements of the two officers concerned were revised accordingly in the manner shown in the statements furnished with my letter, No. 236 A, of the 28th February 1877, and both officers were informed in due course of the alteration which had been made.

5. Under these circumstances I shall be obliged by your informing me whether you continue of opinion that the deputation allowance for the periods referred to in your letter under acknowledgment should be reduced from Rupees 400 to Rupees 350 per mensem.

6. It may be well for me to add that, prior to the receipt of Colonel Mellis' letter of the 12th February 1877, this office had been in correspondence with Lieutenant-Colonel Prendergast on the subject of the rate of deputation allowance to which it was considered he was entitled while acting as Consulting Engineer for Railways subsequent to 1st September 1870. That officer was of opinion that he was fairly entitled to the monthly rate of Rupees 400, and he had consequently requested that the matter should be referred to Government for orders. This would have been done, but for the conclusion arrived at on the receipt of Colonel Mellis' letter that Rupees 400 was the proper amount to be passed.

7. I enclose a copy of Lieutenant-Colonel Prendergast's letter No. 3,337 of 3rd February 1877, in which he gives his reasons for urging the claim to Rupees 400.

ENCLOSURE No. 5.

Copy of a letter from the Accountant-General, Public Works Department, to the Examiner of Public Works Accounts, dated 12th November 1877, No. 992 E.

In reply to your letter No. 8 A, dated 20th April 1877, I have the honor to request that you will be good enough to refer the question of the acting allowance admissible to Major Prendergast for the period he officiated as Consulting Engineer subsequent to 1st September 1870 to the Local Government for the orders of the Government of India.

2. Instructions as to the officiating allowances admissible to Major Smith will be issued hereafter.

No. 148. ORDER THEREON, 11th March 1878, No. 1,254 W.

ORDERED that the question be referred for the decision of the Government of India.

(Here enter No. 1,255 W, dated 11th March 1878.)

(True Extract.)

Colonel, R.E.,
Secretary to Government, P.W.D.

To the Examiner of Public Works Accounts.
" District Engineer, North Arcot.

Exd. E. C. Shunker.
Spare Copies

GENERAL
ESTABLISHMENT.

Govt. of (1878) Madras.

PUBLIC WORKS.

To

The EXAMINER of PUBLIC WORKS
ACCOUNTS.

Dated March 11th.

Issued

Read. Encl.

G. O., 11th March 1878, No. 1,254 W.

MARCH.

Nos. 147-148.

Major (now Lieutenant-Colonel) Prendergast, R.E.—The decision of the Government of India solicited to the question of acting allowance admissible to — for the period during which he officiated as Consulting Engineer for Railways.

1254
1255
4

PUBLIC WORKS DEPARTMENT.

General
Establishment.

No. 1,255 W.

No. 149.

FROM

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
Public Works Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
Public Works Department.

SIR,—I am directed to forward the accompanying correspondence on the subject of the acting allowance admissible to Major (now Lieutenant-Colonel) Prendergast, R.E., for the period during which he officiated as Consulting Engineer for Railways, viz., from the 1st September 1870 to the 31st March 1872, and to request that the decision of the Government of India on the question raised may be obtained.

I have the honor to be,
Sir,
Your most obedient servant,

Colonel, R.E.,
Secretary to Government, P.W.D.

FORT ST. GEORGE,
11th March 1878.

Exd. E. C. Shunker.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of (1878) Madras.
PUBLIC WORKS.

To

The SECRETARY to the
GOVERNMENT of INDIA.

Dates Memo Off.

Issued

Read Encl.

G. O. 11th March 1878, No. 1255 W.

MARCH.

No. 128.

Requests decision as to amount of the acting allowance admissible to Major (now Lieutenant-Colonel) Prendergast, R.E., for the period during which he officiated as Consulting Engineer for Railways.

1254-55
6

FROM THE EXAMINER P.W.ACCOUNTS,
MADRAS,

TO THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT,
GENERAL BRANCH.

NO. 218 W. CHEPAK, 2nd March ~~20TH FEBRUARY~~ 1878.

SIR,

AT THE REQUEST OF THE ACCOUNTANT GENERAL, PUBLIC WORKS DEPARTMENT, AS CONTAINED IN HIS LETTER NO.909.E. DATED 19TH.NOVEMBER 1877, I HAVE THE HONOR TO ADDRESS YOU, WITH A VIEW TO THE ORDERS OF THE GOVERNMENT OF INDIA BEING OBTAINED ON THE SUBJECT OF THE ACTING ALLOWANCE ADMISSIBLE TO MAJOR (NOW LIEUTENANT COLONEL) PRENDERGAST R.E., FOR THE PERIOD HE OFFICIATED AS CONSULTING ENGINEER FOR RAILWAYS FROM THE 1ST.SEPTEMBER 1870 TO THE 31ST. MARCH 1872.

2. THE FACTS OF THE CASE ARE AS FOLLOWS :-

PRIOR TO SEPTEMBER 1870, APPOINTMENTS IN THE RAILWAY BRANCH WERE NOT DIVIDED INTO CLASSES OR GRADES AND THE CONSULTING ENGINEER FOR RAILWAYS DREW A CONSOLIDATED PAY OF RS.2000 PER MENSEM :- THE ACTING ALLOWANCE ADMISSIBLE TO AN OFFICIATING INCUMBENT WOULD THEREFORE BE, 20 PER CENT ON RS.2000 OR RS.400. FROM AND AFTER SEPTEMBER

1870, THE CONSULTING ENGINEER HAVING BEEN GRADED AS A THIRD CLASS CHIEF ENGINEER, THE DEPUTATION ALLOWANCE TO MAJOR PRENDERGAST FOR THE TIME HE OFFICIATED AS CONSULTING ENGINEER FOR RAILWAYS WAS CALCULATED BY THIS OFFICE AT 20 PER CENT ON RS. 1,500 WHICH IS THE CONSOLIDATED SALARY OF A CHIEF ENGINEER OF THE THIRD CLASS.

3. UNDER PUBLIC WORKS CIRCULAR NO.60 DATED 31ST.AUGUST 1870, MAJOR PRENDERGAST RESELECTED THE 'OLD SCALE', AND THE ACCOUNTANT GENERAL, P.W.DEPARTMENT (COLONEL WELLS) IN HIS LETTER NO.137.E.DATED 12TH.FEBRUARY 1877 BEING OF OPINION THAT HIS DEPUTATION ALLOWANCE SHOULD BE CALCULATED ON THE OLD RATES, INSTRUCTED THIS OFFICE TO REVISE WITH REFERENCE TO PUBLIC WORKS CIRCULAR NO.70 OF 1871, THE ACTING ALLOWANCE THAT HAD ALREADY BEEN PASSED TO MAJOR PRENDERGAST. THIS WAS ACCORDINGLY DONE, AND THE NECESSARY INTIMATION MADE TO MAJOR PRENDERGAST.

4. ACCORDING TO PARA 2 OF PUBLIC WORKS CIRCULAR NO.70 OF 1871, THE ACTING ALLOWANCE TO BE PASSED TO OFFICERS WHO ELECTED THE 'OLD SCALE' SHOULD BE CALCULATED ON THE CIVIL RATES OF PAY WHICH OBTAINED PRIOR TO THE INTRODUCTION OF THE NEW SCALE, AND AS PRIOR TO SEPTEMBER 1870 APPOINTMENTS IN THE RAILWAY BRANCH HAD NOT BEEN DIVIDED INTO CLASSES OR GRADES, IT WAS CONCLUDED THAT THE OLD RATE TO WHICH THE ACCOUNTANT GENERAL P.W.DEPARTMENT (COLONEL WELLS) REFERRED WAS THE OLD CONSOLIDATED RATE OF PAY OF RS.2,000 FOR THE APPOINTMENT OF CONSULTING ENGINEER. THE ACCOUNTANT GENERAL, P.W.DEPARTMENT (COLONEL INNES) HOWEVER IN A SUBSEQUENT COMMUNICATION, (VIDE HIS LETTER NO.280.E.DATED 31ST.MARCH 1877) HOLDS THAT AS FROM SEPTEMBER 1870, CONSULTING ENGINEERS WERE GRADED AS CHIEF

1254-55

7

ENGINEERS THE BASIS ON WHICH THE PERCENTAGE TO ARRIVE AT MAJOR PRENDERGAST'S ACTING ALLOWANCE SHOULD BE CALCULATED IS NOT THE CONSOLIDATED PAY OF RS.2,000 PER MENSEM, BUT THE CIVIL PAY, ON THE SCALE THEN IN FORCE OF A CHIEF ENGINEER OF THE LOWEST CLASS, VIZ.RS.1,250. THE ACCOUNTANT GENERAL, P.W.DEPARTMENT (COLONEL INNES) GOES ON TO SAY THAT THE ORDER INTRODUCING THE CHANGE IN PAY ETC. FROM THE 1ST.SEPTEMBER 1870 PROVIDES THAT NO REDUCTION SHOULD BE MADE, IN CONSEQUENCE OF THOSE CHANGES IN THE SUBSTANTIVE PAY OF ANY OFFICER BUT CONTAINS NO SUCH PROVISO IN THE CASE OF ACTING PAY.

5. UNDER THE ABOVE CIRCUMSTANCES I SHALL ACCORDINGLY FEEL OBLIGED BY YOUR REFERRING THE MATTER TO THE GOVERNMENT OF INDIA, WITH A VIEW TO A DECISION BEING ARRIVED AT AS TO THE BASIS ON WHICH THE ACTING ALLOWANCE TO MAJOR PRENDERGAST SHOULD HAVE BEEN CALCULATED.

6. I ENCLOSE COPIES OF CORRESPONDENCE THAT HAS TAKEN PLACE ON THE SUBJECT.

LETTER FROM THE DISTRICT ENGINEER NORTH ARCOT NO. 2337 DATED 3RD.FEBRUARY 1877.

DO FROM THE ACCOUNTANT GENERAL,P.W.D.NO.137.E. OF 12TH.FEB.1877

DO DO NO.280E.OF 31ST.MARCH 1877.
DO TO DO NO.8.A.OF 20TH.APRIL 1877.
DO FROM DO NO.009.E.OF 13TH.NOV.1877.

I HAVE THE HONOR TO BE,
SIR,
YOUR MOST OBEDIENT SERVANT,

Conway-Gordon

EXAMINER, P.W.ACCOUNTS AND MAJOR R.E.
CD: S.B.

EXD.A.P.

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ENCLOSURE NO.1.

COPY OF A LETTER FROM THE DISTRICT ENGINEER, NORTH ARCOT, TO THE EXAMINER, P.W.ACCOUNTS, NO.2087 DATED 2ND.FEBRUARY 187[illegible] V. 7

IN YOUR LETTER NO.151.A, DATED THE 13TH.DECEMBER 1870, YOU HAVE SHEWN THAT I DREW DEPUTATION ALLOWANCE RS.150 NOT RS. 400 FOR THE MONTHS NOVEMBER AND DECEMBER 1870, TOGETHER WITH MILITARY PAY AND ALLOWANCES, ON REFERENCE TO THE CONSULTING ENGINEER FOR RAILWAYS, I FIND THAT THIS IS CORRECT, BUT I HAVE THE HONOR TO REQUEST YOU ATTENTION TO THE FACT, THAT THE ABOVE WERE ONLY AD INTERIM PAYMENTS, AND THAT I SUBSEQUENTLY DREW BY SUPPLEMENTAL BILL, THE DIFFERENCE OF PAY, SO THAT I FINALLY RECEIVED CONSOLIDATED SALARY FROM THE 1ST.SEPTEMBER

2. YOU HAVE DISALLOWED MY CLAIM VIZ. THAT I WOULD HAVE DRAWN DEPUTATION ALLOWANCE RS.400 UNDER THE OLD RULES, BY SAYING THAT I ACTUALLY DID DRAW THE REDUCED DEPUTATION ALLOWANCE RS.150 FOR 2 MONTHS, BUT IN THOSE TWO MONTHS, I KNEW OF COURSE THAT THE NEW CONSOLIDATED SCALE WOULD COME IN, WITH RETROSPECTIVE EFFECT, AND I THINK IT VERY HARD THAT I SHOULD BE CONSIDERED TO HAVE SUFFERED OR ACQUIESCED IN A REDUCTION OF ALLOWANCES, BECAUSE I DID NOT OBJECT TO THAT REDUCTION OF DEPUTATION ALLOWANCE WHICH WAS FORTHWITH TO BE MADE UP BY THE ALTERED FORM OF CONSOLIDATED SALARY.

3. I REALLY DO NOT THINK THE GOVERNMENT WOULD REQUIRE ME TO MAKE THE REFUND; FOR THIS IS NOT MONEY, THAT I HAVE ACTUALLY RECEIVED, SUCH AS THE REMAINING AMOUNT RS.2500, OF WHICH I HAVE HAD THE ADVANTAGE, BUT IT IS THE DIFFERENCE BETWEEN THE PAY THAT I DREW, AND THAT WHICH YOU CONSIDER I WOULD HAVE DRAWN, IF I HAD ELECTED FOR THE OLD RULES. I USE THE WORDS 'YOU CONSIDER' [illegible] TECHNICAL AUDIT BY STRICT RULE. AT THE SAME TIME, I MYSELF CONSIDER, THAT IF I HAD RETAINED THE OLD SCALE OF PAYMENT, I CERTAINLY WOULD HAVE REPRESENTED MY CASE TO THE GOVERNMENT, AND IT CANNOT BE ASSERTED THAT THE GOVERNMENT WOULD HAVE DECIDED AGAINST IT.

1254-85
6

4. I THEREFORE BEG YOU WILL BE SO GOOD AS TO REPRESENT THE MATTER FOR THE ORDERS OF THE GOVERNMENT; AND IT IS BRIEFLY THIS.

I HAVE TO REFUND THE AMOUNT WHICH I HAVE DRAWN TO MY OWN ADVANTAGE, BY THE CONSOLIDATED SALARY SCALE, AS COMPARED WITH WHAT I WOULD HAVE DRAWN, HAD I NOT CHOSEN TO ADOPT THAT SCALE. THE ENCLOSED LIST OBTAINED FROM THE CONSULTING ENGINEER FOR RAILWAYS, SHEWS THAT I DREW FOR THE MONTHS APRIL TO OCTOBER 1870, AT THE RATE OF RS.400 DEPUTATION ALLOWANCE, ON THE SALARY OF RS.2000. BUT WHEN I CAME ON THE NEW SCALE OF PAYMENT, WHICH HAD EFFECT FROM 1ST.SEPTEMBER, MY PAY WAS ADJUSTED, SO THAT I FINALLY RECEIVED FROM THAT DATE, RS.960. NOW THE APPOINTMENT WAS REDUCED, NOMINALLY FROM RS.2000 TO RS.1800, BUT WHILE A REGIMENTAL CAPTAIN WOULD THEN BE ENTITLED TO RS.1040 INCLUDING PAY PROPER, A LIEUT.COLONEL WOULD HAVE DRAWN RS.[illegible]-8-0, THUS GAINING BY THE REDUCTION. AND AS THE GOVERNMENT HAVE ALWAYS DEALT LIBERALLY WITH PRESENT INCUMBENTS OF OFFICES ON REDUCTION; I MAY FAIRLY SAY, THAT IF I HAD NOT TAKEN THE NEW SCALE, I WOULD HAVE HAD GOOD GROUNDS FOR ASKING THE GOVERNMENT TO ALLOW ME TO RETAIN PERSONALLY, THE ALLOWANCES WHICH I HAD ALREADY BEEN RECEIVING.

5. I AM ALSO NOT ASKING TO BE EXEMPTED FROM A LIABILITY TO WHICH OTHER OFFICERS ARE SUBJECT; FOR THERE IS NO OTHER

SIMILAR CASE. THE FORMER RATES OF PAY WERE NOT ALTERED, EXCEPT IN THE ONE APPOINTMENT OF CONSULTING ENGINEER FOR RAILWAYS, AND IF YOU CAN ADMIT, THAT I HAVE ESTABLISHED A DOUBT AS TO MY CLAIM FOR THE DEPUTATION ALLOWANCE, I TRUST THAT THE GOVERNMENT WILL GIVE ME THE BENEFIT OF THE DOUBT, AND NOT CALL UPON ME TO PAY THE 40 RS. FOR THE 10 MONTHS SEPTEMBER 1870 TO MARCH 1871.

ENCLOSURE NO.2.

COPY OF A LETTER FROM THE ACCOUNTANT GENERAL, P.W.DEPARTMENT, TO THE EXAMINER,P.W.ACCOUNTS. NO.137.E.DATED 13TH.FEBRUARY 1877.

I HAVE THE HONOR TO ACKNOWLEDGE RECEIPT OF YOUR LETTER NO. 203.A, DATED THE 24TH ULTIMO FORWARDING STATEMENTS OF THE RE-ADJUSTMENT OF SALARIES OF CERTAIN R.E.OFFICERS WHO HAVE RE-ELECTED FOR THE FORMER SCALE OF PAY.

MAJOR MEAD EX.ENGR 1ST.GRADE
,, VERTUE ,, ,,
,, WOOD ,, 2ND. ,,

B. I OBSERVE THAT THE OFFICERS NAMED IN THE MARGIN WERE ON FURLOUGH AND HOLDING THE RANK OF MAJOR ON THE 1ST.APRIL 1875 WHEN THE PAY OF THAT RANK WAS INCREASED, BUT THAT YOU HAVE NOT CREDITED THEM WITH ANY ADDITION TO THEIR FURLOUGH ALLOWANCE ON ACCOUNT OF THAT INCREASE. I AM OF OPINION THAT THESE OFFICERS HAVING NOT ELECTED FOR STAFF PAY + MILITARY PAY AND ALLOWANCES ARE, UNDER SECTION V RULE 2 OF THE MILITARY FURLOUGH REGULATIONS ENTITLED TO A MOIETY OF THAT INCREASE FROM THE 1ST.APRIL 1875 TO DATE OF TERMINATION OF THEIR FURLOUGH.

C. THE ACTING ALLOWANCES OF MAJORS PRENDERGAST AND SMITH FOR PERIODS THAT THEY OFFICIATED IN THE CONSULTING ENGINEERS DEPARTMENT APPEAR TO HAVE BEEN CALCULATED ON NEW RATES OF PAY. IF SO, THEY SHOULD NOW BE REVISED WITH REFERENCE TO PUBLIC WORKS DEPARTMENT CIRCULAR NO.79 OF 1871 AND THE CALCULATION MADE ON THE OLD RATES.

D. THE RATES OF SUBSIDIARY LEAVE ALLOWANCES TO MAJORS MEAD AND MONTGOMERIE APPEAR TO BE INCORRECT. AS THESE OFFICERS WERE ON THE MAXIMUM PAY OF THEIR GRADE THE STAFF PAY FOR DETERMINING THEIR SUBSIDIARY LEAVE ALLOWANCES SHOULD OBVIOUSLY BE THE DIFFERENCE BETWEEN THE MAXIMUM AND THEIR MILITARY ALLOWANCES. THEIR SUBSIDIARY LEAVE ALLOWANCES SHOULD ACCORDINGLY BE :-

$$\frac{1}{2}\left\{ 900-458.4 \right\} = 220.14 + 640.14 = \text{RS.}861\text{-}12\text{-}0.$$

ENCLOSURE NO.3.

COPY OF A LETTER FROM THE ACCOUNTANT GENERAL, P.W. DEPARTMENT, TO THE EXAMINER,P.W.ACCOUNTS. NO.280.E.DATED 13TH.MARCH 1877.

I HAVE THE HONOR TO ACKNOWLEDGE RECEIPT OF YOUR LETTER NO.236.A.DATED 28TH.FEBRUARY LAST FORWARDING REVISED STATEMENTS OF THE READJUSTMENTS OF THE SALARIES OF CERTAIN ROYAL ENGINEER OFFICERS, IN CONSEQUENCE OF THEIR HAVING RE-ELECTED THE OLD SCALE OF PAY, I OBSERVE THAT YOU HAVE THEREIN CREDITED MAJORS PRENDERGAST AND SMITH WITH ACTING ALLOWANCES AT RS.400 PER MENSEM FOR THE SEVERAL PERIODS THAT THESE OFFICERS, WHILE HOLDING THE RANK OF EXECUTIVE ENGINEERS 1ST.GRADE, OFFICIATED AS CONSULTING ENGINEERS FOR GUARANTEED RAILWAYS MADRAS.

MAJOR PRENDERGAST SO OFFICIATED FROM MARCH 1870 TO MARCH 1872 AND AS THE PAY OF THE CONSULTING ENGINEER MADRAS WAS, UP TO 31ST.AUGUST 1870, A CONSOLIDATED PAY OF RS.2,000, HE WAS THEREFORE, UP TO THAT DATE, ENTITLED TO ACTING ALLOWANCE AT THE RATE OF RS.400 PER MENSEM. BUT FROM THE 1ST.SEPTEMBER 1870, A CHANGE CAME INTO FORCE

No 5

BY WHICH CONSULTING ENGINEERS WERE GRADED AS CHIEF ENGINEERS, I AM OF OPINION THAT FROM THAT DATE, IN CONSEQUENCE OF THAT CHANGE, THE PAY, ON THE BASIS OF WHICH THE PERCENTAGE TO ARRIVE AT MAJOR PRENDERGAST'S ACTING ALLOWANCE SHOULD BE CALCULATED, IS, NOT THE CONSOLIDATED PAY OF RS.2,000 PER MENSEM, BUT THE CIVIL PAY, ON THE SCALE THEN IN FORCE, OF A CHIEF ENGINEER OF THE LOWEST CLASS VIZ. RS.1,750. THIS WOULD REDUCE THE ACTING ALLOWANCE FROM RS.400 TO 350 PER MENSEM. IT WAS PROVIDED IN THE ORDER INTRODUCING THE CHANGE IN PAY ETC. FROM THE 1ST. SEPTEMBER 1870 THAT NO REDUCTION SHOULD BE MADE IN CONSEQUENCE OF THOSE CHANGES IN THE SUBSTANTIVE PAY OF ANY OFFICER, BUT THERE IS NO SUCH PROVISO IN THE CASE OF ACTING PAY.

3. FOR SIMILAR REASONS MAJOR SMITH, WHO OFFICIATED AS CONSULTING ENGINEER MADRAS ON TWO OCCASIONS SUBSEQUENT TO SEPTEMBER 1870, IS NOT APPARENTLY ENTITLED TO AN ACTING ALLOWANCE OF MORE THAN RS.350 PER MENSEM.

4. I WOULD ENQUIRE WHETHER THERE WERE ANY SPECIAL REASONS FOR PASSING THE HIGHER RATES.

ENCLOSURE NO.4.

COPY OF A LETTER FROM THE EXAMINER, P.W.ACCOUNTS, TO THE ACCOUNTANT GENERAL, PUBLIC WORKS DEPARTMENT, NO.[illegible] APRIL 1877.

WITH REFERENCE TO YOUR LETTER NO.[illegible] OF THE 21ST. MARCH 1877, I HAVE THE HONOR TO REMARK AS FOLLOWS :-

2. IN PREPARING THE ORIGINAL STATEMENTS OF THE READJUSTMENT OF SALARIES OF LIEUT.COLONEL PRENDERGAST AND MAJOR SMITH, WHICH ACCOMPANIED MY LETTER NO.205.A.OF THE 29TH.JANUARY 1877, THIS OFFICE IN DETERMINING THE DEPUTATION ALLOWANCE TO BE PASSED TO

No 6

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THOSE OFFICERS WHILE ACTING AS CONSULTING ENGINEER FOR RAILWAYS SUBSEQUENT TO 1ST.SEPTEMBER 1870 CALCULATED THE AMOUNT AT THE RATE OF 20 PER CENT ON RS.2000, THE APPOINTMENT HAVING FROM THAT DATE BEEN GRADED AS THAT OF A CHIEF ENGINEER OF THE 3RD.CLASS.

3. THESE ACTING ALLOWANCES COLONEL [illegible] IN HIS LETTER NO.[illegible] OF THE 13TH.FEBRUARY 1877 DESIRED SHOULD BE REVISED WITH REFERENCE TO P.W.CIRCULAR NO.79 OF 1877, AND THE CALCULATIONS MADE ON THE OLD RATES.

4. ACCORDING TO PARA [illegible] OF THIS CIRCULAR, THE ACTING ALLOWANCES TO BE PASSED TO OFFICERS WHO FILL THE HIGHER "SCALE OF PAY SHOULD BE CALCULATED ON THE CIVIL RATES OF PAY WHICH OBTAINED PRIOR TO THE INTRODUCTION OF THE NEW SCALE" AND, AS PRIOR TO SEPTEMBER 1870, APPOINTMENTS IN THE RAILWAY BRANCH HAD NOT BEEN DIVIDED INTO CLASSES OR GRADES, IT WAS CONCLUDED THAT THE OLD RATE TO WHICH COL. [illegible] REFERRED, WAS THE OLD CONSOLIDATED RATE OF PAY OF RS.2000 FOR THE APPOINTMENT OF CONSULTING ENGINEER. THE ORIGINAL STATEMENTS OF THE TWO OFFICERS CONCERNED WERE REVISED ACCORDINGLY IN THE MANNER SHEWN IN THE STATEMENTS FURNISHED WITH MY LETTER NO.230.A.OF THE 26TH.FEBRUARY 1877 AND BOTH OFFICERS WERE INFORMED IN DUE COURSE OF THE ALTERATION WHICH HAD BEEN MADE.

5. UNDER THESE CIRCUMSTANCES I SHALL BE OBLIGED BY YOUR INFORMING ME WHETHER YOU ARE STILL OF OPINION THAT THE DEPUTATION ALLOWANCE FOR THE PERIODS REFERRED TO IN YOUR LETTER UNDER ACKNOWLEDGMENT SHOULD BE REDUCED FROM RS.400 TO RS.350 PER MENSEM.

6. IT MAY BE WELL FOR ME TO ADD THAT PRIOR TO THE RECEIPT OF COLONEL MELLIS' LETTER OF THE 13TH.FEBRUARY 1877 THIS OFFICE HAD BEEN IN CORRESPONDENCE WITH LIEUT-COL.PRENDERGAST ON THE SUBJECT OF THE RATE OF DEPUTATION ALLOWANCE TO WHICH IT WAS CONSIDERED HE WAS ENTITLED WHILE ACTING AS CONSULTING ENGINEER FOR RAILWAYS SUBSEQUENT TO 1ST.SEPTEMBER 1870. THAT OFFICER WAS OF OPINION THAT HE WAS FAIRLY ENTITLED TO THE MONTHLY RATE OF RS.400 AND HE HAD CONSEQUENTLY REQUESTED THAT THE MATTER SHOULD BE REFERRED TO GOVERNMENT FOR ORDERS. THIS WOULD HAVE BEEN DONE BUT FOR THE CONCLUSION ARRIVED AT ON THE RECEIPT OF COLONEL MELLIS' LETTER THAT RS.400 WAS THE PROPER AMOUNT TO BE PASSED.

7. I ENCLOSE A COPY OF LIEUT-COL.PRENDERGAST'S LETTER NO. 3327 OF 3RD FEBRUARY 1877, IN WHICH HE GIVES HIS REASONS FOR URGING THE CLAIM TO RS.400.

ENCLOSURE NO.5.

COPY OF A LETTER FROM THE ACCOUNTANT GENERAL, P.W.DEPARTMENT, TO THE EXAMINER,P.W.ACCOUNTS, NO.905.E.DATED 13TH.NOVEMBER 1877.

IN REPLY TO YOUR LETTER NO.P.A.DATED 30TH.APRIL 1877, I HAVE THE HONOR TO REQUEST THAT YOU WILL BE GOOD ENOUGH TO REFER THE QUESTION OF THE ACTING ALLOWANCE ADMISSIBLE TO MAJOR PRENDERGAST FOR THE PERIOD HE OFFICIATED AS CONSULTING ENGINEER SUBSEQUENT TO 1ST.SEPTEMBER 1870 TO THE LOCAL GOVERNMENT FOR THE ORDERS OF THE GOVERNMENT OF INDIA.

2. INSTRUCTIONS AS TO THE OFFICIATING ALLOWANCES ADMISSIBLE TO MAJOR SMITH WILL BE ISSUED HEREAFTER.

(TRUE COPIES)

CHIEF ASST.TO EXR.P.W.ACCTS.

EXD.W.R.

CS.S.B.

FROM THE EXAMINER, P.W. ACCOUNTS,
MADRAS.

TO THE SECY. TO GOVT. P.W.D.
GENERAL BRANCH.

No. 218 W.

DATED ~~1st~~ 2nd MARCH 1878.

RECD.

Fo. 24-1-92. No 278.

ENCLOSURES.

SUBMITTING TO OBTAIN THE
ORDERS OF THE GOVERNMENT OF INDIA
ON THE SUBJECT OF THE ACTING ALLOW-
ANCE ADMISSIBLE TO MAJOR PRENDERGA-
ST R.E. FOR THE PERIOD HE OFFI-
CIATED AS CONSULTING ENGINEER FOR
RAILWAYS.

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No 1254 W Public Works Department

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 11th March 1878

Read the following :—

From the Examiner, Pr Accts (H.E. No 218 W of 2 Mar 78)

Ordered that the question be referred for the decision of the Govt of India

H.E. No 1255 W of 11th March 78

To the Secy to the
Govt of India
P.W.D.

Sir,

I am directed to forward the accompanying correspondence on the subject of the acting allowance admissible to Major (now Lt.Col.) Prendergast R.E. for the period during which he officiated as Consulting Engineer for Railways, viz from the

Despd 20-3-78

Exr Pr Accts
Dt Engr N. Arcot

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1st September 1870 to
the 31st March 1872, and
to request that the ~~orders~~ opinion
of the Government of
India on the question
raised may be [illegible] elicited.

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Draft 20-3-78

C. 2650

Govt. of [1878] Madras.
PUBLIC WORKS.

To the Examiner P. W. Accts

12-3-78

Dated

Letter

Recd. Encl.

G. O. 11 Mar 1878 No. 1254 W
1255

Nos 147 - 148
149

Major (now Lt Col.) Prendergast R.E. The decision of the Govt solicited as to the question of acting allowance admissible to — for the period during which he officiated as Ch. Engr for Rys

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Intimates decision on the subject of the acting allce admissible to Major (now Lt Col.) Prendergast R.E. for the period during which he officiated as Ch. Engr for Rys