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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P.W DEPARTMENT

G.O. No. 4327428
B.P. No.

Press.
Mis.

Dated 11 — 11 — 1888 197.

V.S.M
Not to be folded or roughly handled

4327^W₂₈

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

11th November 1878, No. 4,327 W.

General.
Establishment.

Read the following paper:—

No. 153. From A. B. SAMPSON, Esq., Under Secretary to the Government of India, Public Works Department, (Establishment—General), to the Secretary to the Government of Madras, Public Works Department, dated Simla, 25th September 1878, No. 1,313 E—G.

In reply to your letter No. 3,263 W, dated the 15th August 1878, intimating that as Mr. Barton never was on the Madras Establishment he cannot be taken back, I am directed to refer you to Section 38, paragraph 14 of the Civil Pension Code, and to state that the Government of India sees no reason to depart from the decision already communicated in Public Works Department No. 996 E—G, of 17th July 1878, and previous correspondence.

No. 154. ORDER THEREON, 11th November 1878, No. 4,327 W.

ORDERED that the following reply be sent.

(Here enter No. 4,328 W, dated 11th November 1878).

(True Extract.)

(Signed) E. A. FOORD, Colonel, R.E.,
Secretary to Govt., P.W.D.

Exd. T. D. Ryan.
Spare Copies

★
GENERAL
ESTABLISHMENT.

Govt. of (1878) Madras.
PUBLIC WORKS.

Dated November 11th.

Issued

Recd.

Encl.

G. O., 11th November 1878, No. 4327 W.

NOVEMBER
Nos. 153-154

Mr. Barton, Chief Engineer of Travancore.
—Passing orders on letter from the Govern-
ment of India regarding the transfer of the
services of — to the permanent establish-
ment of the Public Works Department of
the Madras Presidency.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

No. 4,328 W.

No. 155.

FROM

THE SECRETARY TO THE GOVT. OF MADRAS,

Public Works Department

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,

Public Works Department.

SIR,—I am directed to acknowledge the receipt of your letter No. 1,313 E—G, dated 25th September 1878, in which I am referred to Section 38, paragraph 14 of the Civil Pension Code, with an intimation that the Government of India sees no reason to depart from the decision already communicated in Public Works Department No. 996 E—G, dated 17th July 1878, in regard to Mr. Barton, Chief Engineer, Travancore Public Works Department.

2. The section of the code to which attention is called lays down that "if an officer is transferred from qualifying service to substantive service under a Native State, Municipality, or other body financially independent of the Government of India, it must be arranged that he does not forfeit a lien upon his substantive office under the British Government, which his *locum tenens* should hold substantively for the time only."

3. His Grace the Governor in Council has no wish to traverse a ruling of the Financial Codes of the Government of India in respect to Mr. Barton's case. On the contrary he desires that the ruling which has been quoted in the letter under acknowledgment may be strictly applied.

4. It must be remembered that Mr. Barton was transferred to service in Travancore from a substantive appointment on the Bombay Public Works Department. It was therefore imperative, under the provisions of Section 38, paragraph 14 of the Civil Pension Code, for the Bombay Government to have arranged that Mr. Barton's place in that establishment should be filled by a *locum tenens* "for the time only," preserving to Mr. Barton "a lien on his substantive office under the British Government." It was obviously impracticable for the Madras Government to have acted under the provisions of this section of the code, seeing that Mr. Barton held no "substantive office" under this Government on which he could have had "a lien," and that no "*locum tenens*" could therefore have been appointed in his room.

5. Under these circumstances I am directed to request that the matter may be once more laid before the Government of India for reconsideration. The question is simply whether the loan by the Government of India of the services of one of its servants to a Native State entails the transfer of that servant from one Presidency to another with which he is not brought into any relations whatever.

I have the honor to be,

Sir,

Your most obedient servant,

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

FORT ST. GEORGE,
11th November 1878.
Ed. T. D. Ryan.



GENERAL
ESTABLISHMENT.

Govt. of [1878] Madras.

PUBLIC WORKS.

To

THE SECRETARY TO THE
GOVERNMENT OF INDIA.

Dated November 11th.

Issued

Recd.

Each

G. O., 11th November 1878, No. 4,328 W.

NOVEMBER

No. 155

Requires a reconsideration of the question
of the transfer of the services of Mr. Barton,
Chief Engineer of Travancore, to the perma-
nent establishment of the Public Works
Department of the Madras Presidency.

Extract from the Civil Pension Code
Chapter 4 Para 14.

"If an Officer is, under this
Chapter, transferred from qualifying service
to substantive service under a Native State,
Municipality, or other body financially
independent of the Government of India, it
must be arranged that he does not forfeit
a pension upon his substantive Office under the
British Government which locum tenens
should hold substantively for the time only,
under Section 4 of the Acting Allowance Code.

An Officer so transferred cannot return
to acting service under the British Govern-
ment, without first giving up his substantive office under the British Govern-
ment, the locum tenens of this Office,
thereupon, falling back on acting allow-
ances. No Officer, while acting in any
appointment under the British Govern-
ment, or the pay of which is regulated by
the British Government, is entitled to al-
lowances on account of any office under

a Native State, Municipality or other body
financially independent of the
Government of India. But there is
no objection to his being permitted to
retain a lien upon such an Office, on to
the actual incumbent being appointed
thereto during his absence, substantively
for a time only."

Letter from the Government of India
No 1313 R.G. dated 25 Sept 1898.

FOR ORDERS.

I am all
his only child
under the Act
has in Bombay - the
must not be any way
Madras 1/10

E A Ford L.R.R.
Secy to Govt of India

8th Oct 98

Scopes that I think
that Mr. B. came & then got
for employment to one of his
native States - but if we
can under the rule settle
him here on Bombay &
all means keep up the
lien 12/10 P.B.

19/10 & 1/11

FOR ORDERS.

- (2) His Highness the Maharaja of Mysore
(1) Mr. W. H. Johnston
(3) Mr. J. H. Robinson K.C.S.I.
(4) Mr. J. H. Robinson K.C.S.I.

Recirculated with
the 8th official
note (put up with G. 0468
of 3rd Dec. 73) Political from
the Financial Secretary
to the Govt of India.
referred to by the Hon.
Mr. Johnston.

907 10/10

I think the Govt of India
is practically of very
little importance. But
a principle is involved
& I don't think Mr.
Barton can be brought
into F.W.D. Estab.
because of his services.

Aug 7-11-78

Recd 18.10.78. Oct 1-11-78
Dec 8.10.78. Oct 15.10.78
5.10.78

No. 1313 E. 4.

GOVERNMENT OF INDIA

PUBLIC WORKS DEPARTMENT.

Establishment,
General.

To

The Secretary to the Government of Madras,
Public Works Department.

Simla, 25th September, 1878.

Sir,

In reply to your letter No 3263 M, dated
the 15th August, 1878, intimating that as Mr. A.
Barton never was on the Madras Establish-
ment he cannot be taken back, I am directed
to refer you to section 38, para 14, of the Civil
Pension Code, and to state that the Government
of India sees no reason to depart from the
decision already communicated in Public
Works Department No 996 E. 6. of 17th July, 1878, and
previous correspondence.

I have the honor to be,
your most obedient servant,

L. de L.

W. S. S. S. S.
Under Secy. to the Govt of India

G.O. No. 32623 W of 15 Aug 78

25023 W of 14 June 78

Mis no 1509 W of 1 March

50-463 - 21 Nov 62 P.H. Dept

48 - 11 July 63

192 - 6 July 67

236 W. - 14.1.78

237 W. - 14.1.78

[Handwritten signature]
[Handwritten signature]
[Handwritten signature]

Cur 7-11-78

To advy 5-10-78

Recd 18-10-78

Cur 8-10-78

11-11-78

15-10-78

Real
Secret

Public Works Department.

No 43276

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 11 Nov 78

Read the following:-

Letter from the Govt of India (H. E. No 1313. E. G. d/25 Sept 78)

Ordered that the following reply be sent.

No 4328 W of 11 Nov 78
To The Secretary to the Govt. of India

Sir

I am directed to acknowledge the receipt of your letter No 1313. E. G. dated 25th September 1898 in which I am referred to Section 38 para 14 of the Civil Pension Code, with an intimation that the Govt of India has no reason.

R.I.

reason to depart from the
decision already Communi-
-cated in P.W. Dept. No 99624.
Dated 17th July 1898 in regard
to Mr. Barton, Chief Engineer
Travancore P.W. Dept.

The section of the Code
to which attention is called
lays down that "if an officer
is transferred from gnati-
-fying Service to substantive
Service under a Native State,
Municipality or other body
financially independent of
the Govt. of India, it must
be arranged that he does
not forfeit a lien upon
his substantive office under
the British Govt., which
his locum tenens should
hold substantively for the
time only."

His Grace the Governor
in Council has no wish
to traverse a ruling of the
Financial Codes of the
Govt. of India in respect
to Mr. Barton's case. On
the contrary he desires
that the ruling which
has been quoted in the
letter under acknowledge-
-ment may be strictly
applied.

It must be re-
-membered that Mr.
Barton was transferred
to Service in Travancore
from a substantive ap-
-pointment on the Bombay
P.W. Dept. It was there-
-fore imperative, under
the provisions of Section
38 para 14 of the Civil

Civil Pension Code, for
the Bombay Govt. to
have arranged that Mr.
Barlow's place in that
establishment should
be filled by a
"locum tenens" for the time
only, preserving to Mr. Barlow
a lien on his substantive
office under the British
Govt. It was obviously
impracticable for the
Madras Govt. to have
acted under the provisions
of this section of the Code,
seeing that Mr. Barlow
held no "substantive office"
under this Govt. on
which he could have
had "a lien" and that
no "locum tenens" could
therefore have been
appointed

The question is finally whether
the loan of the Govt. of India of
the services of Mr. Barlow to
the Madras Govt. entails
the transfer of that service
from one Govt. to another in
the sense of the provisions of the
Civil Pension Code.

I submit
all this.
H. W. C.
18th

4321923
appointed in his room

Under these cir-
cumstances I am directed
to request that the
matter may be once more
laid before the Govt. of
India for reconsideration.

[As illustrating the
view which the Govt. of
India may be considered
to have previously held
in regard to Mr. Barlow's
position, and the under-
standing on which the
Madras Govt. accepted
the services of that officer
on behalf of the Travancore
Govt. I am directed to
quote from a semi-official
letter written by Mr.
Chapman, the Financial
Secretary to the Govt. of
India

India, under date the
12th October 1873 to the
Chief Secretary to the
Govt. of Madras. In that
letter, referring to a question
of leave, the Financial
Secretary expressed him-
self as follows:-

" The Travancore Re-
sidency being under the
administration of the
Madras Govt. Mr. Barton's
leave should be notified
by that Govt. and not
by the Govt. of Bombay.
But the Bombay Govt.
are not correct in holding
that Mr. Barton does not
belong to the Bombay es-
tablishment. It is true
that his services were
placed at the disposal

must

of the Madras Govt.
but this was only in view
to Mr. Barton's employment
under the Travancore
State. The transfer of
Mr. Barton to the service
of the Travancore State
must be regarded as
being temporary and in
the Bombay Establishment
he must be regarded as
having been only seconded.
Hence he to quit the service
of the Travancore State
Mr. Barton would re-
vert to the service of the
Govt. of Bombay and
not of Madras.

When Mr. Barton
takes his pension, the
adjustment of the charge
on account of the pension
that

that will be granted
to him will be made
between the Travancore
State and the Bombay
Govt.

Any grants of leave
to Mr. Barlow must be
communicated to the
Bombay Govt."

Oct 7/11

Mr. B. Barlow

Orkut

Wm. &
Bart
as ordered
9.11.78

Dr. Prof. with 4 species
23-11-78

11102



Govt. of (1878) Madras.

PUBLIC WORKS

To the Secy to the Govt of India

Dated

Length

Recd.

Encl.

G. O. No. 1878, No. 12711

12-11-1878

Mr. Barton, Chief Insp. of Travancore. Passing on letter from the Govt of India regarding the transfer of the services of — to the permanent establishment of the Madras Presidency.

Requests a reconsideration of the question of the transfer of the services of Mr. Barton (Chief Insp. of Travancore) to the permanent establishment of the M. Dept. of the Madras Presidency.