

(1) Number of pages 18
(2) Date of repair 19-12-86.
(3) Initials of the Referencer lma ✓

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Public Works DEPARTMENT

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

139 W

Press.
Mis.

Dated

18-1-1881

[Signature]

W. Co

Not to be folded or roughly handled

No. 18.

Extract from the Minutes of Consultation, dated 7th January 1853.

Read the following Extract from the Proceedings of the Most Noble the Governor-General of India in Council in the Financial Department, under date the 3rd December 1852, No. 2728:—

Read an endorsement from the Home Department, No. 980, dated the 22nd ultimo, forwarding, for consideration and orders, a despatch from the Government of Fort St. George, No. 65, of the 1st idem, with an enclosure soliciting sanction to an increase to the office establishment of the Gazette Press at that Presidency.

RESOLUTION.—The Government of Fort St. George solicits sanction to an increase to the office establishment of the Gazette Press at that Presidency to the extent of Rupees 70 a-month. This increase is reported to be required on account of the use of printing having increased very considerably and is proposed to be

	Present scale.	Scale now sanctioned.	met by reductions in the General Department of the Government Secretariat. As the arrangement recommended by the Government as shown in the margin is unattended on the whole with any increase of charge, the Most Noble the Governor-General in Council is pleased to sanction it, and to vest the Government of Fort St. George with discretionary power to modify the establishments of the several Departments of the
	rs.	rs.	
Cost of the establishment for the Gazette Press at Madras	672	742	
Cost of the establishment of the General Department of the Government Secretariat... ..	4,841	4,771	
Total	5,513	5,513	

Government Secretariat of that Presidency as occasion may require without previous reference to the Government of India, provided its exercise is confined to those offices only, and to arrangements not attended with any augmentation of expense.

ORDER.—Ordered that a copy of the above Resolution be forwarded to the Home Department for communication to the Government of Fort St. George, and that the paper noted in the margin be returned.

(True Extract.)

(Signed) J. DORIN,
Secy. to the Govt. of India.

No. 1015.

Copy of the foregoing forwarded to the Government of Fort St. George, with reference to Chief Secretary Sir H. C. Montgomery's letter, No. 65, dated the 1st ultimo.

(By order of the Governor-General in Council.)

FORT WILLIAM,
HOME DEPARTMENT,
24th December 1852.

(Signed) A. R. YOUNG,
Under Secy. to the Govt. of India.

*Accession of the
appointment of*

14/12/80

Paragraph 1.—Under the authority conveyed in the foregoing Proceedings, the Right Honorable the Governor in Council is pleased to sanction an increase to the Office Establishment of the Gazette Press to the extent of Rupees (70)

Two 2nd-Class Copyists, at 20 Rupees each	40	per mensem	70	seventy per month, as per modified list,
Two 3rd-Class Copyists, at 15 Rupees each	30	per mensem	70	copy of which will be furnished to the
				Civil Auditor for his guidance, and also
				a reduction to the same extent in the
				General Departments of the Government
				Secretariat as noted in the margin.

2. Ordered that a copy of the Proceedings of the Government of India be furnished to the several Departments of the Government Secretariat for their information and guidance, and that the Civil Auditor be instructed to admit alterations or modifications of the abstracts in the several Departments of the Government Office Establishment as may from time to time be made, provided the aggregate amount for each Department is not exceeded.

(Signed) H. C. MONTGOMERY,
Chief Secretary.

Ed. W. H. French.



GOVT.
OF M. P. DEPT. W.

1880.

DEPT.

Rs 595

SECRETARY.

Chopank,

9th Dec 1880

OFFICE NOTE.

To

Prior to 1875,
the salaries of the
Office Assistants in
this Department were
1st. Clerk - Rs 600
2d. - 300
900.

On Mr. Carson's
appointment in Sep. 1876
this scale was altered
to
1st. Clerk - Rs 550
2d. do - 350
900.

and has continued
to ever since.

It has now
been decided on the
occasion of the
appointment of a

to be sent to the
 book of 2d Assistant
 to be sent to the place
 scale of salaries viz:
 1st Asst. Rs 600
 2d Asst. 300.

This arrangement
 will have effect from
 1st of the current
 month.

[Signature]

12/12/57

12/12/57

PLEASE SEE PARAS 45 AND 50
 OF THE MADRAS P.Y. CODE. THE
 SALARIES BEING ABOVE RS. 250 PER
 ANNUM, THE RE-ARRANGEMENT OF SALA-
 RIES OF THE FIRST AND SECOND ASSIST-
 ANTS OF THE P. Y. SECRETARIAT REQUIRES
 THE APPROVAL OF THE GOVERNMENT OF
 INDIA.

[Signature]
 22/12/57
 OFFICE

2/ Rearranging salaries
 in the Secretariat
 has been conferred
 on the Govt. of Madras
 Please see Proceedings
 of the Govt. of India
 in the Financial Dept.
 No 2728 d/3 Dec: 52. pt.
 up. This power has
 hitherto been exercised
 without question where
 no increase of cost
 was involved.

The sanction of
 the Govt. of India
 was not considered
 necessary when the
 last change was
 made, and it does
 not seem to be
 required now when
 all that is con-
 templated is to
 revert to the scale
 as sanctioned by
 the Govt. of India.
 If ultra vires the

involved, it is not
in connection with
the present action,
but with the former
proceeding.

Alt

W.

23/12/50

*N^o 947 serial
7/1/51*

TO 9.

THE PROCEEDINGS OF THE
GOVERNMENT OF INDIA IN THE FINAN-
CIAL DEPARTMENT REFERRED TO, UNDER
WHICH THE GOVERNMENT OF PORT SAINT
GEORGE WAS VESTED WITH DISCRETION-
ARY POWERS TO MODIFY THE ESTABLISH-
MENTS OF THE SEVERAL DEPARTMENTS
OF THE GOVERNMENT SECRETARIAT
WITHOUT PREVIOUS REFERENCE TO THE
GOVERNMENT OF INDIA, ARE DATED
SO FAR BACK AS '1850', SINCE THAT
TIME FOUR EDITIONS OF THE GOVERN-
MENT OF INDIA CODE HAVE BEEN
ISSUED, THE LAST OF WHICH
ADOPTED BY THIS GOVERNMENT WAS
ISSUED IN 1879, AND IN ACCORDANCE

WITH

130
11
WITH THE RULES THEREIN Laid DOWN IT
IS CLEAR THAT THE PROPOSED ARRANGE-
MENTS REQUIRE THE PREVIOUS SANCTION
OF THE GOVERNMENT OF INDIA.

2. WHEN THE LAST CHANGE WAS MADE,
THE SANCTION OF THE GOVERNMENT OF
INDIA DID NOT APPEAR NECESSARY AS
THE G.O. IN QUESTION WAS THEN OPERATIVE,
BUT FROM PARA 4 OF THE P.V. CODE IT
WILL BE OBSERVED THAT NO ORDER OF
GOVERNMENT PASSED BEFORE THE ISSUE
OF THE PRESENT EDITION OF THE MADRAS
CODE, SHOULD BE QUOTED.

Ans 7/1

G.P.O.

179
C's office note No. 747 of 7.1.81 is based on several assumptions that do not bear the test of examination.

It is assumed that the orders under which this soil exercise certain powers must be unoperative because they are

(1) of old date.

(2) Not specially reaffirmed in the face of Indian Code of the Gov. Dept. I

(3) and not specially reaffirmed in the Mexican Code of the P. W. Dept.

C himself demolishes
his second assump-
tion when he admits,
in para 2, that "when
the last change
was

Irish Chief Assistant

was made (in Mr. Car-
doz's case) the sanction
of the Govt. of India did
not appear necessary
as the L.G. in question
was then operative.

If operative then,
(Sep: 74) why not now?

Such arguments
however do not seem
to meet the question.

This fact of a
Departmental Code

either of the Govt. of India
or of the Madras Govt.
overlooking a special
ruling cannot be
held to annul powers
especially vested in
the Govt. of India & forged
by the highest ruling
authority in the State
viz the Financial
Dept. of the Govt. of India.
Powers thus conferred
cannot be abrogated.

It is curtailed except by
a special ruling of
the same or some
higher authority such
as the Home Govt. 189
6

It cannot be
expected that the
Madras Govt. will con-
sent to be deprived
in the manner pro-
posed of any powers
with which they have
been specially vested.

They have moreover
continued to exercise
these powers con-
tinuously from 1882
up to the present
time. Within the
last two months
they have reduced
the salary of the
Chief Assistant in the
Public Dept. from
£700 to £600.
and increased the
pay of the Revenue
Chief

John Chief Assistant

Chief Assistant from
\$500 to \$600 - as
to equalize the salaries
of all the Secretaries
Chief Assistants, and
bring them on the
scale specially sanctioned
for officers of this class.

Under these cir-
cumstances it does not
seem necessary to make
any reference to the
Jobs of India, and
the Examiners might
be told so by a G. O.

R. F.

11-1.

During the term of
my long experience
in the Secretariat
has been no doubt
it has always been
held that the Govt.
has full power to
manipulate the Post Office
Estab. & to edit the 1874 and stand
the total sum toward
change as it shows
fitting & does not
disposed to relinquish
the power at
Major Smith's bidding

1891
For order.

It will be observed
from the annexed office
notes that the Examiners
question the right of
our returning to the
old scale of salary
appertaining to the
Chief and Second Assistants
in this Office without
the prior sanction of the
Govt. of India

The salaries of these
positions prior to Sep-
1874 and stand
Chief Asst. £600
2nd Asst. do. 300
when from various reasons
which appertain to
General Walker as
the Assistant of a
Joint Chief Assistant

These Salaries
~~They~~ were altered
respectively to Rs.
550 and 350, acting
no doubt on the
ruling of the Govt.
Fin. Dept. No 2728 of
31 Dec. 1852; and
the Salaries so altered
appeared to have been
accepted without question
and were audited by
the Examiners Office

Later on the charge
of incumbents owing
to the appointment of
Mr. Pringle who had
previously acted as
2^d Asst. to another
post under Govt. and
the appointment of a
new person to the
post the question
was raised as to
whether it would not

In J.O. of 33.

Expressly supports
it.

18/11/57

Certainly

all

be right to revert
to the old scale which
would give Mr. R. Pringle
the present Chief Asst.
Rs. 600 instead of Rs. 550
an increase which he
had well deserved by
his assiduity and intelligence

It was shown to me
(1) that by all persons
practising in Chief Engineer
in the time being and
the appointment of both
Assistants in his own
life (2) that strong
reasons existed for
taking advantage of
the change of incumbents
to revert to the old
Scale

The Enamined in his
note of the 14th inst. ^{2nd page} refers
to this that under the
terms of paras 45 and 50
of our new Code the
power of fixing Salaries
above Rs. 250 resting

The following is a list
of entries in the
with accompanying notes
and.

Att

17181

No 18 Pub 27th Jan 1853

B. A. 13910 2/18 Jan 1871

175 & 176

Pro. P. H. M. L. V.
Dated
8-1-57

Oct 1857

5th

Pro. P. H. M. L. V.