

(1) Number of pages 36
(2) Date of repair 19.12.86 ✓
(3) Initials of the Referencer bno

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

PUBLIC WORKS DEPARTMENT

G.O. No.	262 W	Press.
B.P. No.		Mis.
Dated	31.1.1881	197

Not to be folded or roughly handled

10/Jan

262
1

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

No. 262 W.

No. 170.

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 request an expression of the opinion of the Government of India as to the extent of the discretionary power to sanction travelling allowance for halts at or near head-quarters granted to Superintending Engineers by paragraphs 65 III and IV, Chapter IV of the Government of India Code, which have been embodied as paragraphs 559 and 566 in the lately issued code of this Presidency.

2. A case has lately occurred in which a Superintending Engineer passed to an officer, after full consideration and consultation with the Chief Engineer, travelling allowance for a halt of twenty days at a place not the head-quarters of his division.

3. The Examiner, Public Works Accounts, however, refused to pass the claim, on the ground that by Code IV, 65 I (Madras Code 557), the place in question had become the officer's temporary head-quarters, and that the sanction of Government was necessary to the passing of any allowance under the circumstances.

4. It was pointed out to the Examiner that the paragraph in question merely prescribed that in the absence of special orders of Government fifteen days' residence at a place should be sufficient to constitute that place an officer's temporary head-quarters, but did not interfere with the discretionary power of passing allowances for halts at *head-quarters* given to Superintending Engineers by the subsequent paragraphs 65 III and 65 IV.

5. The particular case was referred to and decided by this Government, but the discussion showed that there was room for difference of opinion as to the meaning and intention of the paragraphs quoted.

6. According to the strict wording of these paragraphs a Superintending Engineer's power in this matter is unlimited, and there is nothing (save his own discretion) to prevent his passing travelling allowance for halts at head-quarters for an indefinite period.

7. I am directed to request instructions as to whether this interpretation is correct, and if not, what is the limit of time up to which allowances (full or half) for halts at head-quarters can be passed "under the special sanction of the Superintending Engineer."

8. I am directed to state that, in the opinion of the Right Honorable the Governor in Council, the rule, literally interpreted, is a highly desirable one, and that it is not desirable to limit the Superintending Engineer's authority in this matter.

9. There is no reason to suppose that such authority has been or will be indiscreetly used, and it is considered, I am desired to say, of the greatest importance to strengthen as far as possible the hands of the Superintending Engineers and extend their control over the movements of their subordinate officers.

I have the honor to be,

Sir,

Your most obedient servant,

Major, R.E.,
Under Secy., to Govt., P.W.D.

FORT ST. GEORGE,
31st January 1881

Exd. S. T. Austin.
Spare Copies

252
2

GENERAL
ESTABLISHMENT.

Gobt. of (1881) Madras
PUBLIC WORKS.

THE SECRETARY TO THE
GOVERNMENT OF INDIA.

Dated January, 31st.

For

Recd.

Encl.

G. O., 31st January 1881, No. 263 W.

JANUARY.
No. 170.

Powers of Superintending Engineers to
sanction halts at head-quarters.

No. 178.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 3rd February 1880.

Read again Board's Proceedings, Miscellaneous Nos. 11,745, 11,765, 12,144 of 1879,
and No. 253 of 1880.

Read also the following letters:—

From A. C. TUPP, Esq., Officiating Accountant-General, to C. A. GALTON, Esq.,
Acting Secretary to the Board of Revenue, dated Fort St. George, 24th
December 1879, No. 4,715.

With reference to Board's Proceedings, Nos. 11,745 and 11,765, dated the 15th
instant, sanctioning halting allowances to be drawn for more than ten days during
single halts, I have the honor to point out that under Government of India Resolu-
tion, No. 1,185, dated 20th June 1879, embodied in G.O., No. 1,354, dated 17th July
1879, Financial, the ten days' rule should not be relaxed unless the officers have
incurred, *for locomotion only*, greater expenses than are covered by the whole allow-
ance for the journey in which the halt occurs. I beg therefore to request that if this
limitation has not been taken into account in passing the orders in question they may
be reconsidered with reference to it.

From the same Officer, dated Fort St. George, 28th January 1880, No. 234.

With reference to Board's Proceedings, Nos. 12,144 and 253, dated the 23rd
ultimo and 10th instant, respectively, sanctioning batta for halts in excess of ten
days, I have the honor to invite your attention to paragraph I of Government of
India No. 1,185, dated 20th June 1879, embodied in G.O., No. 1,354, dated 17th
July 1879, prescribing the condition upon which the rule should be relaxed, and to
request that I may be informed whether, in the cases in which the excess halting
allowances have now been passed, it has been ascertained from the Collector that the
officer incurred "greater expenses (for locomotion only) than are covered by the
whole allowance for the journey in which the halt occurred."

2. I take this opportunity of suggesting that the Board should issue a circular
to all Collectors requesting them to embody similar information in all applications
which they may make for extra halting allowance.

When sanctioning the grant of halting allowances for periods in excess of ten
days in the Proceedings read above, to which the Accountant-General objects, the
Board overlooked the restriction newly imposed in the Resolution of the 20th June
1879, No. 1,185, viz., that the claim can only be admitted when it is shown that the
officers concerned have incurred for locomotion only greater expenses than are covered
by the whole allowance for the journey in which the halt occurs. This was not one
of the conditions attached to the grant of halting allowance under the previous Reso-
lution of the 30th June 1877, and batta has always been regarded in this Presidency
as a compensation for the extra expenses incidental to absence from head-quarters,
and not merely as an allowance to cover the cost of travelling.

2. In the case of *office establishments* the rule is likely to operate very hardly
as they cannot regulate the period of the halt and many of the lower-paid servants
can ill-afford the expense of living for a considerable time away from their homes.
Halts in excess of ten days are often necessitated by the exigencies of the public
service and cannot be avoided, as, for instance, when the Jamabandi is in progress
or when an officer is required to take charge temporarily of another division in addi-
tion to his own. In such cases it will not ordinarily be possible to show that the
halt has entailed expenses for *locomotion only* in excess of the allowance admissible
for the journey, though every individual on the establishment may be much out of
pocket in consequence of the move. The cases to which the Accountant-General
objects will serve as an illustration of the effect of the new rule.

The first* is that of the detention of the Assistant Collector of South Arcot and

* Board's Proceedings, No. 11,745. his establishment for a fortnight to super-

† Do. „ 11,765. intend sanitary arrangements during a

were detained at district head-quarters in consequence of the absence of the Collector;

‡ Board's Proceedings, No. 12,144. the third† is the case of a clerk specially

§ Do. „ 253. deputed to do duty in another office; the

establishment by a lengthy magisterial inquiry. Cases of this nature are of constant

occurrence. Four more applications have recently been received which are awaiting

disposal, and in the majority of them the claims though, in the Board's opinion, equit-

able will have to be rejected.

3. Under these circumstances, the Board request that the Government of India

may be moved to modify the rule; it will be sufficient if the Board's sanction is

required for halting allowance in excess of ten days. Satisfactory explanation of the

necessity for the halt will be required in each case, and this appears to be a sufficient

safeguard against abuse.

(True Copies and Extract.)

(Signed) C. A. GALTON,
Acting Secretary..

To the Secretary to Government, Revenue Department,
with copies of Board's Proceedings, Mis. Nos. 11,745,
11,765, and 12,144 of 1879 and 253 of 1880.

Copy to the Accountant-General.
" " Collector of the Godavari District..
" " " of South Arcot.
" " " of Coimbatore.
" " " of Vizagapatam.
" " " of South Canara.

Erd. A. S. Rodgers.

GOVERNMENT OF MADRAS:

REVENUE DEPARTMENT.

3rd April 1880, No. 399.

No. 27. READ THE FOLLOWING PAPER:—

Proceedings of the Board of Revenue, dated 3rd February 1880, No. 173.

ABSTRACT.—Requesting that the Government of India may be moved to modify
the rule regarding grant of halting allowances for periods in excess of ten days.

No. 28. ORDER THEREON, 3rd April 1880, No. 399.

Miscellaneous.

The Government do not consider
any reference to the Government of India
necessary, and observe that the use of
the word "ordinarily" in the existing rule vests the authorised supervising authority
with discretion to relax it where the interest of the public service would be
promoted thereby, or necessitated the halt, and the allowance for the extended
period is manifestly not a source of profit to the recipient.

(True Extract.)

(Signed) C. G. MASTER,
Secretary to Government.

To the Board of Revenue.
" the Accountant-General.
" the Financial Department.

Erd. W. H. French.

150 Copies.

Halting Allowances—for periods in excess of
ten days.—Requesting that the Government of
India may be moved to modify the rule regard-
ing Grant of—

FEBRUARY.
No. 173.

PROCEEDINGS, 3rd FEBRUARY 1880, No. 173.

Received

10th Feb 1880.

3rd February 1880.

THE SECRETARY TO GOVT.
REVENUE DEPARTMENT

Board of Revenue,
MADRAS.

1880.

14-1-81
E...

262
5

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

29th September 1879, No. 1,970.

No. 426. READ THE FOLLOWING PAPER:—

Proceedings of the Board of Revenue, dated 21st August 1879, No. 2,411.
Read Proceedings of the Madras Government, dated 4th August 1879, No. 2,735,
Revenue Department:—

COMMUNICATED to all Collectors, the Commissioner of Salt Revenue, and the
Superintendent, Government Farms.

2. The Board would suggest, with reference to clause 1, paragraph 2 of the
Resolution, that they should be empowered to sanction relaxations of the rule; a
reference to Government in each case seems hardly necessary.

(A true Extract.)

(Signed)

C. A. GALTON,
Acting Secretary.

No. 427. ORDER THEREON, 29th September 1879, No. 1,970.

Miscellaneous.

THE Government are pleased to
authorise the Revenue Board to sanction
relaxation of the rule laid down in
paragraph 1 of the Resolution of the Government of India of the 20th June 1879,
No. 1,185, (Financial Department), in particular cases.

(True Extract.)

(Signed)

J. H. GARSTIN,
Acting Secretary to Government.

To the Board of Revenue.
„ the Accountant-General.

Exd. T. D. Ryan.

Rule 9 is subject to grant of holding allowance
for periods in excess of ten days.—Considering
with observation that it is not necessary to make
any reference to the Government of India to
modify the—

APRIL
Nos. 27-28.

G.O., dated April 1880, No. 208.

Detail of Board
Period 5th
Med.

CC, AC, AC

THE BOARD OF REVENUE

REVENUE.

Vol. of 1880

No. 14181
E...

262
6

GOVT. OF INDIA (1870) REVENUE.

TO THE BOARD OF REVENUE.

From the Secretary to the Government of India, No. 1,155, in particular cases.

20th June 1870, No. 1,155, in particular cases.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

30th September 1880, No. 1,258.

READ THE FOLLOWING PAPER:—

No. 498. Endorsement of the Chief Secretary to Government, dated Ootacamund, 20th July 1880, No. 1,439.

Read the following letter from S. JACOB, Esq., Officiating Under Secretary to the Government of India, Department of Finance and Commerce, to the Chief Secretary to the Government of Madras, dated Simla, 7th July 1880, No. 1,638.

ABSTRACT.—Stating that “in granting travelling allowances the Government of India undertakes to pay the expenses of locomotion only;” that “in accordance with this principle” it was resolved “that as a general rule travelling allowance must not be granted for more than ten days’ halt, unless the whole sum drawn * * * during the journey would not otherwise suffice for the cost of locomotion only;” and requesting reconsideration of G.O., No. 399, dated 3rd April 1880, Revenue Department, in which it seems to have been decided “that this principle shall not be enforced in the case of Subordinate Revenue Officers.”

FORWARDED to the Revenue Department for reconsideration of the order adverted to.

(Signed) R. DAVIDSON,
Chief Secretary.

No. 499. ORDER THEREON, 30th September 1880, No. 1,258.

Miscellaneous.

THE Government observe that though the general rule restricting to ten days the period for which a public officer can draw travelling allowances while halting away from his headquarters was only laid down by the Government of India in 1877,* a similar rule regulating the halting allowances of officers of the Revenue Department had long been in force in this Presidency.

Under this rule no travelling allowance could latterly be drawn for halts in excess of a fortnight.

2. The fundamental principle of all rules of the kind has hitherto been considered to be that travelling allowances are not to be made a source of profit, but it has not been desired to limit the amount drawn by the expenses incurred on account of locomotion only.

3. In 1878, the Government of India invited consideration and report on the rule laid down by them in the previous year and intimated that it was necessary “to keep in view the general principle that the travelling allowance * * * is

intended to do no more than cover the expenses" actually incurred "on account of locomotion and shelter."

4. The ten-day limit prescribed by the Government of India had from the first been found very inconvenient in the Revenue Department, and constant applications were made to Government to extend it in particular cases on public grounds. The Board of Revenue, on the reference of the Government of India above referred to, accordingly recommended that the limit should be fifteen days, and the Government accepted this for all departments and suggested it to the Government of India.

5. In disposing of the replies from the various Governments and Administrations, the Government of India directed*
 * Financial Resolution, 20th June 1879, No. 1,185.
 the maintenance of their rule, and observed that it should not *ordinarily* be relaxed unless the whole amount drawn for the journey in which the halt occurred failed to cover the expenses of locomotion.

"Subject to this observation," local Governments were empowered to exempt particular classes from the operation of the rule and "to empower supervising officers to sanction relaxations of the rule in particular cases."

6. It was understood that this observation vested in local Governments a discretion to authorize a relaxation of the rule in view to compensating in some measure for special expenses other than the cost of actual locomotion only, and the Board of Revenue were told that a reference to the Government of India for a modification of their resolution seemed unnecessary.

7. In passing this order (the reconsideration of which is now desired) it was not the intention of Government to authorize any general relaxation in favor of members of the Subordinate Revenue Establishments, but simply to indicate that halting allowance might be allowed for periods in excess of ten days, without reference to the actual cost of locomotion, in cases where "the interests of the public service * * * necessitated" the extended halt and where the additional allowance was "manifestly not a source of profit to the recipient."

8. The Board of Revenue appear† to have fully apprehended what was intended, but will in future administer the rule in strict accordance with the principle now enunciated by the Government of India, referring for the orders of Government any case which seems peculiarly deserving of special treatment.

9. But in this Presidency where Revenue officers provide, maintain, and transport tents and the necessary equipage at their own expense, where the subordinate officials have to find shelter for themselves, and where the duties of all classes are such as to require them to be very frequently on the move, at all seasons of the year, it is very necessary to encourage such tours on their part and to secure that they shall not thereby be losers.

The reimbursement, as far as possible, of the *bond fide* extra expenses caused by

To India, 29th Oct. 1878, No. 1,744.
 From do. 12th Feb. 1879, No. 351.
 To do. 4th Oct. 1879, No. 2,008.
 To do. 23th May 1878, No. 802.
 From do. 2nd Oct. 1878, No. 1,597.

absence from headquarters has therefore always been aimed at, and where these expenses,—as in the Hill tracts,—are very high, this fact has been held to justify a claim to increased travelling allowances which have been admitted and sanctioned by the Government of India.

10. For these reasons the Government are unwilling to accept without further reference the principle that travelling allowance is only intended to cover the bare cost of locomotion, and the Government of India will be requested in the

Financial Department either to extend the limit for halting allowance to fifteen days as far as the Revenue Department is concerned, or to approve the directions conveyed in G.O., 3rd April 1880, No. 399.

(True Extract.)

(Signed) C. G. MASTER,
 Secretary to Government.

To the Financial Department.
 „ the Board of Revenue.
 „ the Accountant-General.

Edw. W. H. French.

50 Copies.

No
14 1 81
L...

No. 4

Revenue Department.

262
8

OFFICIAL MEMORANDUM.

Copies of the marginally
noted orders of Government & in the
G.O., 27: Sep: 177, No. 177. Revenue Department
--- 3rd Sep: 180, --- 377. are forwarded
--- 30: Sep: 180, --- 1758. to the Secretary
to Government & Public Works Department,
with reference to his Memo, dated 22nd
December last, No. 2718. The final
instructions of the Government of India
have not yet been received.

Quarster
Secretary to Govt.

For L. W. George
by January 1881.

The Secretary to Govt. P. W. D.
with an app. 2000

26.1. 1881

Govt. of (1880) **REVENUE.**

THE FINANCIAL DEPARTMENT,

Secy, Secy, Secy.

Dated September 30th.

Printed October 5th.

Recd.

Dist.

G.O., 36th September 1880, No. 1258.

SEPTEMBER.

Nos. 103-104.

Fulling Allowance in cases of ten days.
Passing orders on letter from the Government of
India stating that "in granting travelling allow-
ances the Government of India undertakes to pay
the expenses of locomotion only;" that "in
accordance with this principle" it was resolved
"that as a general rule travelling allowance must
not be granted for more than ten days' half, unless
the whole sum drawn during the journey would
not otherwise suffice for the cost of locomotion
only;" and requesting reconsideration of G.O.,
No. 329, dated 3rd April 1880, in which it seems
to have been decided "that this principle shall
not be enforced in the case of Subordinate Rev-
enue Officers."

14181

2629
PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

~~Under date the~~

Read the following:—

Letter from the Examiner, P. W. Account,
No. 117 W dated 26th October 1880, regard-
ing Major Morant's travelling allowance
for May and June 1880.

Order thereon 30 December 1880. 1229657.

The Examiner is authorised
to admit the halting allowances
granted to Major Morant by the
Superintending Engineer, but this
case has shown the necessity for
more clearly defining and limiting
the power which, judged strictly by
their wording, the Code rules give a
Superintending Engineer. The precise
alteration required will be considered
by the Chief Engineer in commu-
nication with the Examiner and

26.1. 1881

14 JAN 91
ACCOUNTS

a standing order framed.

(True Extract)

[Signature]

Major R.E.
Under Secy to Govt
S.W.D.

To The Chief Engineer, S.W. Dist.

14 JAN 91
ACCOUNTS

GOVT.
OF MADRAS.

188

P.W.
DEPT.

SECRETARY.

Chepauk,

12th Jan 1881

OFFICE NOTE.

To R 21957 Encl. 6
14/1/81 S.W.D.

Power of S.E. to
sanction debts at
local quarters -

Herewith the Revenue
Department papers which
are of the Hon. Secy. to Govt.
I do not know that they
help us much -

The question is as to
the limit within which
the power granted to
S.E. of sanctioning debts at
local quarters is to be exercised.

C. 26.1. 1881

may be exercised -

I think taking all
things into consideration
ten days might be
considered a fair limit,
this ten days being in
addition to the fifteen
necessary to constitute
a place an officers temporary
head quarters -

The following addition
to para 559 of the
code would I think meet
the case -

"With such sanction
the allowance may be
granted for a halt not
exceeding ten days - For
halts at or within ten
miles of head quarters for
periods exceeding ten days

No allowance can be
granted without the
special sanction of

Government -

In the case of halts
at places other than
the permanent head
quarters of the officer
concerned, the periods of
three and ten days
mentioned in this

paragraph are to be
considered as in extension
of the period of fifteen
days necessary to con-
stitute a place an
officers temporary head-
quarters under para
557 -

The effect of this

attention will be to
give the S. & the power
of sanctioning allowances
in limits not exceeding
ten days at an officer's
regular head quarters,
and twenty five days
at any other place -

N. 41 N. 2/13th Jan/81. *SW*

Please send your
opinion on the above
proposal

12/1/81 *Ally*
N^o 1000
To Mr 21/1/81 *Rich 6*

The Rules deal with
3 descriptions of halts
1st at Headquarters
2nd Within 10 miles of Headquarters
3rd Beyond that distance.

not exceeding ten days

When originally issued
the intention appeared to
be to discourage halts at
headquarters since the
3 day limit. I suppose
this must have been found
to be hardly concisely
in lieu of the 3 days limit
the special sanction of the
S.G. was substituted. It
appears to me that while
making this concession the
Govt. of India expects the
discretionary power to be
exercised in the direction
of the original rule which
allowances only when
absolutely necessary. The
limit of 10 days proposed
is therefore appears to
be very expensive.

The question is one which
affects the P.W.D. in some
Provinces therefore I think
that before any

is made the ad. pr. of
I think should be obtained

one of

82

I confess I find
it difficult to follow
the above argument and
it seems to me that C.

has shifted his ground -
his original contention
was that the omission
of a limit is to which
the discretionary power
of the S.E. might be
exercised was a mistake,
or an oversight, and
it was to remedy this
that the proposed alteration
was made -

He now drops this con-
tention altogether, and
admits that the rule
as it stands gives satisfaction.

He now to the S.E. but
contends that it was
intended to be exercised
in the direction of the
original
existing rule, which
limited vaults at
headwaters, permanent
or temporary (a place
becoming a temporary
headwaters of a lake
of 15 days) to three
days -

In other words, he
has abandoned his or-
iginal position altogether,
in the manner in which
a discretionary power,
admitted. He insisted
an an S.E. is exercised
of him, is a matter

In the Chief Engineer and
not in the Engineer, as
such -

If this is the case, I
have no reason
why the rule should
be altered at all -

"I must however be
remembered, that C's
original argument, which
bore me to the substance of this
discussion, was not that
the S. E. had used his
discretionary power wisely,
but that the rules gave
him no such power, then
offering to do so being
undoubtedly due to carelessness
or inaccurate wording -

This argument he then now
definitely abandoned -
D₂₇

DW

The point here
being open to discussion
I think it best to
get a ruling from the
S. E. to whom please
refer stating both
views

25/1/97

Att

No. 262W
Government of Madras.

PUBLIC WORKS DEPARTMENT.

To

The Secretary to the
Government of India, P.W.D.

31st January 1881

SIR,

I am directed to
request an expression of
the opinion of the Govt. of
India as to the extent of
the discretionary power to
sanction travelling allowance
for halts at or near head
quarters granted to Super-
intending Engineers by paras 65 to
and IV, Chapter IV of the
Govt. of India Code, which
have been embodied as paras
559 and 566 in the lately
issued Code of this Presidency.

2. A case has lately occurred in which a Supg Engineer passed to an officer, after full consideration and consultation with the Chief Engineer, travelling allowance for a halt of twenty days at a place not the headquarters of his Division.

3. The Examiner, S.W. Accounts however refused to pass the claim, on the ground that by Code IV. 65I (Madras Code 557) the place in question had become the officers temporary head quarters, and that the sanction of Govt. was necessary to the passing of any allowance under the circumstances.

4. It was pointed out to the Examiner that the paragraph in question merely

merely prescribed that in the absence of special orders of Govt. fifteen days' residence at a place should be sufficient to constitute that place an officer's temporary head quarters, but did not interfere with the discretionary power of passing allowances for halts at head quarters given to Supg Engineers by the subsequent paragraphs 65III and 65IV.

5. The particular case was referred to and decided by this Govt., but the discussion showed that there was room for difference of opinion as to the meaning and intention of the paragraphs quoted.

6. According to the strict wording of these paragraphs a Supg. Engineer's power in this matter is unlimited, and there is nothing (save his own discretion) to prevent his passing travelling allowances for halts at head quarters for an indefinite period.

7. I am directed to request instructions as to whether this interpretation is correct, and if not, what is the limit of time up to which allowances (full or half) for halts at head quarters can be passed "under the special sanction of the Superintending Engineer."

20
16
8. I am directed to state that in the opinion of the Right Honorable the Governor in Council the rule, literally interpreted, is a highly desirable one, and that it is not desirable to limit the Supg. Engineer's Authority in this matter.

9. There is no reason to suppose that such authority has been or will be indiscreetly used, and it is considered, I am desired to say, of the greatest importance to strengthen as far as possible the hands of the Superintending Engineer and extend their

their control over the
movements of their
subordinate officers.

S
24/1

Att

26/1/81

Deser

9-2-87

262
17

Nov. 15. Henderson

262
18

26.1. 11.21-1.

83.
Cabl. of 1881: *Widras.*
PUBLIC WORKS.

To

Dated

Issued

Recd.

Encl.

G. O. 31st Jan. 1881, No. 262 W.

Nos. 170

Power of Secy to
Sanction halts at
head-quarters.

St. N.