No. 1348 W a/ 10th June 1885

dd 15/6.

26

16/6 13

R/

PUBLIC WORKS DEPARTMENT.

No. 1348 W

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 10th June/85

READ the following

Letter from the Supdt., M. H. Works (A.E. No. 10 W d/ May 21st 1885)

Office Note from the Ex. P. W. Accounts (" " 154 d/ " 29th ")

The Govt. are of opinion that the claim submitted with the foregoing letter from the Supdt. Madras Harbour Works cannot be entertained.

2. Chapter IX of the Civil Travelling Allowance Code governs travelling allowances of every description, and section 47 distinctly rules that such allowances cannot be drawn during leave of any kind.

W/ Sec 25, Rule 2, is not referred to, as it may give opportunity for further controversy. Cn

Supdt. M. H. Works.
Examiner P. W. Accts.

11/6

Cn CW. 6.6.85 WS. 4.6.85

No. 1273 D dated 26th May 1885

To C

R. No. 145
26/29. 5. 85

For remarks

CW.

D. W.

23.5.85
No. 154 of 29th May/85.
Encs:—

To W.

Please see Chap IX of the Civil Travelling Allowance Code in regard to title to Travelling allowance during leave of any kind.

6
A.A.A.
29/5

E.P.
29/5.

G. O. No. 1028 W. 28.2.78
" " 1595 W. 6.6.83
" " 1596 W. 6.6.83
" " 2384 W. 24.8.83

O.&S. 8/6.

Q. 2.6.85 R 6.6.85

---

(12) 4844 4601

Establishment

From The Superintendant
Madras Harbour Works

No 10 W
Dated 21st May 1885
Recd 22
1/6/85

No of Enclosures one.

No. 1348 W of 10th June 1885

Carriage Allowance

States that the Examiner has disallowed Mr. Beardmore's—

This being so Mr Beardmore is entitled to the allowance which "is not forfeited during absence from headquarters."-

ENCLOSURE
26 MAY 85
EXAMINER P.W. ACCOUNTS

4 In support of my second position that Section 25 rule 2 does not apply, I have to state that if this section does in this instance apply, as it appears to you to do, it must apply in every case, and consequently Mr Beardmore's Conveyance allowance would be forfeited on any day on which he claimed Travelling allowance for any special journey. If, on the other hand Mr Beardmore is entitled to his Conveyance allowance permanently in addition to Travelling allowance for special journies it is quite clear that the rule you quote does not effect his case.-

5 Now let me call your attention to your disallowance of Mr Beardmore's Conveyance allowance on a day when he went to Pallavaram (Bill No 91 for June 1884), which disallowance was

admitted

admittedly incorrect for the claim was passed by you in Bill No 134 for July 1884, thereby shewing that you yourself in July 84 held that the rule which you now quote did not apply to Mr Beardmore's permanent allowance.–

6 I trust that you will see the force of this reasoning and that I shall not have to send the subject again to Government for orders.

I have the honor to be,
Sir
Your most Obedient St
Signed/ F. N. Thorowgood
Superintendent

No 412

From
The Examiner
Public Works Accounts
Madras

To
The Superintendent
Madras Harbour Works

Madras 29th April 1885

Sir,

With reference to your letters No 2 C dated

---

and 2338.

[P. W. D. Form No. M 100.]

No. 372 of 1884.85.

Circle. Madras Harbor Works Division or Office. List of Disallowances from the Travelling Allce. Bill for February 1885.

Name and Rank.	Amount disallowed. RS.	A.	P.	Reason of Disallowance.	Explanation by Executive and Superintending Engineers.
(a) Mr. A. St. B. Beardmore Assistant Superintendent Madras Harbor Works as claimed Carriage Allowance from 4th November 1884 to 3rd February 1885 and 5th to 28th February 1885 at 50: 193-3-5 as passed Carriage Allowance 5th to 28th February 1885 at 50 : 42-13-9 150-5-8	150	5	8	(a) Disallowed with reference to Section 25 Rule 2 and Section 47 of the Revised Travelling Allowance Code.–	The allowance is a "perman conveyance or horse allowa distinctly granted by G.O. 1595 of 6 June 1883 and 2384 W of 2 August 1883 as an addition to Schedule E of Section 29 Civil Tr velling Allowance Code 2nd Editi That Section states– "A perman "Conveyance or Horse allowance "granted, × × × × which is "drawn like salary all the y "round × × × is not forfeit "during absence from head quart "and may be drawn in additio "to any other Travelling allowa admissible under this Code" Rule 2 of Section 25 would not apply as it refers to another class of allowance and is already contradicted in one point by the above. Neither would Section 47 apply as that o refers to Travelling Allowanc whereas Mr. Beardmore's is permanent Conveyance or Horse allowance.
Total Rs.	150	5	8	D. C. [illegible] Examiner P. W. Accts. MA 18/3	M.D. 18.3. F. N. Thorowgood. Supdt. M. H 21/3

Carried forward . . .

N.B.—This space should not be written upon as it is required for filing the list.

ENCLOSURE 24 MAR 85 EXAMINER, P.W. ACCOUNTS.

ENCLOSURE 364 22 APR 85 EXAMINER, P.W. ACCOUNTS.

ENCLOSURE 26th MAY 85 EXAMINER, P.W. ACCOUNTS.

MADRAS HARBOUR MAY 85

Name and Rank.	Amount disallowed. RS. A. P.	Reason of Disallowance.	Explanation by Executive and Superintending Engineers.
Brought forward ..			
	Examiner Rejoinder No: 1 d/ 17 April 1885:		
		(a) Section 25 rule 2 appears to apply to such allowance and as the officer was on leave the allowance is not admissible	Requests that the Examiner will go into the matter more deeply after reading letter No 2C of 21st April 1885 herewith forwarded –
		D. C. Gordon Examiner P. W. Accts: Brd 17/4 Ed	F. W. Harrowgood. Superintendent M H Works 21/4/85
Examiners final remarks of 2nd May /85			
	×	(a) Finally disallowed vide this Office letter No 41X of 29th April 1885: No further remarks being necessary, this Disallowance list is returned for final record in the Madras Harbor work's office. D. C. Gordon Examiner. P.W. Accts. M.A 2/5 M.D	

N.B.—This space should not be written upon as it is required for filing the list.

N.B.—The explanations by Executive and Circle Officers should always be given on this paper, the one under the other in the col. provided for the purpose.

---

dated the 21st instant. I have the honor to state that there is no rule under which a permanent Conveyance allowance can be continued to an officer absent on leave.

I have &c &c.
Signed D. C. Gordon
Examiner P.W. Accounts

(True Copies)

F. W. Harrowgood.
Superintendent
Madras Harbour Works

L.W.I

No. 1273 D dated 26th May 1885
To
C

R. No. 145
26/29. 5. 85

For remarks

CW.

D.W.

23.5.85
No. 154 of 29th May/85.
Encl:—

To
W.

Please see Chap IX of the Civil Travelling Allowance Code in regard to title to Travelling allowance during leave of any kind.

6/aaa. 29/5

E.P.
29/5.

G.O. No 1028 W. 28.2.78
" " 1595 W. 6.6.83
" " 1596 W. 6.6.83
" " 2384 W. 24.8.83

O.W.S. 8/6.

C. 2.6.85 R. 6.6.85

(12) 4844
Incl. 4601

Establishment

From
The Superintendant
Madras Harbour Works

No 10 W
Dated 21st May 1885
Recd 22 "
1/6/85

No of Enclosures one.

No. 1348 W of 10th June 1885

Carriage Allowance

States that the Examiner has disallowed Mr Beardmore's-

---

office on the subject of Mr Beardmore's
Conveyance allowance other than ap-
pears in the Disallowance List for
February 1885 returned herewith.—

2. To me as an unprejudiced person
it appears most conclusive that Mr.
Beardmore's "Conveyance allowance" as
granted in G.O.s 1595 W. of June 6. 83 and
2384 W. of Augt 24. 83 is an addition to the
allowances granted by Schedule E. of
Section 29 of Civil Travelling allowance
Code. It is also clear to my mind that
Section 25 rule 2 does not apply to this case,
although it appears to you to do so.—

3 I will in support of the first opinion
draw attention to your disallowance of this
same charge in Bill No 30 for April 1883
in which your reason for disallowing the
amount was that Mr Beardmore was
not included in the Schedule E. re-
ferred to in Rule I, Section 28 of the then
New Travelling allowance Code. Your
disallowance was overruled by Govern-
-ment in the orders already quoted, and
by this overruling Mr Beardmore
was most clearly brought, as a Special
Officer, under the scope of what is now
the Schedule E of Section 29. 2nd Edition.

This

No. 10 W.

FROM

THE SUPERINTENDENT,
MADRAS HARBOUR WORKS,

TO The Hon: Colonel J. H. M. Shaw-Stewart, R.E.
Secretary to Government,
Public Works Department,
Fort Saint George.

EXAMINER
No.
26 MAY 1885
ENCLOSURES
P.W. ACCOUNTS.

MADRAS, 21st May 1885.

Sir,

I have the honour to ask for the orders of Government upon the following disallowance by the Examiner of Public Works Accounts, as to my mind it appears, with all deference that he has not interpreted the Civil Travelling allowance aright.-

1 Enclosure

2. The disallowance is of Mr. Beardmore's permanent Carriage allowance during his absence on Privilege leave from November 4th 1884 to February 3rd 1885 & it seems to me to turn wholly upon whether this allowance is such as is granted by Schedule E. of section 29 Civil Travelling allowance Code 2d Edition.

3 I append the disallowance list for February 1885 with my arguments therein set forth, and I also subjoin a Copy of my letter (No. 2 of April 21) to the Examiner which puts the subject as strongly as I am able to put it. The Examiner's reply

is

is also attached (No 41 x of April 29/85) and it is this reply which causes me to think he has misinterpreted the Code.-

4 The Examiner states distinctly "there is no rule under which a permanent Conveyance allowance can be continued to an Officer absent on leave". Now I cannot help thinking that the Examiner's remark replies only to "Permanent monthly Travelling allowances" which are on a much higher scale than "Conveyance allowances".-

5 In Section 25 Rule 2 of the Civil Travelling allowance Code it is clearly stated that the permanent Travelling allowance cannot be drawn while on leave. But I have distinctly shewn and the Examiner has clearly admitted that this Section and rule does not apply (see paras 4 and 5 of my letter herewith No 2 c April 21). The Examiner, it is true, again returns to this rule in his disallowance of the present claim for February 1884, but I cannot understand how he can take this position when he has clearly admitted his error in so doing in July 1884 (para 5 of my letter referred to).-

6 Section 29 of schedule E of the Code states that a permanent Conveyance allowance (such as Mr. Beardmore's is) is drawn like salary all the "year round"..... "and is not forfeited during absence from headquarters." And

there

there follows no rule, as exists in the case of permanent Travelling allowance, by which this Conveyance allowance is stopped during absence on leave - Indeed the fact of its being "drawn all the year round" whether the recipient is absent or not, as stated in the rule, seems to me to be clearly at variance with the Examiner's ruling in disallowing Mr Beardmore's claim.-

I have the honour to be,
Sir
Your most Obedient Servant
F. W. Harrowgood.
Superintendent

No 2 C

From
The Superintendent
Madras Harbour Works

To
The Examiner Public Works Accounts
Madras

Madras 21st April 1885

Enclosure one

Sir, I have the honour to ask for a reconsideration of the ruling from your office

office on the subject of Mr Beardmore's Conveyance allowance other than appears in the Disallowance List for February 1885 returned herewith.—

2. To me as an unprejudiced person it appears most conclusive that Mr. Beardmore's "Conveyance allowance" as granted in G.O.'s 1595 W. of June 6. 83 and 2384 W. of Augt 24. 83 is an addition to the allowances granted by Schedule E. of Section 29 of Civil Travelling allowance Code— It is also clear to my mind that Section 25 rule 2 does not apply to this case, although it appears to you to do so.—

3 I will in support of the first opinion draw attention to your disallowance of this same charge in Bill No 30 for April 1883 in which your reason for disallowing the amount was that Mr Beardmore was not included in the Schedule E. referred to in Rule I, Section 28 of the then New Travelling allowance Code. Your disallowance was overruled by Government in the orders already quoted, and by this overruling Mr Beardmore was most clearly brought, as a Special officer, under the scope of what is now the Schedule E of Section 29. 2d Edition;

This

GENERAL.
ESTABLISHMENT.

Govt. of (1883) Madras.
PUBLIC WORKS.

Dated August, 24th.

Recd. *Encl.*

G.O., 24th Aug. 1883, No. 2384 W.

AUGUST.

Carriage Allowance to Mr. Beardmore

The sanction of the Government of India to the grant of a —, Assistant Superintendent, Madras Harbour Works, communicated to officers concerned.

6th June 1883, No. 1595 W., Public Works.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

Read—the following letter from F. N. Thorowgood, Esq., M. Inst. C.E., Superintendent, Madras Harbour Works, to the Secretary to Government, Public Works Department, dated Madras, 22nd May 1883, No. 10 W.:—

I have the honor to report that the Examiner of Accounts has thought fit to disallow the Rs. 50, carriage allowance, granted to Mr. Beardmore, Assistant Superintendent of these Works, by G.O., No. 1028 W., of 28th February 1878.

2. Mr. Beardmore has drawn this carriage allowance ever since March 1878, and I should imagine that no similar allowance was ever more thoroughly earned, as constant visits to the scenes of the sea encroachment to the north of this Harbour necessitate the keeping of more horses than would otherwise be necessary.

3. During my absence in England Mr. Beardmore drew this allowance for some time, but has now to refund Rs. 344 on this account by order of Government and disallowance of the Examiner, as the latter found Mr. Beardmore was not entitled to it while acting for me.

4. At the present time, however, circumstances are precisely the same as they were before I went home, and it appears to me very hard that Mr. Beardmore's allowance should suddenly be struck out by the Examiner without any warning or alteration in rank or position.

5. The disallowance list (which I can forward subsequently, but which is now at the Examiner's office) states that "Audit is deferred" on account of Rule I, Section 28 of the new "Travelling Allowance Code." I asked the Examiner for how long his audit would be deferred, but he has not thought fit to reply to that question.

6. I respectfully ask that Mr. Beardmore may be permitted to continue drawing the Rs. 50 allowed in the order referred to at first.

Office Note from the Examiner of Public Works Accounts, dated 30th May 1883, No. 223.

Order—dated 6th June 1883, No. 1595 W., Public Works.

Ordered that the Government of India be addressed. In the meanwhile the Examiner will pass the allowance to Mr. Beardmore as heretofore.

(Here enter No. 1596 W., dated 6th June 1883.)

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Superintendent, Madras Harbour Works.
„ Examiner, Public Works Accounts.

Exd. A. F. Goodall.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1883} Madras.

PUBLIC WORKS.

Dated June, 6th.

Recd. *Encl.*

G.O., 6th June 1883, No. 1595 W.

JUNE.

Carriage Allowance to Mr. Beardmore

Ordered that —, Assistant Superintendent, Madras Harbour Works, be admitted, and that the Government of India be addressed.

6th June 1883, No. 1596 W., Public Works.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

Letter—from
Colonel R. H. SANKEY, C.B., R.E.,
Secretary to the Government of Madras,
Public Works Department,

To
The SECRETARY to the GOVERNMENT of INDIA,
Public Works Department.

Sir,

In forwarding the accompanying correspondence,* I am directed to request the formal sanction of the Government of India to the grant of a carriage allowance of Rs. 50 per mensem, under Section 28 of the Civil Travelling Allowance Code, to Mr. Beardmore, Assistant Superintendent, Madras Harbour Works. The allowance was granted by this Government in February 1878, but the Examiner, Public Works Accounts, has now deferred audit of the claim under Rule I of the above-quoted section.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

Fort St. George,
6th June 1883.

Exd. A. F. Goodall.
Spare Copies

*G.O., No. 1028 W., dated 28th February 1878.
„ „ 1595 W., „ 6th June 1883.

GENERAL.
ESTABLISHMENT.

Govt. of {1883} Madras.

PUBLIC WORKS.

Dated June, 6th.

Recd. *Encl.*

G.O., 6th June 1883, No. 1596 W.

JUNE.

Carriage Allowance to Mr. Beardmore

REGARDING the grant of —, Assistant Superintendent, Madras Harbour Works.

24TH AUGUST 1883, No. 2384 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

READ—the following paper :—

G.O., dated 9th August 1883, Mis. No. 1704, Financial.

Read—the following letter from the Secretary to the Government of India, Department of Finance and Commerce, to the Chief Secretary to Government, dated 20th July 1883, No. 2158 :—

I am directed to acknowledge the receipt of your letter, No. 1596, dated the 6th ultimo, and in reply to say that, under the circumstances of the case, the Governor-General in Council sanctions the payment to Mr. N. St. B. Beardmore of the carriage allowance of Rs. 50 a-month sanctioned by the Government of Madras in February 1878 for the period from the 1st April 1883 to the date of his transfer to the Municipality, and for such further period as he may hold the special appointment of Assistant Superintendent, Madras Harbour Works, on reversion thereto. It should be understood, however, that Mr. Beardmore's successor, if one is ever appointed, shall have no claim to the allowance.

Order—dated 9th August 1883, Mis. No. 1704, Financial.

Communicated to the Public Works Department.

2. The letter to the Government of India, No. 1596, dated the 6th June 1883, should have issued from the Financial Department, being an application made under a section of the Travelling Allowance Code.

(True Extract.)

(Signed) E. S. LAFFAN,
Acting Under Secretary.

To the Public Works Department.

ORDER—dated 24th August 1883, No. 2384 W., Public Works.

Communicated to the officers concerned.
2. Paragraph 2 will be acted on in future.

(True Extract.)

(Signed) R. H. SANKEY, Major-General, R.E.,
Secretary to Govt., P.W.D.

To the Examiner, Public Works Accounts.
„ Superintendent, Madras Harbour Works.

Exd. A. Aubert.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1883} Madras.
PUBLIC WORKS.

Dated August, 24th.

Recd. *Encl.*

G.O., 24th Aug. 1883, No. 2384 W.

AUGUST.

Carriage Allowance to Mr. Beardmore

The sanction of the Government of India to the grant of a —, Assistant Superintendent, Madras Harbour Works, communicated to officers concerned.

1885.

P. W. DEPARTMENT.

Current No. 4601.

From

The Superintendent
Madras Harbour Works

Enclos.—

No. 10 W.

Dated 21st May 1885

Received 22nd " "

Subject.

Forwarding Correspondance reg the disallowance of Mr Beardmore's Carriage allowance—

Disposal.

No. 1273. D. Dated 26th May 1885

To
C.

For remarks.

Id/ C. B.
D.W.

G. O. A. No: 2384 w a/ 24-8. 83.
" " " 1596 w /a/ 6-6-83
" " " 1595 w /a/ 6. 6. 83
" " " 1028 w a/ 28-2-78

W.

Supdt. Madras Harbour works solicits the orders of Govt. on the disallowance by Examiner of Mr. Beardmore's permanent carriage allowance during the period of latter's absence on leave. —

Under Chap. IX, section 47, C.T.A. Code, an Officer is not entitled to travelling allowance for a journey "during leave of any kind". The term "travelling allowance" no doubt embraces "conveyance allowance" which is granted when a large amount of travelling is done at or near head-quarters (Section 29). The argument that "conveyance allowance" "is drawn like salary all the year round" & "is not forfeited during absence from head-quarters" cannot be held to apply to periods of leave, regarding the inadmissibility of allowances during which time section 47, Chap. IX. seems to me very distinct.

Perhaps the question might be referred to Financial Depmt. – though an appeal to that Depmt. in support of the claim would, I fear, be of no avail.

I take this opportunity to inform you, with extreme regret, that Mr. Beardmore, whose claim is the point now at issue, died last night.+

CY.
2.6.85

+At 7.30 this morning.

It seems to me quite clear that this claim cannot be entertained.

Chapter IX of the T A Code governs all trav: allowances of every description, —
& Section 25 - Rule 2 - runs
"a permanent monthly
"allowance cannot be
"drawn during absence"
"on leave of any description"

HLS
4-6-85

I do not think there is any use in referring the point to the Fin. Dept.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

28th February 1878, No. 1,028 W.

General.

Establishment.

Read the following papers :—

No. 347. From F. N. THOROWGOOD, Esq., Superintendent, Madras Harbour Works, to the Secretary to Government, Public Works Department, dated Madras, 16th February 1878, No. 73 W.

I HAVE the honor to lay before you for the consideration of Government some remarks which I feel it my duty to make regarding Mr. N. St. B. Beardmore, the Assistant Superintendent of these works.

2. As my own time is almost entirely occupied in the general control of these works, it falls on Mr. Beardmore to carry out all the surveys, sections, &c., at sea and on land which are matters of much importance, and which have to be done whenever circumstances will permit.

3. As a matter of fact Mr. Beardmore is obliged to keep three horses in order to do his work properly, whereas if he had not so much out-of-door work on his hands there is no doubt that two horses would satisfy all his requirements.

4. G.O., No. 2,502, dated July 30th 1869, sanctions a carriage allowance of Rupees 50 per mensem to Engineers who do not draw any other allowance.

5. I therefore respectfully ask that this allowance of Rupees 50 per mensem may be granted to Mr. Beardmore, and in asking for it I would draw attention particularly to the fact that it is not asked for as an increase of salary, but only as compensation for extra expenditure on behalf of Government which is unavoidably incurred by Mr. Beardmore in carrying on his work.

No. 347-A. From the Examiner of Public Works Accounts, dated Madras, 18th February 1878.

No. 348. ORDER THEREON, 28th February 1878, No. 1,028 W.

SANCTIONED.

(True Extract.)

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

uperintendent, Madras Harbour Works.
Examiner of Public Works Accounts.

Exd. S. T. Austin.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1878} Madras.

PUBLIC WORKS.

To

THE SUPERINTENDENT, MADRAS
HARBOUR WORKS,
&c., &c., &c.

Dated February 28th.

Issued

Recd. *Encl.*

G. O., 28th February 1878, *No.* 1,028 W.

FEBRUARY.

Nos. 347-348.

Carriage Allowance of Rupees 50 to Mr. Beardmore, (Madras Harbour Works,) sanctioned.