No. 269

SUPERINTENDING ENGIN

5TH CIRCLE, MADI

Palamaner ~~Chepauk~~, 8th Augu

From

THE SUPERINTENDING ENGINEER,

5TH CIRCLE,

To

THE Chief Engineer

P. W. Department.

Enclosures.

SIR,

I have the honor to request that sanction may be given, under Code para 556, to Presidency Allowance and House Rent being drawn from the 9th July 1886, the date of his arrival in Madras for Sergeant R. J. MacAlister Sub Engineer 3rd Grade transferred to the Presidency Division in the Fort St George Gazette dated 18th June 1886 Part II Page 906 and posted by me for duty in Madras.

I have the honor to be

Sir

Your Most Obedt Servant

W H Hutton

ColL. R.E.

Superintg Engr

5 Circle

Sergt. R.W. Macalister

Engr 3rd grade, sub

ntive pro tem, will

e allowed the

usual Presidency

allowance and

house rent while

stationed at Madras

13/8/86

[illegible] Revised grant [illegible] 16.8.86

to The S.E. V Circle
The Exr. P.W. Accts.

C. 13.8.86 R. 18.8.86

MCH 6243

From

THE SUPERINTENDING ENGINEER,
5TH CIRCLE,

(1)

To

THE Chief Engineer
P.W. Department.

2342 C 2.7.86

Dated 8th
Recd. 11
} August 1886.

Despd. 10th

ENCLOSURES.

No. 2085 W. d/ 18th Aug. 1886

No. 2169.

Sergt R.W. MacAlister
Sub Engr. 3rd Grade.

Requests that sanction may be given under Code para 556 to Presidcy Allce & House Rent being drawn from 9th July for — transferred to Presidcy Division.

No. 2085 W.

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 18th August 1886

READ the following

Letter from the S.E. V Circle (H.C. No. 2169 d/ Aug: 8. 1886)

Under para 556 of the P.W. Code, the presidency allowance of his rank may be passed to Sergeant R.W. MacAlister, Sub-Engineer 3rd grade, while stationed at Madras. —

2. The grant of presidency house rent does not require the sanction of Govt, *vide* para 559 of the Code

16.8.86

B. No. 2085 W. d/18th Aug. 1886

M. 19.8

S. E. V Circle

Ex. P.W. Acct.

Issue 17/8/86

29TH JULY 1886, No. 721, FINANCIAL.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

READ—the following papers :—

No. 285-D.

MEMORANDUM.

Letter from Superintending Engineer, VI Circle,	dated 19th Feb. 1886,	No. 575 T.C.
Endorsement by Examiner, Public Works Accounts,	„ 28th „ „	„ 459 S.E. VI.
Office note from „ „	„ 5th March „	„ 899.
„ to „ „	„ 19th „ „	„ 1134 C.
„ from „ „	„ 22nd „ „	„ 957.

Referred to the Financial Department for consideration.

2. The Superintending Engineer, VI Circle, while on tour, directed his camp clerk to travel with him by country-cart, and claimed actual expenses for the journey under section 69 of the Civil Travelling Allowance Code. The Examiner, Public Works Accounts, however, disallowed the claim, and passed only daily allowance to the clerk, on the ground that a cart cannot be considered "special means of conveyance" as intended by the code. On being asked to give his interpretation of the code expression, the Examiner stated that he took it to imply means of conveyance "not ordinarily, commonly or uniformly available on a route."

3. If such be the intention of the section, claims under it would rarely or never be admissible; for means of conveyance not ordinarily, commonly or uniformly available on a route would seldom be used by the class of persons whom the section is intended to benefit.

4. Section 3 (*d*) of the Civil Travelling Allowance Code defines "public conveyance" as a "train, steamer or other conveyance which plies regularly for the conveyance of passengers;" and it appears to this office that any other means of conveyance, which must be hired for an officer's special use, would be "special conveyance."

5. Paragraph 71, page 26, of the commentary to accompany the draft Travelling Allowance Code, shows the intention with which section 69 of the present edition of the code was framed. If a subordinate officer be directed to proceed by any *particular* means of conveyance, the cost of which exceeds the travelling allowance ordinarily admissible, such cost may be granted in lieu of the ordinary travelling allowance, and this would apparently cover the case of a Superintending Engineer directing a clerk to travel by country-cart, in order that the latter may keep with his superior officer and be ready for work at halts.

6. In the draft Travelling Allowance Code, section 2 (*c*), it was distinctly stated that "public conveyance does not include a palanquin, carriage, boat or other conveyance hired for the special use of an officer." In the present edition of the code, section 3 (*d*), those words are omitted, apparently because they are unnecessary; as the words "which plies regularly for the conveyance of passengers" appear to explain sufficiently what is intended. The Examiner, however, assumes that the original

intention has been departed from, and, to support his assumption, he quotes the note to the section, which includes in "public conveyance" the express tonga dâks plying between Simla and Amballa, and the palanquins plying in connection with the Pathankot-Dalhousie dooly dâk. The inclusion of these items appears, however, to reiterate the intention previously expressed in the draft code, for they are doubtless inserted to show that public conveyance means any regular carrier service which plies from one station to another for the conveyance of passengers. Country-carts and other means of conveyance which do not ply regularly for passengers, but which must always be specially hired for special jobs, cannot apparently come within the code definition.

7. It is suggested that, if considered necessary, a reference may be made to the Government of India as to whether the Examiner's interpretation of the rule is correct.

8. The papers now referred have been kept back pending receipt of a reply from the Government of India to the reference made in G.O., dated 12th April 1886, No. 325, Financial, which reply was communicated in G.O., dated 29th May 1886, No. 470, Financial.

Ootacamund,
22nd June 1886.

(Signed) J. SHAW-STEWART, Col., R.E.,
Secretary to Govt., P.W.D.

To the Financial Department, with papers in original.

From H. F. CLOGSTOUN, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 20th July 1886, No. 2089.

With reference to your endorsement, No. 1040-C, dated the 30th of June 1886, forwarding, for my opinion, papers in connection with a claim to actual cost of transit made by the Superintending Engineer, VI Circle, on account of certain of his clerks, I have the honor to state as follows.

2. The claim is preferred under section 69 of the Civil Travelling Allowance Code, which allows an officer of a class lower than the first, who is required by a superior authority to travel by any special means of conveyance, the cost of which exceeds the daily or the mileage allowance, the actual cost of transit by such means. To this claim the Examiner of Public Works Accounts, Madras, takes objections on the ground that the vehicles used on the occasion, viz., "country-carts," are the ordinary means of conveyance, and cannot be called "special means of conveyance," which he defines as those which are "not ordinarily, commonly, or uniformly available on a route."

3. The intention of the section, it seems to me, is to empower a superior authority in case of need to require an officer of a class lower than the first to travel by any particular class of conveyance, be it country-cart, tonga, horse, pony or whatever it may be, which will enable the subordinate to travel with the necessary rapidity, and to pass to him the actual expenses of such transit. The word "special" used in the section is not, in my opinion, intended to signify that the conveyance must be of a kind which is not ordinarily, commonly, or uniformly available on the route, though in each particular case the conveyance may often be one which would not ordinarily be used by the subordinate in question, because the cost of it exceeds the travelling allowance ordinarily admissible. There is a certain validity in the objection taken by the Examiner that "it is not intended by the rules that a subordinate should be recouped his actual expenses for a single journey when on ordinary tours and employing ordinary means of conveyance, when his expenses exceed the mileage rates or daily allowance admissible, for," as he rightly observes, "travelling allowance is given, not only for days travelled, but for days halted, when no expenses need be incurred for hire of carts, &c., and these considerations should be borne in mind by all countersigning officers, and should not be lost sight of by an Accountant-General in deciding in particular cases whether the concession of special travelling allowance under section 69 was, or was not, properly granted."

4. The grant of actual expenses by a special means of conveyance to every clerk required to make a march of 10 miles and do office work at the end of it, on the plea that he was required to attend office at a particular hour, and could not be expected to do so unless his actual expenses by special conveyance were paid to him by the State, would, it is unnecessary to point out, lead to a very considerable increase of expenditure on travelling allowance.

5. The papers received are herewith returned.

Order—dated 29th July 1886, No. 721, Financial.

The opinion of the Accountant-General will be communicated to the Public Works Department.

(True Extract.)

E. F. WEBSTER,
Chief Secretary.

To the Public Works Department, with enclosure.

Exd. A. Raitt.

No 2083 Ind/18th August 1886

Communicated to officers of the P. W. Department for information and guidance

2 The remarks of the Accountant General in para 3 should receive the careful attention of controlling officers

(sd) J S S

Ch. E. for I
Supg. Engs.
S of W. I M S
C. A. to Government
Ext. P. W. A.

---

6 wg 5 87

Govt. of {1886} Madras.

FINANCIAL.

Issued

Recd. Encl.

G.O., 29th July 1886, No. 721.

~~No 2083 Ind/18-8-186~~
No 2083 Ind/18-8-86

JULY.

Travelling Allowance.

Communicating to the Public Works Department the opinion of the Accountant-General regarding the claim to actual cost of transit made by the Superintending Engineer, VI Circle, on account of certain of his clerks.

Paras. 2336 and 2338.

[P. W. D. Form No. M 109.]

No. 172 of 1885-86.

VI Circle. Superintending Engineers ~~Division or~~ Office. List of Disallowances from the Travelling allowance Bill for July 1885.

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

Name and Rank.	Amount disallowed. RS.	A.	P.	Reason of Disallowance.	Explanation by Executive and Superintending Engineers.
×				×	×
(d) T. V. Moothoo. Chettiar. Acting clerk IV class 1st Grade 1st July 1885 Mudukulathur to Kamuti. 12 miles actual expense = Rs 1.2.0 3rd do. Kamuti to Trichuli 16 miles do. 1.8.0 2.10.0 As admitted Daily allowance for the 2 days @ 8 annas = 1-0-0 Difference. 1-10-0	1	10	"	(d) Disallowed and daily allowance passed in lieu as the circumstances that rendered the use of special means of Conveyance necessary has not been specified in the Certificates furnished in support of the charge. vide section 69 rule of the Civil Travelling allowance Code.	(d) For having travelled with the Superintending Engineer's Camp to enable the clerk to be ready for office work in time. As the clerks have to travel four Districts, they are unable to keep a cart of their own to keep down their expenses of Conveyance. Their case requires special Consideration. It will be a great hardship to them if the actual expenses they have incurred under exceptional Circumstances are disallowed in this manner.
Total.					
Carried forward ..				(signed) D. C. Gordon. Examiner. P. W. accts.	(sd) H. R. Mead. Col: R. Superintending E

Name and Rank.	Amount disallowed. RS.	A.	P.	Reason of Disallowance.	Explanation by Executive and Superintending Engineers.
Brought forward ..					
Examiners rejoinder No. 1 of 25th September /85.					
×				×	×
				(d) It is not intended by the rules that a Subordinate should be recouped his actual travelling expenses for a single journey when on ordinary tours and employing ordinary means of Conveyance when his expenses exceed the mileage rates ~~or~~ or daily allowance admissible. For travelling allowance is given not only for days travelled but for days halted when no	(d) It is requested that the claim may be passed as the required Certificate specifying the Circumstances that rendered the use of special means of Conveyance necessary has been furnished in support of the charge under section 69 of the C. T. A. Code. (Signed) H. R. Mead Col: R.E. Superintending Engineer

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

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Paras. 2336 and 2338.

[P. W. D. Form No. M 109.]

No. 172 of 1885-86

Superintending Engineers ~~Division or~~ Office. Circle. List of Disallowances from the Travelling allowance Bill for July 1885.

Name and Rank.	Amount disallowed. RS.	A.	P.	Reason of Disallowance.	Explanation by Executive and Superintending Engineers.
				expenses need be incurred for hire of Carts &c, and the aggregate allowances drawn for a whole tour or a number of tours will sufficiently cover the extra expense incurred. (Signed) D. C. Gordon Examiner P. W. Accts	
Examiners rejoinder No. 2 dated 30th November 1885					
×				×	×
				(d) The present claim will be accepted as a special case, but any future claims arising will be referred for the orders of Government.	(d) Arrears will be claimed in the next bill. (Signed) H. R. Mead Col. R.E. Supg. Engineer.
Carried forward ..				(Signed) D. C. Gordon Examiner P. W. Accts	

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

1 MAR 86
EXAMINER, P.W. ACCOUNTS

Name and Rank.	Amount disallowed. RS.	A.	P.	Reason of Disallowance.	Explanation by Executive and Superintending Engineers.
Brought forward ..					
Examiners' final remarks dated 5th December 1885					
				(d) Call for no remarks (Signed) D. C. Gordon Examiner P.W. Accts Ok 24/2. F.S. 24/2	[illegible] ~~1540~~/86 1767
				(True Extract) Narasimha Rao Accountant P.W.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.

Paras. 2336 and 2338. [P. W. D. Form No. M 109.]

No. 361 of 1885-86

I Circle. Superintending Engineers, ~~Division or~~ Office. List of Disallowances from the Travelling allce Bill for December 1885.

Name and Rank.	Amount disallowed. RS.	A.	P.	Reason of Disallowance.	Explanation by Executive and Superintending Engineers.
(a) M. Balasoondram Pillay Acting clerk IV c 3rd Grade. actual expense for 10th December/85 for 10 miles Rs 1-4-0 12th for 9 miles 1-2-0 14th for 10 miles 1-4-0 15th for 14 miles 1-12-0 17th for 12 miles 1-8-0 Total Rs 6-14-0 as passed Daily allce. for 10th, 12th, 14th 15th & 17th Dec/85 @ 6 annas a day 1-14-0 Difference Rs 5-0-0	5	"	"	(a) Revised as per column 1. of this Disallowance list. Only daily allowance is admissible for the ordinary means of conveyance used. Vide also remark in Travelling allowance Disallowance list No. 172 of 1885-86 item (d) rejoinder No. 2. (Signed) D. C. Gordon. Examiner, P. W. Accounts	Noted (Signed) H. R. Mead Colt. R.E. Supg. Engr 6th Ci
Examiners' final remarks dated 6th February 1886.					
				(a) Finally disallowed Calls for no remark. (Signed) D. C. Gordon. Examiner P.W. Accounts.	
Carried forward ..					

OK 24/2 F.S. 24/2

True

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

ENCLOSURE
4 MAR 86
EXAMINER, P.W. ACCOUNTS

ENCLOSURE
20 MAR 86
EXAMINER, P.W. ACCOUNTS

Name and Rank.	Amount disallowed. RS.	A.	P.	Reason of Disallowance.	Explanation by Executive and Superintending Engineers.
Brought forward ..				(True Extract.)	

S. Narasim[illegible]

Accountant P.W.D.

Ok 23/[illegible]/86

1767

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.

Statement showing the Travelling Allowance claimed and passed during 6 months to Clerks who accompanied the Superintending Engineer 6th Circle on tour.

	As claimed									As passed									
	Daily allowance			Actual Expense			Total			Daily Allowance			Actual Expense			Total			
T. V. Muthee Chetty Ag Clerk IV C. 1st G																			
April 1885	5	„	„	5	3	„	10	3	„	5	8	„	2	11	„	8	3	„	
May "	„	„	„	2	8	„	2	8	„	„	„	„	2	8	„	2	8	„	
June "	5	„	„	22	7	„	27	7	„	6	8	„	20	3	„	26	11	„	
July "	2	„	„	4	14	„	6	14	„	2	„	„	4	14	„	6	14	„	
August "	1	„	„	„	7	„	1	7	„	1	„	„	„	7	„	1	7	„	
M. Balasoondram Pillay Ag Clerk IV C. 3rd G																			
December 1885	3	„	„	6	14	„	9	14	„	4	14	„	„	„	„	4	14	„	
Total Rupees	16	„	„	42	5	„	58	5	„	19	14	„	30	11	„	50	9	„	Average Rs. 8. 7. „ per mensem.

Madras
25th February
1886

9/86
25/2

D. C. Gordon

Examiner P. W. Accounts.
25/2.

ENCLOSURE
20 MAR 86
EXAMINER, P.W. ACCOUNTS

ENCLOSURE
4 MAR 86
EXAMINER, P.W. ACCOUNTS

Fw 6e2/1870/88

1767/88

Fwd 76 85/86

OFFICE OF THE SUPERINTENDING ENGINEER,
6TH CIRCLE.

Trichinopoly. 19: February 1886.

No. 575 T.C 1

From

The Superintending Engineer,
6th Circle.

To

The Chief Engineer
P. W. D.

Through The Examiner P. W. Acts

Sir,

I have the honor to report that in my office Travelling Allowance Bill for December/85, I claimed a sum of Rs* 6-14-" being the actual expense incurred by my Office Clerk for having engaged a special cart to enable him to accompany my Camp office during the month, on my tour of inspection of the works in the Negapatam and Tanjore Divisions.

2. In support of the claim I have signed and attached to the Bill a Certificate explaining the circumstances which rendered the use of special means of Conveyance necessary on the dates specified as required

ENCLOSURE — "

10th December/85	10 miles.	Rs 1—4—"
12. Do.	9 Do.	1—2—"
14 — Do.	10 Do.	1—4—"
15 — Do.	14 — Do.	1—12—"
17 — Do.	12 — Do.	1—8—"
		6—14—"

by section 69 of the Travelling Allowance Code -

3. On receipt of the Bill from your office, the Examiner P.W. Accts disallowed the claim for actual expense, and passed daily allowance, for the days in question - This officer seems to think that the daily allowance to be drawn by the Clerk for halts of ten days in one place will cover the actual expense incurred by him - This is not the case, because I but seldom halt in one place for two or three days together -

4. The journey to be performed by the Clerk who accompanies my circuit office is not confined to one District or Division - He should travel with me over 5 Districts or 8 Divisions comprised in the Circle -

5. Unless I take a Clerk with me I cannot do my office work in the Camp in a satisfactory manner - With a view to avoid heavy travelling expenses being defrayed from the State I always

take

* On the 5" to 9" 10" 11" 12"
13" 14" 15" 16" & 17" = 13 days
* at 6 annas per diem Rs 4-14"

Actual expenses cannot be admitted if they exceed the mileage rate

take a single clerk on my tour, and unless he is ready for work precisely at office hours there will be great delay & inconvenience in the despatch of office work. For this purpose he is bound to hire or engage a special cart to travel in by nights, and therefore the actual expense, not exceeding the mileage rate for his class, incurred by him should be accepted and passed under sec: 69 of the Code -

6. I request that you will be good enough to authorize the Examiner P.W.A to pass the present and future claims for actual expenses incurred by my circuit office clerk - As a Controlling Officer I will see that the amount claimed do not exceed the mileage rate & that the required Certificate is attached to the Bill.

7. In the present instance I claimed Rs 6-14-" as actual expense - The Examiner P.W.A passed a daily allowance of Rs * 4-14-" As far as I am aware this kind of deduction is not sanctioned or contemplated any where in the Rules - Even assuming the Examiner's theory to be correct still the Clerk has been mulcted of Rs 2 from his own pocket.

I have &c.

Col R.E.

Supd Engineer, Circle -

P. W. D. 6TH CIRCLE.

459 S.E.6

EXAMINER P.W. ACCOUNTS
22 FEB 1886
ENCLOSURES

From

The Superintending Engineer,

6th Circle.

EXAMINER P.W. ACCOUNTS
4 MAR 1886
ENCLOSURES

To

The Chief Engineer
P.W.D.

thro' Examiner P.W. Accounts

No. 575. T.C

(1767)

Dated 19th February 1886
Received

Enclosure.

Actual expenses to clerk accompanying Supdg. Engineer on his tour of inspection.

—

Recommends, for reasons stated, the grant of —

Endorsement No. 459 S.E.6
dated 25th February 1886.

26 FEB

Please see extracts of Disallowance Lists Nos. 172 and 361 of 1885-86 attached. A statement is also put up shewing the Travelling Allowance actually passed to the clerks accompanying the Superintending Engineer for the past 6 months. It is evidently the practice to claim actual expenses under section 69 for all journeys under 20 miles and halting allowance for days of halt. Section 69 is only applicable to journeys by special means of conveyance, see rule under that section, but the conveyance mentioned, viz carts, ~~are~~ the ordinary means employed and yet they are considered special by the Superintending Engineer.

Examiner P.W. Acct.
Madras.

Enco: 4 P.T.O. 26/2 25/2

Ret. 899
4 3. 86 Ens 4

To

The Chief Engineer
Public Works Deptt.
Chepauk

No. 861 C 3rd March
1886

To C

Please define special means of conveyance referred to in Sec: 69, as interpreted by you

1/3/86

D.W

To W. No. 899
5. 3. 86 Ens 4

I take "special means of conveyance" to imply means which are not ordinarily, commonly or uniformly available on a route. See also definition 3 d Civil Travelling Allowance Code.

C

6.3.

1767
Incl. 1540

EXAMINER
No.
4 MAR 1886
ENCLOSURES
P. W. ACCOUNTS.

2269/86

EXAMINER
No.
20 MAR 1886
ENCLOSURES
P. W. ACCOUNTS.

6/3
Recd 2/3/86
En 4

No. 1134 C d/ 19th March/86

This is quite my own view which has been expressed in a similar case

D.W

Memo No 861 C d/ 1-3-86.

No. 1134 C

Government of Madras.

R 950 ON of 20-3-86.
Enclos: 5

PUBLIC WORKS DEPARTMENT.

Chepâk, 19th March 1886.

OFFICE NOTE.

From

W

To

C

Your office note No. 899 d/ 5th March 1886, herewith enclosed.

2. I do not consider that your definition of "special means of conveyance" is quite correct.

3. Section 3 (d) of the Civil Travelling Allowance Code defines "Public conveyance" as a "train, steamer, or other conveyance which plies regularly for the conveyance of passengers,"

and any other conveyance which must be hired for one's own special use, would be special conveyance.

4 – Please see also page 26, para 71 of the "Commentary to accompany the Draft Travelling Allowance Code 1882," which shows the intention with which Section 69 of the Code was framed. If a subordinate officer is directed to proceed by any *particular* means of conveyance, the cost of which exceeds the travelling allowance ordinarily admissible, such cost may be granted. This surely would cover the case of a Suptg: Engineer directing a clerk to travel by country cart, in order that the latter may keep up with his superior officer, and be ready for work at halts.

5. If, after reading the explanation in the Commentary, you are still of opinion that the claims submitted by the Suptg: Engineer VI Circle do not fall within Section 69 of the Civil Travelling Allowance Code, I shall be obliged by your referring the question to the Accountant General P.W.D.

19.3.86

Sent
19/3/86

R/ No 1 2
2260/86

6210

KEEP-WITH Genl. No.

dated 188 .

Fil. 765/86

GOVT. OF MADRAS. 1886. P. W. DEPT.

EXAMINER, P. W. ACCOUNTS.

Madras, 22nd March 1886.

OFFICE NOTE No. 957.

SECRETARY TO GOVERNMENT 23 MAR DEPARTMENT

To
W.

Encs 7.

The original intention no doubt was such as you have suggested in para 4 of your Office Note. Para 71 of the commentary is quite consistent with definition 2(e) of the draft Code, under which Public Conveyance did not include conveyance hired for the special use of an Officer.

2. In the Code as it stands the original intention seems to have been departed from, since Public Conveyance does include "express" tongas and dak carriages and palanquins, means of conveyance which would be for the special use of an Officer— while the portion of the draft Code which referred to such special use was not adopted in the Code in force.

3. It seems to me therefore that

special means of conveyance must simply mean not ordinarily, commonly or uniformly, available on a route.

4. The practice seems to be that which would follow were the rule in Section 69 ~~could~~ to read "required by a superior authority to travel by a means of conveyance the cost of which exceeds etc." - and omitting the word "special" in line 4 of the "Rule".

5. If you still consider that I should refer the point to the Accountant General P. W. Department, I shall be happy to do so, but kindly consider Section 5 - as to the interpretation of the rules in the Code.

C.

22/3

Bn Clr 2269

Ex 23/3/86
Ex 1st file

No. 861 C d/3.3.86.
" 1134 C d/19.3.86
" 3560 W d/12.12.83
" 423 E d/15.7.82
" 2951 W d/9.12.85
" 277 W d/1.2.86
" 308 W d/4.2.86.

Fin 765/86.

OLS 103/4

29th July 1886, No. 721, Financial.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

Read—the following papers:—

No. 285-D.

Memorandum.

Letter from Superintending Engineer, VI Circle, dated 19th Feb. 1886, No. 575 T.C.
Endorsement by Examiner, Public Works Accounts, " 28th " " " 459 S.E. VI.
Office note from " " " 5th March " " 899.
" to " " " 19th " " " 1134 C.
" from " " " 22nd " " " 957.

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3. If such be the intention of the section, claims under it would rarely or never be admissible; for means of conveyance not ordinarily, commonly or uniformly available on a route would seldom be used by the class of persons whom the section is intended to benefit.

4. Section 3 (*d*) of the Civil Travelling Allowance Code defines "public conveyance" as a "train, steamer or other conveyance which plies regularly for the conveyance of passengers;" and it appears to this office that any other means of conveyance, which must be hired for an officer's special use, would be "special conveyance."

5. Paragraph 71, page 26, of the commentary to accompany the draft Travelling Allowance Code, shows the intention with which section 69 of the present edition of the code was framed. If a subordinate officer be directed to proceed by any *particular* means of conveyance, the cost of which exceeds the travelling allowance ordinarily admissible, such cost may be granted in lieu of the ordinary travelling allowance, and this would apparently cover the case of a Superintending Engineer directing a clerk to travel by country-cart, in order that the latter may keep with his superior officer and be ready for work at halts.

6. In the draft Travelling Allowance Code, section 2 (*c*), it was distinctly stated that "public conveyance does not include a palanquin, carriage, boat or other conveyance hired for the special use of an officer." In the present edition of the code, section 3 (*d*), those words are omitted, apparently because they are unnecessary; as the words "which plies regularly for the conveyance of passengers" appear to explain sufficiently what is intended. The Examiner, however, assumes that the original

intention has been departed from, and, to support his assumption, he quotes the note to the section, which includes in "public conveyance" the express tonga dâks plying between Simla and Amballa, and the palanquins plying in connection with the Pathankot-Dalhousie dooly dâk. The inclusion of these items appears, however, to reiterate the intention previously expressed in the draft code, for they are doubtless inserted to show that public conveyance means any regular carrier service which plies from one station to another for the conveyance of passengers. Country-carts and other means of conveyance which do not ply regularly for passengers, but which must always be specially hired for special jobs, cannot apparently come within the code definition.

7. It is suggested that, if considered necessary, a reference may be made to the Government of India as to whether the Examiner's interpretation of the rule is correct.

8. The papers now referred have been kept back pending receipt of a reply from the Government of India to the reference made in G.O., dated 12th April 1886, No. 325, Financial, which reply was communicated in G.O., dated 29th May 1886, No. 470, Financial.

OOTACAMUND,
22nd June 1886.

(Signed) J. SHAW-STEWART, Col., R.E.,
Secretary to Govt., P.W.D.

To the Financial Department, with papers in original.

From H. F. CLOGSTOUN, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 20th July 1886, No. 2089.

With reference to your endorsement, No. 1040-C, dated the 30th of June 1886, forwarding, for my opinion, papers in connection with a claim to actual cost of transit made by the Superintending Engineer, VI Circle, on account of certain of his clerks, I have the honor to state as follows.

2. The claim is preferred under section 69 of the Civil Travelling Allowance Code, which allows an officer of a class lower than the first, who is required by a superior authority to travel by any special means of conveyance, the cost of which exceeds the daily or the mileage allowance, the actual cost of transit by such means. To this claim the Examiner of Public Works Accounts, Madras, takes objections on the ground that the vehicles used on the occasion, viz., "country-carts," are the ordinary means of conveyance, and cannot be called "special means of conveyance," which he defines as those which are "not ordinarily, commonly, or uniformly available on a route."

3. The intention of the section, it seems to me, is to empower a superior authority in case of need to require an officer of a class lower than the first to travel by any particular class of conveyance, be it country-cart, tonga, horse, pony or whatever it may be, which will enable the subordinate to travel with the necessary rapidity, and to pass to him the actual expenses of such transit. The word "special" used in the section is not, in my opinion, intended to signify that the conveyance must be of a kind which is not ordinarily, commonly, or uniformly available on the route, though in each particular case the conveyance may often be one which would not ordinarily be used by the subordinate in question, because the cost of it exceeds the travelling allowance ordinarily admissible. There is a certain validity in the objection taken by the Examiner that "it is not intended by the rules that a subordinate should be recouped his actual expenses for a single journey when on ordinary tours and employing ordinary means of conveyance, when his expenses exceed the mileage rates or daily allowance admissible, for," as he rightly observes, "travelling allowance is given, not only for days travelled, but for days halted, when no expenses need be incurred for hire of carts, &c.," and these considerations should be borne in mind by all countersigning officers, and should not be lost sight of by an Accountant-General in deciding in particular cases whether the concession of special travelling allowance under section 69 was, or was not, properly granted."

4. The grant of actual expenses by a special means of conveyance to every clerk required to make a march of 10 miles and do office work at the end of it, on the plea that he was required to attend office at a particular hour, and could not be expected to do so unless his actual expenses by special conveyance were paid to him by the State, would, it is unnecessary to point out, lead to a very considerable increase of expenditure on travelling allowance.

5. The papers received are herewith returned.

ORDER—dated 29th July 1886, No. 721, Financial.

The opinion of the Accountant-General will be communicated to the Public Works Department.

(True Extract.)

Chief Secretary.

To the Public Works Department, with 6 enclosures.

Exd. A. Raitt.

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285 D 22. 6. 86. / 1 . . /12 82
1746 C 10. 5. 86 4238·15/7·82
/1134 C 19. 3. 86
470 (Fin) 29. 5. 86
325 (Fin) 12. 4. 86
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356 " 12. 12. 83.

No. 2083W. d/18 Aug. 188
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Govt. of {1886} Madras.

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Issued

Recd. 10/8/86 *Encl.*

Communicated to officers of the P.W. Department for information and guidance.

2. The remarks of the Accountant General in para 3 should receive the careful attention of controlling officers.

12-8-86

Communicated to officers of the P.W. Dept for information & guidance

2. The remarks of the Accountant General in para 3 should receive the careful attention of controlling officers.

G.O., 29th July 1886, No. 721.

B. No. 2083 W. d/ 18th Aug. 1886.

JULY.

Ch. E. fwd. ✓
Supdg. Engrs. ✓
E. of W. D. M. S. ✓
C. A. to Govt. ✓
Exr: D. W. A. ✓

Despd
19/8/86

1 copy sent to

Q. 10. 8. 86.

19/8/86

Travelling Allowance.

Communicating to the Public Works Department the opinion of the Accountant-General regarding the claim to actual cost of transit made by the Superintending Engineer, VI Circle, on account of certain of his clerks.

Entered