

2ND JUNE 1886, No. 487, FINANCIAL.

GOVERNMENT OF MADRAS.
FINANCIAL DEPARTMENT.

READ—again the following papers :—

G.O., dated 15th September 1879, No. 1772, Financial.

ABSTRACT.—Directing that no person whose age exceeds twenty-five years shall in future be admitted into the public service without the previous sanction of Government being obtained for such admission.

G.O., dated 13th June 1885, No. 947, Financial.

ABSTRACT.—Directing that in future, all cases in which it is proposed either to retain, or dispense with, the services of a Government servant on his reaching the age of fifty-five years, shall come before Government.

ORDER—dated 2nd June 1886, No. 487, Financial.

His Excellency the Governor in Council observes that both the rulings recorded above fall under one of the Financial Codes, and that it is desirable on this account, as well as to secure uniformity of practice, that all applications to Government should be dealt with in the Financial Department. This course will accordingly be adopted in future.

(True Extract.)

E. F. WEBSTER,
Chief Secretary.

To all Departments of the Secretariat.
„ the Accountant-General.

Exd. A. Raitt.

Govt. of {1886} Madras.
FINANCIAL.

Issued

Recd.

Encl.

G.O., 2nd June 1886, No. 487.

JUNE.

Twenty-five and Fifty-five years'
Orders.

Directing that all applications for the exemp-
tion of persons from the — shall in future be dealt
with in the Financial Department.

21st JUNE 1886, No. 1557 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General
Establishment.

READ—the following paper :—

Proceedings, Financial Department, dated 2nd June 1886, No. 487.

ORDER—dated 21st June 1886, No. 1557 W., Public Works.

Communicated to officers of the Public Works Department, with advertence to G.O., No. 2500 W., dated 3rd September 1879, and paragraph 839 of the Public Works Code.

2. Paragraph 2 of G.O., No. 984 W., dated 16th April 1884, will be cancelled, and paragraphs 174 and 839 of the Public Works Code will be amended in accordance with the rule now promulgated. In future the prior sanction of Government to the appointment of men over twenty-five years of age should invariably be applied for.

(True Extract.)

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

To the Chief Engineer for Irrigation.
„ Consulting Engineer for Railways.
To Superintending Engineers.
To the Superintendent of Works, Tank Maintenance Scheme.
„ Consulting Architect to Government.
„ Examiner, Public Works Accounts.

Exd. E. Fernandez.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1886} Madras.

PUBLIC WORKS.

Dated June, 21st.

Recd.

Encl.

G.O., 21st June 1886, No. 1557 W.

JUNE.

**Twenty-five and Fifty-five
Years Orders**

Proceedings, Financial Department, directing that all applications in connection with the — shall in future be dealt with in that department, communicated, with remarks, to officers of the Public Works Department.



KEEP-WITH

Genl. No.

dated

188 .

1000—12-5-87.

[C. No. 8.]

GOVT.
OF MADRAS. }

1887.

{ P. W.
DEPT.

EXAMINER, P. W. ACCOUNTS.

Madras, 15th June 1887.

OFFICE NOTE No. 216

To

W.

Encl-om

Please see the accompanying letter (original to be returned) from the Executive Engineer South Arcot Division to the Supp Engineer 5th Circle with the latter's endorsement No. 534 dated 4th May 1887.

2. The man's pay was not disallowed for want of health and vaccination certificate, but because, he being over 25 years of age, the previous sanction of Govt. to his appointment was necessary, under G. O. No. 1557 dated 21st June 1886, issued after the date (31st March 1886) up to which the present edition of the Codewas corrected at time of issue.

3. Had the only irregularity been the absence of health and

vaccination certificate, his pay would have been passed provisionally in accordance with Code para 50; but in the absence of any similar provision for cases of appointments improperly made without the previous sanction of Govt., it has always - and rightly I think - been the practice to disallow pay claimed in respect of such appointments

4. Code paras 473(9) and 542 lay down that sums disallowed by the Examiner are to be immediately refunded if already disbursed (in such a case as this the alternative of recovery at next issue of pay could not apply), and though the Code nowhere distinctly lays down that sums disallowed by the Examiner are not to be disbursed after and in spite of disallowance, it may, I presume, be taken for granted that this is the intention of the Code; and in the absence of any rule authorizing an advance, such as that made by the Executive Engineer and afterwards sanctioned by the Supg. Engineer, it must also, I think, be admitted that such an advance

is in fact a payment in direct contravention of the obvious intention of the Code.

5. I trust therefore that Govt. will be pleased to issue such orders as will make it clear to Officers of the Department that they are not at liberty, directly or indirectly, to over-rule the audit of the Examiner. The course to be taken when an Officer is dissatisfied with the Examiner's audit, is clearly laid down in the Code (paras 466, 543-4), and as I pointed out recently in connection with a case of non-observance of the rule of the Code para 1339, when time presses the telegraph wire is always available

6. If Govt. think it desirable that in such cases the pay of the individual concerned should be passed provisionally, a provision to that effect can be introduced into Code para 176, simultaneously with the introduction of the modification required by G.O. No. 1557 W. dated 21st. June 1886, which apparently has not yet been Codified. It is very probable however that Govt. may not desire to introduce any provision

40 1557 W. 21-6-86

which would have the appearance of relaxing the rule, and would consequently encourage Officers to make appointments in anticipation of the required sanction, with the effect of compromising and hampering Govt. in their subsequent action.

7. With regard to the "inconvenience" to which, in such a case, as the Executive Engineer observes, the individual is put "by reason of his pay being withheld", I beg to remark that, in ninety-nine cases out of a hundred, the rule on the subject, and the risk that he runs, are as well known to the individual concerned, as they are to myself; but he probably thinks that, if he can once get himself appointed, Govt. will be disinclined to remove him; and in the hundredth case, if Govt. really attach importance to the rule, the Officer in fault may, not ^{to be} unreasonably, be held by responsible. If, on the other hand, Govt. do not attach great importance to the observance of the rule, it will be better to provide that in such cases pay shall, for a reasonable time, be passed provisionally.

Ans. 6

49. 1576 Q. 21.6 87 R. 27.6. C. 87 16.15.

PWC No 4579

(13)

R. 16. 6. 87

8.1

Encls. handed over
7/7/87

PUBLIC WORKS DEPARTMENT.

No 1721 W

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 28th June 1887

Read the following

Office Note by the Examiner
P.W. Accounts

H.E. No 214 dated 15th June 1887.

In accordance with para 2 of G.O. No. 1557 W dated 21st June 1886, the prior sanction of Government to the appointment of men over twenty five years of age is necessary, and no pay or allowances should therefore be passed until the sanction of Govt. to the individual's appointment has been accorded.

2 — In the case of Messara Charay, Draftsman in the South Arcot District, the Executive Engineer acted ~~unauthorisedly~~ in making without authority an

an advance to the drafts-
man, after his pay had
been disallowed by the
Examiner, with reference to
the rule quoted in para
1.

3. G. O. No: 1557 W dated
21st June 1886 will shortly
be modified so, in future,
cases under the 25 years
rule, will be dealt with
by the head of the depart-
ment concerned, and not
by the Financial Department
only.

WCB
21.6.87

John
22/6/87.

HB
21.6.87.

WCB
22.6.87

G. 21.6.87 R. 27.6.87

21/7/87

(13)

No 1721 W a/28th June/87

M
29.6

24/6

To
the Deputy Comptroller
a S.A. Accounts with
one Encl. (handed over
on the 7/7/87)

WCB