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Tamil Nadu Government

Public Works Department

G.O. Ms. 2952 dated 7-11-1887

2952

7th November 1887, No. 2952 W., Public Works.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

Read—the following papers :—

From Colonel J. BEATTY, R.E., Superintending Engineer, IV Circle, to the Chief Engineer, Public Works Department, dated Calicut, 27th July 1887, No. 313 E.W.

I have the honor to submit, for your opinion, the claim of Mr. C. B. Target for mileage on the 1st April 1887. Mr. Target was, at that time, in charge of the Nílgiri division, and on the date mentioned he travelled from Ootacamund to Wellington and back, and claims mileage for 21 miles. I disallowed the claim and informed him that he was only entitled to "actual expenses" within the amount of his "daily allowance."

2. According to section 27 of the Civil Travelling Allowance Code "daily allowance is drawn only during *absence from head-quarters* on duty," and section 27, rule 3, of the Code fixes what is meant by "absence from head-quarters." That clause states that such absence "begins on the day on which the officer actually leaves head-quarters and ends on the day on which he returns to them." Therefore, if an officer leaves his head-quarters and returns the same day there has been no "absence from head-quarters" in the sense that that phrase is used in the Code. Consequently, Mr. Target was not entitled to "daily allowance" on the 1st April.

3. Again, according to section 32 of the Code, daily allowance *may be converted into mileage* when an officer travels over 20 miles in one day. But, if the officer is not entitled to "daily allowance" for a particular day, he cannot *convert* it into "mileage," and therefore he is not eligible for mileage for that day. Consequently, under rule 32, Mr. Target is not entitled to "mileage" for his journey on 1st April.

4. Further, I infer from the rules that actually leaving head-quarters means proceeding to a distance of more than 5 miles and spending a night there, and that it does not mean reaching a point 10 miles or more from head-quarters and returning thereto on the same day.

5. Mr. Target, however, considers he is entitled to mileage for his journey of 1st April under rule 69, "for a journey of more than 20 miles outside the 5 miles radius." I don't find this expression "for a journey, &c.," in the Code, and I do not see how it affects the present claim.

6. Mr. Target also refers me to paragraph 28, and chapter XII, paragraph 67; but I do not see how these rules affect his claim, as he was not, in my opinion, "absent from head-quarters" on duty, in the sense that that expression is used in the Code, on the 1st April 1887; and consequently he was not entitled to draw mileage on that day.

7. Mr. Target also requests that, "if I do not consider the paragraphs he has quoted to be conclusive, the question may be referred with reference to the meaning of the Code for his future guidance, as he has frequent cases of the same kind amongst subordinates."

8. I send herewith Mr. Target's original letters for your perusal.

Office note from the Examiner, Public Works Accounts, dated 9th August 1887, No. 435.

Please see my office note No. 421 of 6th August 1887, forwarding a similar question raised by the Superintending Engineer, IV Circle, in a letter to me. I will only now add, with reference to paragraphs 6 and 7 of the Superintending Engineer's letter, dated the 27th July 1887, No. 313 E.W., that section 69 of Civil Travelling Allowance Code, quoted by Mr. Target, cannot possibly apply to an officer of the first class, such as Mr. Target; and that generally the rules in chapter XII, including both section 67 and section 69, only apply to cases dealt with in chapter V, where, and so far as, they are expressly made applicable by some rule in chapter V, as for instance by section 32, and they must be interpreted and applied in strict connection with the rule making them applicable. Please refer the case for the orders of the Government of India in the Financial Department.

Read—again—

Proceedings of Government, dated 21st September 1887, No. 2507 W., Public Works.

Office note from the Examiner of Public Works Accounts, dated Madras, 6th August 1887, No. 421.

Would you please submit, for the orders of the Government of India, in the Financial Department, the question raised by the Superintending Engineer, IV Circle, as to the interpretation of section 27 of the Civil Travelling Allowance Code, in his letter No. 197/ Exr., of 16th July 1887 (copy enclosed). The question is whether daily allowance and mileage are admissible to an officer for a journey from his head-quarters to a point more than 5 miles from his head-quarters (and if mileage is claimed more than 20 miles in all) if he returns to his head-quarters on the same day. The Superintending Engineer thinks they are not admissible, for reasons stated in his letter. This office has hitherto always held that they are admissible. I am inclined to think that the Superintending Engineer's interpretation of the rules is correct.

2. The claims to daily allowance and mileage must apparently stand or fall together. As regards the former, apart from the argument advanced by the Superintending Engineer, there is the fact that, according to section 27, the daily allowance is intended to cover the charges of an officer *on tour*. This is the primary definition of a daily allowance. The expression "tour" is nowhere defined in the Code; neither is "absence from head-quarters;" but section 28, exception 1, seems to imply that a journey from head-quarters to a point beyond 5 miles, and back the same day, is not a tour. Moreover, the wording of section 32, exception 2—the words "*but* are granted"—implies that, but for the concluding provision, the officers concerned could not draw daily allowance for an absence of less than a day, whereas, in the absence of this provision, section 27, as hitherto interpreted, would admit daily allowance for any time sufficient for a journey of 6 miles out and 6 miles back.

3. And if daily allowance is inadmissible it seems clear that mileage must also be inadmissible. Under section 32 of Civil Travelling Allowance Code (as amended by Financial Order, No. 817, of 15th February 1887) mileage can only be drawn *in lieu of daily allowance*, and consequently it cannot be drawn when daily allowance is inadmissible. In other places, *i.e.*, in exception 1, the expression "exchange daily allowance for mileage" is used as synonymous with "draw mileage in lieu of daily allowance;" and obviously an officer must have a claim to daily allowance before he can exchange it for mileage.

4. It may possibly be open to argument that the expression "in lieu of daily allowance" in the amended rule (section 32) applies only as far as the words "chapters X and XI," but I do not think this position is tenable.

2/2952

Read—the following letter from Colonel J. BEATTY, R.E., Superintending Engineer, IV Circle, to the Examiner of Public Works Accounts, dated Coimbatore, 16th July 1887, No. 197 Exr.:—

In the travelling allowance bill of the Nílgiri division for June 1887, herewith forwarded for audit, Mr. W. B. deWinton claims mileage for 25 miles on the 29th June for his journey from Ooty to the Lawrence Asylum, thence to Coonoor and Wellington, and back to his head-quarters *on the same day*. I consider the claim is inadmissible, according to the spirit of the Travelling Allowance Code, for the following reasons:—

I. Mr. deWinton did not absent himself from his head-quarters for a whole day, beginning and ending at midnight, *i.e.*, twenty-four consecutive hours (section 3, clause K, of the Travelling Allowance Code).

II. Section 27, chapter V, page 11, of the Travelling Allowance Code, states that "daily allowance is drawn only during absence from head-quarters."

III. Section 27, rule 3, states that "absence from head-quarters begins on the day on which the officer actually leaves head-quarters and ends on the day on which he returns to them;" therefore, if an officer leaves his head-quarters and returns the same day he is not entitled to daily allowance or mileage. But Mr. deWinton may, under section 27, rule 1, draw actual expense not exceeding the daily allowance for the 29th June 1887. In every case of the kind a bill of actual expense may be passed by me under section 27, rule 1.

IV. I infer from the rules that actually leaving head-quarters means proceeding to a distance of more than 5 miles and spending a night there, and that it does not mean reaching a point of 12 miles or more from head-quarters and returning thereto on the *same* day.

2. From the accompanying letter* of Mr. deWinton you will observe that he differs from me in the interpretation of the rules, under which I consider that he is only entitled to actual expense and not the mileage he claims for the 29th June 1887.

3. If you think the mileage claimed by Mr. deWinton *is* admissible, I shall be obliged by your explaining to me how you arrive at that conclusion.

* Which please return.

No. 434 D., Public Works.

Transferred to the Financial Department for favor of orders.

(Signed) J. O. HASTED, Colonel, R.E.,
Secretary to Govt., P.W.D.

OOTACAMUND,
17th August 1887.

Order—dated 3rd September 1887, No. 966, Financial.

As the Government entirely agree, for the reasons given by the Superintending Engineer and the Examiner, that neither daily allowance nor mileage is claimable in the cases of Messrs. Target and deWinton, they see no reason for addressing the Government of India.

(True Extract.)

(Signed) H. E. STOKES,
Ag. Chief Secretary.

Order—dated 21st September 1887, No. 2507 W., Public Works.

Communicated to the Superintending Engineer, IV Circle, with reference to his letters, No. 313 E.W., dated 27th July, and No. 197 Exr., dated 16th July 1887;

also to the Examiner of Public Works Accounts with advertence to his office note No. 435, dated 9th August 1887.

(Signed) J. O. HASTED, Colonel, R.E.,
Secretary to Govt., P.W.D

To the Superintending Engineer, IV Circle, with three enclosures.
" Examiner, Public Works Accounts.

Read—also—

Proceedings in the Financial Department, dated 21st October 1887, No. 1123.

Office note from the Examiner of Public Works Accounts, dated Madras, 30th September 1887, No. 588.

G.O., No. 2507 W., dated 21st September 1887.

I understand the above-quoted Government Order to involve a ruling to the effect that daily allowance (and consequently mileage) cannot be claimed for a journey out from, and back to, head-quarters on the same day, and that daily allowance (exchangeable under certain conditions for mileage) can only be claimed for "proceeding to a distance of more than 5 miles from head-quarters and spending the night there" see paragraph 1, (IV), of the letter,* No. 197 Exr., dated 16th July 1887, from the Superintending Engineer, IV Circle, and as this ruling upsets the practice hitherto in force, I beg to inquire from what date Government would wish the ruling to be enforced. I would suggest that it might be first communicated to the officers of the department by circular with an intimation of the date from which it will be brought into force.

2. I must also point out that, whilst I of course do not question the correctness of the ruling referred to, which endorses my own opinion as to the reasonable interpretation of the letter of the rules, I am nevertheless not entirely satisfied as to the actual intention of the rules.

3. Whatever the intention of the rules may be, it is, I think, clear that, under section 71 (3) of the Civil Travelling Allowance Code, a local Government has authority to restrict the allowance claimable under the rules of the Code, and therefore as Examiner, Public Works Accounts, Madras, I quite accept the ruling of the Madras Government as final so far as the claims of officers of the Madras Public Works Department are concerned, but it is necessary for me, and for the officers and accountants serving under me, to know for certain what the intention of the rule is, apart from any limitation by a local Government or by a controlling officer.

4. I can no doubt obtain an authoritative ruling through the Accountant-General, Public Works Department, but, as I do not wish to seem to question the decision of the Madras Government, I think it best to inquire first whether, on further consideration, Government will refer the matter for the orders of the Government of India in the Financial Department, which is the usual course in such cases.

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* To be kindly returned.

No. 631 D., Public Works.

Transferred to the Financial Department for consideration, with reference to G.O., in that department, No. 966, dated 3rd September 1887.

8th October 1887. (Signed) J. O. HASTED, Colonel, R.E.,
Secretary to Govt., P.W.D.

Order—dated 21st October 1887, No. 1123, Financial.

Government have already stated that they see no reason to refer the point to the Government of India, and their opinion is not changed after perusal of the foregoing papers.

3
2952

2. All claims which may have to be disposed of in future should be decided on the principle now laid down, but old claims which have been passed need not be retrenched.

(True Extract.)

(Signed) H. E. STOKES,
Acting Chief Secretary.

Order—dated 7th November 1887, No. 2952 W., Public Works.

Communicated to the officers of the Public Works Department for information and guidance.

(True Extract.)

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

To the Examiner, Public Works Accounts.
To Superintending Engineers.
To the Consulting Architect to Government.
" Chief Engineer for Irrigation.
" Consulting Engineer for Railways.
" Examiner, Guaranteed Railway Accounts.
" Examiner, State Railway Accounts.

Exd. J. Moses.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of 1887 Madr.
PUBLIC WORKS.

Dated November, 7th.

Recd. *Encl.*

G.O., 7th Nov. 1887, No. 2952 W.

NOVEMBER.

Daily Allowance

The decision of Government in the Financial Department that neither—nor mileage can be claimed for a journey out from and back to head-quarters on the same day, communicated to officers of the Public Works Department.

No. C. 4/2952

Government of Madras.

PUBLIC WORKS DEPARTMENT,
Chepâk, November 1887.

OFFICE NOTE.

From Chief Assistant
Public Works Department

To Chief Assistant
Public Department

With reference to Financial G.O. No. 966 dated 3rd September 1887. Kindly arrange to send for printing a Copy of Office Note[+] from the Examiner P. W. Accounts, as well as the P. W. Department Endorsement thereon No. 434 D of 17th August 1887.

[+] No. 421 of 6th August 1887.

R. Sanson
Chief Assistant

To

To C.A.W. [illegible]

I suppose the original will do as well, so I send it to save the labour of copying the notes by C.S. for Members assent on it.

A. S. [illegible]

19/11/87

5/2952

1. Letter from S.E. 4th ~~Ch~~ Circle No 313 E. W. of 27/7/87

2. No 2571 C of 2/8/87 ~~[illegible]~~

3. From the Exe P. W. Acct No 435 dated 9/8/87.

3. Read again Pro. P.W.D No 2507 W. of 21/9/87

4 II From the Exe PW Acct No 421 d/ 6/8/87

5 II ~~End to~~ Enclo-ng Copy of letter No 197 d/ 16/7/87 from the S.E. 4th ~~Cha~~ Circle to the Exe PW Acct

6 III End to the Fin. Dept No 434 D of 17/8/87

7 IV. G.O. No 966 d/ 3/9/87 Fin. Dept

~~9~~ 8 Pro. Fin. Dept No 1123 of 21/10/87.

9 ~~Read Pro 2507 D 21/9/87~~

10 I From the Exe PW A No 588 of 30/9/87.

11 II End to the Fin Dept. No 631 D of 8/10/87

12 ~~III From the~~

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13 PWGO No 2952 W of 7/11/87

29524

6/2952

Please mark the papers tobe printed

8/11

Printed

8/11

7
2952

[C. No. 8.]

GOVT. OF MADRAS. 1887. P. W. DEPT.

EXAMINER, P. W. ACCOUNTS.

(4)

Madras, 6th AUGUST 1887.

OFFICE NOTE No. 421.

To

W.

Encs: 1

WOULD YOU PLEASE SUBMIT FOR THE ORDERS OF THE GOVERNMENT OF INDIA, IN THE FINANCIAL DEPARTMENT, THE QUESTION RAISED BY THE SUPG. ENGINEER 4TH. CIRCLE, AS TO THE INTERPRETATION OF SECTION 27 OF THE CIVIL TRAVELLING ALLOWANCE CODE, IN HIS LETTER NO. 197/EXR OF 16TH. JULY 1887 (COPY ENCLOSED). THE QUESTION IS WHETHER DAILY ALLOWANCE AND MILEAGE ARE ADMISSIBLE TO AN OFFICER FOR A JOURNEY FROM HIS HEAD QUARTERS TO A POINT MORE THAN 5 MILES FROM HIS HEAD QUARTERS (AND IF MILEAGE IS CLAIMED MORE THAN 20 MILES IN ALL) IF HE RETURNS TO HIS HEAD QUARTERS ON THE SAME DAY. THE SUPG. ENGINEER THINKS THEY ARE NOT ADMISSIBLE, FOR REASONS STATED IN HIS LETTER. THIS

OFFICE

KEEP-WITH Genl. No.

dated 188 .

1000—12-5-87.

With enclosure

OFFICE HAS HITHERTO ALWAYS HELD THAT THEY ARE ADMISSIBLE. I AM INCLINED TO THINK THAT THE SUPG. ENGINEER'S INTERPRETATION OF THE RULES IS CORRECT.

2. THE CLAIMS TO DAILY ALLOWANCE AND ~~TO~~ MILEAGE MUST APPARENTLY STAND OR FALL TOGETHER. AS REGARDS THE FORMER, APART FROM THE ARGUMENT ADVANCED BY THE SUPG. ENGINEER THERE IS THE FACT THAT ACCORDING TO SECTION 27 THE DAILY ALLOWANCE IS INTENDED TO COVER THE CHARGES OF AN OFFICER ON TOUR. THIS IS THE PRIMARY DEFINITION OF A DAILY ALLOWANCE. THE EXPRESSION 'TOUR' IS NOWHERE DEFINED IN THE CODE; NEITHER IS 'ABSENCE FROM HEAD QUARTERS', BUT SECTION 28 EXCEPTION I SEEMS TO IMPLY THAT A JOURNEY FROM HEAD QUARTERS TO A POINT BEYOND FIVE MILES, AND BACK THE SAME DAY, IS NOT A TOUR. MOREOVER THE WORDING OF SECTION 32 EXCEPTION 2 — THE WORDS 'BUT ARE GRANTED' — IMPLIES THAT, BUT FOR THE CONCLUDING PROVISION, THE OFFICERS CONCERNED COULD NOT DRAW DAILY ALLOWANCE FOR AN ABSENCE

OF

8/2959

OF LESS THAN A DAY, WHEREAS, IN THE ABSENCE OF THIS PROVISION, SECTION 27, AS HITHERTO INTERPRETED, WOULD ADMIT DAILY ALLOWANCE FOR ANY TIME SUFFICIENT FOR A JOURNEY OF SIX MILES OUT AND SIX MILES BACK.

3. AND IF DAILY ALLOWANCE IS INADMISSIBLE IT SEEMS CLEAR THAT MILEAGE MUST ALSO BE INADMISSIBLE. UNDER SECTION 32 OF CIVIL TRAVELLING ALLOWANCE CODE (AS AMENDED BY FINANCIAL ORDER NO. 817 OF 15TH. FEBRUARY 1887) MILEAGE CAN ONLY BE DRAWN IN LIEU OF DAILY ALLOWANCE, AND CONSEQUENTLY IT CANNOT BE DRAWN WHEN DAILY ALLOWANCE IS INADMISSIBLE. IN OTHER PLACES, E.G. IN EXCEPTION I THE EXPRESSION 'EXCHANGE DAILY ALLOWANCE FOR MILEAGE' IS USED AS SYNONYMOUS WITH 'DRAW MILEAGE IN LIEU OF DAILY ALLOWANCE'; AND OBVIOUSLY AN OFFICER MUST HAVE A CLAIM TO DAILY ALLOWANCE BEFORE HE CAN EXCHANGE IT FOR MILEAGE.

4. IT MAY POSSIBLY BE OPEN TO ARGUMENT THAT THE EXPRESSION 'IN LIEU OF DAILY ALLOWANCE', IN THE AMENDED RULE (SECTION 32) APPLIES

ONLY

ONLY AS FAR AS THE WORDS ' CHAPTER X AND XI ', BUT I DO NOT THINK THIS POSITION IS TENABLE.

Financial

CURRENT NO. ~~P.W.C. No 6..~~ 1143

(2)

C. C.

Ootacamund

No. 434 D of 17 August 1887 6/8

Cur. 6161 and 6217

(6) Transferred to the Financial Dept for favour of orders –

John Steel Colonel R.E.
Secy to Govt P.W.D.

From
The P.W.D.

R 8.8.87

D 17.8.87
Recd

CHIEF SECRETARY
17 AUG 87
GOVERNMENT OF MADRAS

Encls 6

C.T.A. Code

Interpretation of sec. 27 of the ———

6.8.87

Endorsed

Superintending Engineer's Office 4th Circle.

Coimbatore 16th July 1887.

No. 197/Exp.

9/2952

FROM,

COLONEL J. BEATTY R. E.,
SUPERINTENDING ENGINEER,
FOURTH CIRCLE.

TO,

The Examiner
of P. W. Accounts

SIR,

Encls 9
1 T.A. Bill
5 journals
2 certificates
1 Off. letter

In the Travelling allowance bill of the Nilgiri Division for June 1887, herewith forwarded for audit, Mr. W. B. deWinton claims mileage for 25 miles on the 29th June for his journey from Ooty to the Lawrence Asylum, thence to Coonoor and Wellington and back to his head Quarters on the same day. I consider the claim is inadmissible, according to the spirit of the Travelling allowance Code, for the following reasons:–

I. Mr. deWinton did not absent himself

himself from his Head Qrs for a whole day beginning and ending at midnight, i.e. 24 consecutive hours (Section 3 clause k of the Travelling allowance Code)

II. Section 27 chapter V page 11 of the Travelling allowance Code states that "daily allowance is drawn only during absence from head quarters."

III. Section 27 Rule 3 states that "absence from head quarters begins on the day on which the officer actually leaves head quarters, and ends on the day on which he returns to them"; therefore, if an officer leaves his head quarters and returns the same day he is not entitled to daily allowance or mileage. But Mr deWinton may under Section 27 Rule I draw actual expense not exceeding the daily allowance for the 29th June 1887. In every case of the kind a bill of actual expense may

p2

may be passed by me under Section 27 Rule I.

10/2952

IV I infer from the Rules that actually leaving head quarters means proceeding to a distance of more than 5 miles and spending a night there, and that it does not mean reaching a point of 12 miles or more from head quarters and returning thereto on the same day.

2. From the accompanying× letter of Mr deWinton you will observe that he differs from me in the interpretation of the Rules, under which I consider that he is only entitled to actual expense and not the mileage he claims for the 29th June 1887.

×which please return

3. If you think the mileage claimed by Mr deWinton is admissible, I shall be obliged by your explaining to me how you arrive at that Conclusion.

I have the honor to be
Sir
Your most obedt Servt
L. Beatty Col. R.E.
Supg: Engineer 4th Circle

DL

EXAMINER
No. [illegible]
20 JUL 1887
ENCLOSURES 9
P. W. ACCOUNTS

FROM

COLONEL J. BEATTY R. E.,
SUPERINTENDING ENGINEER,
FOURTH CIRCLE.

Ex 2
PW [illegible]

Dated. } 16th July 1887.
Recd : }

No: 197/Exp:

ENCLO : 9

Travelling Allowance Bill of the Nilgiri Division for June 87-

Forwarding the— and stating that Mr: de Wint on claims mileage on 29th June 87 which in the opinion of the Supg: Engineer appears objectionable.

Fil 1429/87

[C. No. 8.]

11/2952

GOVT. OF MADRAS. } 1887. { P. W. DEPT.

EXAMINER, P. W. ACCOUNTS.

Madras, 30th September 1887.

OFFICE NOTE No. 588

To Endsamu

W.

KEEP-WITH Genl. No.

dated 188 .

G. O. No. 2507 W. dated 21st. September 1887.

I understand the above quoted G. O. to involve a ruling to the effect that daily allowance (and consequently mileage) cannot be claimed for a journey out from and and back to head quarters on the same day, and that daily allowance (exchangeable under certain conditions for mileage) can only be claimed for "proceeding to a distance of more than 5 miles from head quarters and spending the night there", see para I IV. of the letter No. ×197/Exr dated 16th. July 1887 from the Supg. Engineer 4th. Circle, and as this ruling upsets the practice hitherto in force, I beg to inquire from what date Govt. would wish the ruling to be

× to be kindly returned

1000—12-5-87.

enforced. I would suggest that it might be first communicated to the officers of the department by circular with an intimation of the date from which it will be brought into force.

2. I must also point out that, whilst I of course do not question the correctness of the ruling referred to, which endorses my own opinion as to the reasonable interpretation of the letter of the rules, I am nevertheless not entirely satisfied as to the actual intention of the rules.

3. Whatever the intention of th rules may be, it is I think clear that, under Section 71(3) of the Civil Travelling Allowance Code, a Local Government has authority to restrict the allowance claimable under the rules of the Code, and therefore as Examiner P. W. Accounts Madras, I quite accept the ruling of the Madras Government as final so far as the claims of officers of the Madras P. W. D. are concerned, but t is necessary for me, and for the fficers and accountants serving

under me, to know for certain what the intention of the rule is, apart from any limitation by a Local Government or by a controlling officer.

12/2952

4. I can no doubt obtain an authoritative ruling through the Accountant General P. W. Department, but, as I do not wish to seem to question the decision of the Madras Government, I think it best to inquire first whether, on further consideration, Government will refer the matter for the orders of the Government of India in the Financial Department, which is the usual course in such cases.

C.

29/9.

B No. 2507 W of 21-9-87

CURRENT NO. 1429

p5

P. W. Department

No. 631 D. 8th Octbr 1887

Transferred to the Financial Department for consideration, with reference to G.O. in that dept. No. 966 of 3rd September 1887.

Colonel R.E.
Secretary to Govt P.W. Dept.

mcr
5.10.87

C-5-10-87

PWC No. ~~7664~~ E.1
84.79/87

(19)

CHIEF SECRETARY
10 OCT 87
GOVERNMENT OF MADRAS

R 20.9.87

E.1

Finl 1429/87
2

Transferred

Financial Department.

13/2952

p6

PROCEEDINGS OF THE MADRAS GOVERNMENT,

READ the following paper

From the Public Works Department, dated 8th October 1887 No. 631 D.

Order thereon 21st October 1887 No. 1123

Government have already stated that they see no reason to refer the point to the Government of India and their opinion is not changed after perusal of the foregoing papers.

2. All claims which may have to be disposed of in future should be decided on the principle now laid down but old claims which have been passed need not be retrenched.

(True Extract)

H Stokes

Ag. Chief Secretary

To
The Public Works Department,
with enclosures

Read also the following papers:-
Pro. of the Madras Govt. Pub. Works [illegible] 30 [illegible] 1890

p. 7

Supg: Engineer's Office 4th Circle
Camp Calicut 27th July 1887

No. 313
E.W.

14/29 E

From

Colonel J. Beatty, R.E.
Supg: Engineer 4th Circle

To

The Chief Engineer
Public Works Department

Sir

I have the honor to submit for your opinion the claim of Mr. C.B. Target for mileage on the 1st April 1887. Mr. Target was, at that time, in charge of the Nilgiri Division; and on the date mentioned he travelled from Ootacamund to Wellington and back, and claims mileage for 21 miles. I disallowed the claim and informed him that he was only entitled to "actual expenses" within the amount of his "daily allowance".

2 According to Section 27 of the Civil Travelling Allowance Code "daily allowance" is drawn only during absence from head quarters on duty" and

Section

3 Section 27 Rule 3 of the Code fixes what is meant by "absence from head quarters". That clause states that such absence "begins on the day on which the officer actually leaves head quarters and ends on the day on which he returns to them". Therefore if an officer leaves his head quarters and returns the same day there has been no "absence from head quarters" in the sense that that phrase is used in the Code. Consequently, Mr: Target was not entitled to "daily allowance" on the 1st April.

4 Again, according to Section 32 of the Code, daily allowance may be converted into mileage when an officer travels over 20 miles in one day. But, if the officer is not entitled to "daily allowance" for a particular day he cannot convert it into "mileage"; and therefore he is not eligible for mileage for that day. Consequently, under Rule 32 Mr: Target is not entitled to "mileage" for his journey on 1st April.

Further

15/G/28

5 Further, I infer from the Rules that actually leaving head quarters means proceeding to a distance of more than 5 miles and spending a night there; and that it does not mean reaching a point 10 miles or more from head quarters and returning thereto on the same day.

6 Mr: Target, however, considers he is entitled to mileage for his journey of 1st April under Rule 69, "for a journey of more than 20 miles outside the five miles radius." I dont find this expression "for a journey &c" in the Code, and I do not see how it affects the present claim.

7 Mr: Target also refers me to para 28, and Chapter XII para 67; but I do not see how these rules affect his claim, as he was not in my opinion "absent from head quarters" on duty, in the sense that that expression is used in the Code, on the 1st April 1887; and consequently he was not entitled to draw mileage on that day.

8 Mr: Target also requests that "if I do not consider the paras he has quoted to be conclusive" "the question may be referred" "with reference to the meaning of the Code" "for his future guidance"; as he has "frequent cases of the same kind amongst subordinates".

9 I send herewith Mr: Target's original letter for your perusal.

I have the honor to be
Sir
Your most obed^t. Servant

G. Beatty Col: R.E.
Supg: Engineer 4^th circle

Enclosure 16/2952 S/9

Copy of letter from the Superintending Engineer 4^th Circle, to the Examiner P. W. Accounts Madras, No 197/Exr: dated 16^th July 1887.

In the Travelling Allowance bill of the Nilgiri Division for June 1887, herewith forwarded for audit, Mr W. B. de Winton claims mileage for 25 miles on the 29^th June for his journey from Ooty to the Lawrence Asylum, thence to Coonoor and Wellington, and back to his head Quarters on the same day. I consider the claim is inadmissible, according to the spirit of the Travelling Allowance Code, for the following reasons:-

I. Mr de Winton did not absent himself from his Head Quarters for a whole day beginning and ending at midnight, i.e 24 consecutive hours (Section 3 clause k of the Travelling allowance Code).

II Section 27, Chapter V, page 11, of the

Travelling

Travelling Allowance Code states that "daily allowance is drawn only during absence from head quarters."

III Section 27, Rule 3, states that "absence from head quarters begins on the day on which the Officer actually leaves head quarters, and ends on the day on which he returns to them"; therefore, if an Officer leaves his head quarters and returns the same day he is not entitled to daily allowance or mileage.

But Mr de Winton may under Section 27, Rule I, draw actual expense not exceeding the daily allowance for the 29th June 1887. In every case of the kind, a bill of actual expense may be passed by me under Section 27, Rule I.

IV I infer from the Rules that actually leaving head quarters means proceeding to a distance of more than 5 miles and spending a night there, and that it does not mean reaching a point of 12 miles or more from head quarters and returning thereto on the same day.

8/11

x which please return.

2. From the accompanying x letter of Mr de Winton, you will observe that he differs from me in the interpretation of the Rules, under which I consider that he is only entitled to actual expense and not the mileage he claims for the 29th June 1887.

3. If you think the mileage claimed by Mr de Winton is admissible, I shall be obliged by your explaining to me how you arrive at that conclusion.

True Copy

G.E. Patton

Supdt Correspondence Branch.

CM
5/8.

29
5/8

E-1
P.W. 7098/87

Fil. 1143/87
1

E-2
PWC No. 5908
7098/87

No. 2571 C of 2nd August 1887.

To C

For favor of remarks.

ICW
1.8.87
D.W.

No. 11

No. 435
d/19-8-87
Encl. 3

TO E.

PLEASE SEE MY OFFICE NOTE NO. 421 OF 6TH. AUGUST 1887 FORWARDING A SIMILAR QUESTION RAISED BY THE SUPG. ENGINEER 4TH. CIRCLE IN A LETTER TO ME. I WILL ONLY NOW ADD, WITH REFERENCE TO PARAS 6 AND 7 OF THE SUPG. ENGINEER'S LETTER DATED THE 27TH. JULY 1887, NO. 313 E.W., THAT SECTION 69 OF CIVIL TRAVELLING ALLOWANCE CODE, QUOTED BY MR. TARGET CANNOT POSSIBLY APPLY TO AN OFFICER OF THE 1ST. CLASS, SUCH AS MR. TARGET; AND THAT GENERALLY THE RULES IN CHAPTER XII, INCLUDING BOTH SECTION 67 AND SECTION 69, ONLY APPLY TO CASES DEALT WITH IN CHAPTER V, WHERE, AND SO FAR AS, THEY ARE EXPRESSLY MADE,

D. 10.8.87

From
Colonel J. Beatty R.E.
Supg. Engr: 4th Circle.

Dated 27th
Recd. 1.8.87 } July 1887

No: 313
E.W.
Enc: 3

Mileage claimed by Mr. Target, Executive Engineer:—

Submits for decision the case of — for 1st April 1887.

Fil. 1143/87
2

18/2952 p12

MADE APPLICABLE BY SOME RULE IN CHAPTER V., AS FOR INSTANCE BY SECTI 32, AND THEY MUST BE INTERPRETED AND APPLIED IN STRICT CONNECTION WITH THE RULE MAKING THEM APPLICABLE. PLEASE REFER THE CASE FOR THE ORDERS OF THE GOVERNMENT OF INDIA IN THE FINANCIAL DEPARTMENT.

C.

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p13

Financial Department

19/2952

CHIEF SECRETARIAT, MADRAS.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper

Endorsement in the Public Works Department d/17 August 1887 No. 434 D on ~~letter~~ Office note from the Examiner, P.W. Accounts, d/6 August 1887 No. 421.

Order, d/ 3d September 1887 No 966

As the Government entirely agree, for the reasons given by the Superintending Engineer and the Examiner, that neither daily allowance nor mileage is claimable in the cases of Messrs. Target and De Winton, they see no reason for addressing the Government of India.

(True Extract)

H. E. Stokes

Ag. Chief Secretary.

To

The Public Works Dept.
(with papers)

20/2952

(8) No. 257 P.C. d/ 2.8.87
434 D d/ 17.5.87

B. No. 2507 W d/ 21 Sept 1887
B

Communicated to the Supdg Engr IV Circle with reference to his letters No. 213 E.W. dated 27 July and 197 Engr d/ 16 July 1887; also to the Exr P.W. Accts with advertence to his office note No. 433 d/ 9 August 1887.

Ice
13/9/87

Lucas
21.9.87

[illegible]
22.9

S.E. IV Circle with 3 enclos
Exr P.W. Accts

D
22/9

Desp 808
22/9

D. 10.9.87 : R. 21.9.87

[6] P.W.C. No. 7098

Gobt. of (188) Madras.

(5)

To

The P.W. Dept

E.6

By 10.9.87

Proceedings, dated 21/9/ 1887.
No. 966

Subject.

B. No. 2507 W d/ 21 Sept 1887

Stating that Govt see no reason for addressing the Govt of India regarding mileage & travelling allowance claimed by Messrs Sargent & Dr Winton

Letters sent

21
2952

B. No 2507W – 21-9-87

No 631D – 8-10-87

No 2952 W dated 7th November/87

75

A

Genl
Ecclat

Read again G.O. 966, Financial, d/ 3d September 1887.

C. No 8479

PPH
5 Nov

Communicated to the officers of the Public Works Department for information and guidance

WCM
25.10.87

JoH
3/11/87

WD
A/H

C.S.

The Examiner P. Wks.
S. Es.
C.A. to Govt.
C.E. for I.
C.E. for Rys
Ex. Govt. Ry Accts
Ex of Acct. State Rys.

circ 4-11-87 R. 5-11-87

[6]

Govt. of (188) Madras.

PWC No 8479

To

The PW Dept

E.2

R 24.10.87

Proceedings, dated 21 – 10 – 1887

No. 1123.

Subject.

Declining to refer to Govt of India Mr de Winton's claims for travelling allowance –

With order

22
2952

8479

Govt. of [1887] Madras.

PUBLIC WORKS.

8/11

Dated

Recd. Encl.

G.O., 7th Nov. 1887, No. 2952 W

Daily allowance

≡

The decision of Govt in the Financial Dept that neither — nor mileage can be claimed for a journey out from & back to head quarters on the same day, commund. to officers of the P.W.D.

No. 4230 P.

19 200/14

JA 9/11 Cw. 7/11