(1) பக்கங்களின் எண்ணிக்கை 14

(2) புதுக்கித் திருப்பிய நாள் 9.8.88

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் மோ

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

மொழிபெயர்ப்புத் துறை

அரசாணை எண். 3238
மு. கோப்புத் தாள் எண்.

அச்சகம்
~~மல்வகை~~

நாள் : 12-10-1888.

1988.

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

ஆவண. கா-1—18,000—15-6-87.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

READ—the following paper:—

Office note from the Examiner, Public Works Accounts, dated 2nd October 1888, No. 2345.

ORDER—dated 12th October 1888, No. 3238 W., Public Works.

Arrears of travelling allowance disallowed under G.O., No. 2952 W., dated 7th November 1887, will be passed on the authority of G.O., No. 2857 W., dated 13th September 1888, from the date they would have been admissible previous to the issue of the first quoted Government Order.

(True Extract.)

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

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

Exd. J. Henricus
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1888} Madras.

PUBLIC WORKS.

Dated October, 12th.

Recd. *Encl.*

G.O., 12th Oct. 1888, No. 3238 W.

OCTOBER.

Travelling Allowance

Arrears of — disallowed under G.O., No. 2952 W., dated 7th November 1887, ordered to be passed on the authority of G.O., No. 2857 W., of 13th September 1888, from date they would have been admissible previous to issue of the first order.

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.

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 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 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.

OOTACAMUND, 17th August 1887.

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

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;

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.

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.:—

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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.

* To be kindly returned.

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.

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.

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.)

(Signed) J. O. HASTED, Colonel, R.E.,
Secretary 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} Madras.

PUBLIC WORKS.

Dated November, 7th.

Read. *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.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

READ—the following paper:—

Proceedings of the Financial Department, dated 3rd September 1887, No. 966.
" " " " " 21st October " " 1123.
" " Public Works Department, dated 7th November 1887, No. 2952 W.

ORDER—dated 13th September 1888, No. 2857 W., Public Works.

Pending final orders of the Government of India, which have been applied for in the Financial Department, the ruling contained in the Proceedings of Government quoted above will not be acted on.

2. Claims to travelling allowance will meanwhile continue to be dealt with as before these orders issued.

(True Extract.)

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

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

Exd. E. C. Shunker.
Spare Copies

2857 W. 13.9.88
2952 W 7.11.87

WCN=9948

No 3238 W dy 12th October 1888

~~Dan~~
A

PHT
Wadt

Arrears of travelling allowance disallowed under G.O. No 2952 W dy 7th Nov. 1887, will be passed on the authority of G.O. No 2857 W dy 13th Sept. 1888, from the dates they would have been admissible previous to the issue of the first quoted G.O.

Wms
A. U. S.

Chief Engr: for Engr:
Consg: Engr: for Engr:
Dy Secy Supt. Rly: Jou
Consg: Architect for Supt 8/11/88
Exam. P.W. Accounts.
Examr Rly: Accounts

Rec. 9/10. Rd. 11/10.

1

Govt. of {1888} Madras.

PUBLIC WORKS.

Dated 12/10

Read. Encl.

G.O., 12 Oct 1888, No. 3238 W

Travelling allowance
=
Arrears of - disallowed
under GO no 2952 W 7th Nov
1887 ordered to be keeped
in the authority of GO
no 2857 W of 13th Sept 88
from date they would
have been admissible
previous to issue of the
first order.

200/14

Pd 12/10- 12/10