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Page 4 ~~2~~
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Gr. O. No. 2403 (W)

dt. 19.9.1893

~~12/9/93~~

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

Read—the following paper :—

G.O., dated 19th August 1893, No. 5447, Military.

Read—the following paper :—

Read—the following letter from R. A. GAMBLE, Esq., Officiating Under-Secretary to the Government of India, Finance and Commerce Department, to the Chief Secretary to the Government of Bombay, dated Simla, the 19th July 1893, No. 3092-P :—

In reply to your letter, No. 493, dated the 4th February 1893, I am directed to say that the rule laid down in Article 80 of the Civil Service Regulations applies to the allowances to be drawn by a native of India temporarily acting in or in charge of an appointment actually or usually filled by a member of the Indian Civil Service or of the Staff Corps, or by nomination in England or otherwise with the specific approval of the Secretary of State; and that the salary of a native when holding such an appointment temporarily should be his substantive pay *plus* acting or charge allowance calculated on 64 per cent. of the pay which a European officer would receive.

2. I am to add that it is not considered necessary to make any alteration in Article 80 of the Civil Service Regulations.

ENCLOSURE.

From T. D. MACKENZIE, Esq., I.C.S., Chief Secretary to the Government of Bombay, to the Secretary to the Government of India, Finance and Commerce Department, dated 4th February 1893, No. 493.

In September last the Political Superintendent, Palanpur, requested that it might be notified in the *Bombay Government Gazette* that Rao Bahadur Dulerai Girdharlal Mehta was in charge of the current duties of the Assistant Political Superintendent and *ex-officio* Assistant Superintendent of Police, Palanpur, in addition to his own duties as Personal Assistant to the Political Superintendent, Palanpur, from the 23rd June to the 11th September 1892, both days inclusive, and stated that this charge entailed on Rao Bahadur Dulerai Girdharlal Mehta additional work and responsibility.

2. The Accountant-General in reporting on this request stated that, on the proposed notification being issued, Rao Bahadur Dulerai Girdharlal Mehta would, under Articles 176 and 80 of the Civil Service Regulations, be entitled to a charge allowance of not less than Rs. 66-10-8 per mensem, if the charge in the opinion of Government entailed on him a substantial increase of responsibility and some additional work; and this Government in the Political Department thereupon issued orders sanctioning a charge allowance of Rs. 66-10-8 per mensem for the period in question.

3. The Political Superintendent, Palanpur, has now forwarded, for favorable consideration, a letter from Rao Bahadur Dulrai Girdharlal Mehta, in which he states that, under the last clause of Article 176 of the Civil Service Regulations, he would seem to be entitled to a charge allowance of not less than Rs. 100 per mensem for the charge referred to, and not Rs. 66-10-8 as mentioned by the Accountant-General, and that Article 80 of the Regulations refers to salaries to be paid to a native of India appointed to an office which has been usually filled by a member of the Covenanted Civil Service or of the Staff Corps, &c., but that it does not apply to his case, which falls purely under Article 176 of the Regulations, since he was *not appointed* to the post, but was simply in charge of the current duties of the office of Assistant Political Superintendent and *ex-officio* Assistant Superintendent of Police, Palanpur.

4. The Commissioner, N. D., in forwarding the above letter, observes that in his opinion Article 80 of the Civil Service Regulations cannot be read with Article 176 in a case of this kind and that the former article regulates the salary of a native officer appointed to a post which has been usually filled by a member of the Indian Civil Service or of the Staff Corps, while the latter article prescribes the allowance to which an officer is entitled when in charge of the current duties of a similar office, and expressly provides that the allowance shall not be less than Rs. 100.

5. The Accountant-General, however, states that Article 80 of the Civil Service Regulations limits the salary of a native of India appointed to an office usually filled by a member of the Indian Civil Service or of the Staff Corps to two-thirds of the salary assigned to the European; and that as the term "salary" includes charge allowance (Article 47), this rule has, in his opinion, been correctly applied to the allowances granted under Article 176 to Rao Bahadur Dulrai Girdharlal Mehta, even though the words used in it are "appointed to an office." He observes that the rule certainly applies to an officer, appointed to act in an office, and that he sees no reason why a native of India should receive the full amount of the charge allowance admissible to a member of the Indian Civil Service or of the Staff Corps, but only two-thirds of the allowances admissible to such an officer when fully acting; and adds that the words "appointed to an office" are therefore meant, in his opinion, to cover the case of an appointment to the charge of current duties.

6. I am to observe that the points for decision are—

(1) whether the application of Article 80 should be limited to the case of Statutory Civilians and other natives appointed substantively to services or departments ordinarily filled by Civil or Military officers appointed from Home, which it was originally intended to meet, or should be extended so as to govern the allowances to be drawn by any native temporarily acting in, or in charge of, an appointment actually or usually held substantively by such an officer;

(2) if its application is to be so extended, whether the allowances to be drawn should be calculated on the principle (a) of allowing to the native two-thirds of the acting or charge allowance to which a European would have been entitled under the rules, or (b) of assuming the pay of the appointment held temporarily to be that which it would carry under Article 80, if held substantively by a native, and calculating the acting or charge allowance on that basis, under the ordinary rules, and subject to the ordinary maxima and minima.

7. With reference to the first point, I am to remark that the "salary" of an officer is the sum of his substantive pay and acting and charge allowances, and that Article 80 as it stands does not warrant the application of the two-thirds rule to acting or charge allowances as distinguished from the salary drawn by an officer as a whole. The article seems certainly intended to apply only to substantive appointments of the character indicated; and if it is to govern acting appointments held by natives to whose substantive appointments it is not applicable, some modification of its terms will be required.

8. I am therefore to request that you will be so good as to move the Government of India to pass orders on the points mentioned above.

No. 2537-F.

Copy forwarded to the Secretary to the Government of Madras, Military Department, for the information of His Excellency the Governor in Council.

(By Order.)

(Signed) H. F. S. RAMSDEN,
Asst. Secy. to the Govt. of India.

Order—dated 19th August 1893, No. 5447, Military.

Recorded.

(True Extract.)

(Signed) H. R. HOPE, Brigdr.-Genl.,
Secretary to Government.

Copy to the Controller of Military Accounts, for information.
" " Financial Department.

ORDER—dated 28th August 1893, No. 833, Financial.

Recorded.

(True Extract.)

Immediato
Under Secy PWD
Chief Secretary.

To the Departments of the Secretariat.
(excluding Military Department).

Ead. A. Baill.

Govt. of {1893} Madras.
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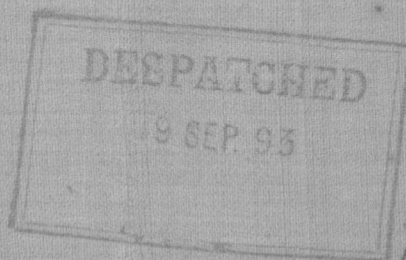
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G.O., 28th August 1893, No. 833.

AUGUST.

Pay and Allowances of Natives
of India.

Recording correspondence from the Govern-
ment of India regarding the — when acting in
certain appointments.



Exr. P. W. Accts.
Part Warrant 19/9
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24/9/93
5