

GOVERNMENT OF MADRAS.
FINANCIAL DEPARTMENT.

READ—again the following paper:—

G.O., dated 28th August 1893, No. 833, Financial.

ABSTRACT.—Recording correspondence from the Government of India regarding the pay and allowances of Natives of India when acting in certain appointments.

READ—also the following paper:—

G.O., dated 25th October 1894, No. 6615, Military.

Read—the following endorsement of the Government of India, in the Military Department, dated Simla, 4th October 1894, No. 3388-F:—

Read—the following papers:—

From G. W. VIDAL, Esq., I.C.S., Acting Chief Secretary to the Government of Bombay, Financial Department, to the Secretary to the Government of India, Finance and Commerce Department, dated the 19th March 1894, No. 1045.

I have the honour to state the following case for the decision of the Government of India.

2. In September 1892 Rao Bahadur Nathabhai D. Patel was appointed to act as Assistant Political Agent, Mahi Kantha, in addition to his own duties. The pay of this appointment, which is ordinarily held by a Military officer, is Rs. 550, and the Accountant-General, applying Article 80 of the Civil Service Regulations, allowed Mr. Patel to draw Rs. 200, the pay of his substantive appointment as Personal Assistant to the Political Agent, *plus* Rs. 133-5-4, being two-thirds of the minimum acting allowance admissible under Article 125 (ii) of the Civil Service Regulations. Mr. Patel then submitted a claim to this Government for higher emoluments, and in Government Resolution, No. 5176, of the 28th August 1893, Political Department, it was directed that his salary should be calculated as follows:—

	RS.
Substantive pay	200
Acting allowance	152
Total	352

I am to state that this calculation is strictly in accordance with the order of the Government of India contained in their letter, No. 3092-P., dated 19th July 1893, in the Department of Finance and Commerce, the acting allowance being calculated in the manner prescribed in Article 125 on 64 per cent. of the pay attached to the appointment of Assistant Political Agent when held by a European officer, as shown below:—

	RS.
64 per cent. of Rs. 550	352
Deduct substantive pay	200
Difference	152

two-thirds of which is 101 $\frac{1}{3}$. But this amount is subject to the minimum of Rs. 200. The substantive pay, Rs. 200, added to this minimum, gives a total salary of Rs. 400, which, however, is again subject to maximum prescribed by Article 117, that is, to

Rs. 352, the pay to which Mr. Patel would be entitled if he held the appointment substantively. The Accountant-General, however, objected to this order on the ground that Government of India, in their letter, No. 2563, of the 19th August 1885, in the Department of Finance and Commerce, to his address, had ruled that the minimum acting allowance admissible to natives of India holding substantive appointments not reserved for Europeans and acting in appointments so reserved was limited to two-thirds of the minimum acting allowance admissible under Article 125. I am to point out that this ruling is not reproduced in the Civil Service Regulations, and that, moreover, it appears to be specifically superseded by the ruling of the Government of India contained in their letter of the 19th July 1893 referred to above. Mr. Cox's doubt seems to be whether in passing the orders contained in their letter, No. 3092-P, dated 19th July 1893, the Government of India could have intended that the minimum should be the same for Natives and Europeans. The reference on which those orders were passed was practically as follows: assuming that natives acting in appointments usually held by Civil Servants or Military officers are liable to the two-thirds rule, is the rule to be applied by deduction—

- (a) from the substantive pay of the appointment acted in *before* calculating the acting allowances based on it, or
- (b) from the acting allowances *after* calculation on the basis of the full pay of the appointment.

the calculation being made in either case according to the ordinary rules embodied in Article 125 of the Civil Service Regulations. The effect of these different methods of calculation as applied to the case now in question would be as follows:—

(1) A European officer would be entitled, under the same circumstances, to substantive pay Rs. 200 + ($\frac{2}{3}$ of 550—200)=Rs. 233-5-4. Total salary Rs. 433-5-4.

(2) Mr. Patel is entitled under method (a) to—

	RS.	A.	P.
Substantive pay	200	0	0
Acting allowance $\frac{2}{3}$ of Rs. 352—200	101	5	4
Difference between above and minimum of Rs. 200	98	10	8
Total	400	0	0

But the substantive salary of the appointment acted in being for him Rs. 352, his total salary is limited under Article 125 to the same sum.

(3) Under method (b), his salary would be—

	RS.	A.	P.
Substantive pay	200	0	0
Acting allowance $\frac{2}{3}$ of that in the case of a European officer	155	8	10
Total salary	355	8	10

Under either method (a) or (b), it will be observed that the application of the two-thirds rule entails a substantive reduction of salary, and method (b) which proceeds on the basis of a reduction in the amount of the acting allowance, after it has been calculated on the full salary of the appointment acted in, allowing for all maxima and minima, includes and implies a possible reduction of the minimum to two-thirds of that which would hold good in the case of a European officer, though in this particular case two-thirds of the full acting allowance would work out to more than two-thirds of the minimum. The Government of India have, however, directed the adoption of the method (a), which is incompatible with any reduction of the minimum in the case of natives, except on the assumption that it is intended to make the deduction twice over, first by reduction in the amount on which their acting salary is to be calculated, and again by cutting down the acting salary as calculated on the amount so reduced. In the circumstances it appears to His Excellency the Governor in Council that the minimum acting allowance of Rs. 200 and not two-thirds of that sum, subject, of course, to the usual maximum, is ordinarily admissible in cases of this description.

As, however, the Accountant-General entertains doubts on the point and objects to pass the extra allowance, I am to request that you will be so good as to favour this Government with an authoritative ruling on the point.

3. I am also directed to forward herewith a copy of Mr. Cox's letter, No. G.A.-22190, dated 14th November 1893, for the orders of the Government of India on the question raised in the last paragraph of that letter as to whether in the case of an appointment usually filled by nomination in England and not by a member of the Indian Civil Service or Staff Corps, the proportion of salary admissible to a native should be 64 or $66\frac{2}{3}$ per cent. of that admissible to a European. I am at the same time to solicit the orders of the Government of India on the point whether the minimum charge allowance of Rs. 100 referred to in Article 176 of the Civil Service Regulations is liable to be reduced to two-thirds in the case of a native holding charge of an appointment reserved for Covenanted Civil servants, &c.

ENCLOSURE.

From the Accountant-General, Bombay, to the Secretary to the Government of Bombay, Political Department, dated the 14th November 1893, No. G.A.-22190.

With reference to Government Resolution, No. 6286, dated 21st October 1893, I have the honour to say that I have perused with care the letters to and from the Government of India on the subject of the application of Article 80 of the Civil Service Regulations; but having in view their instructions to this office contained in letter, No. 2563, dated 19th August 1885, I still entertain much doubt whether the interpretation put by Government upon the orders is correct.

2. The question put the Government of India was whether a native of India should draw two-thirds of the acting or charge allowance to which a European would be entitled or acting allowance calculated upon two-thirds of the full pay, subject to the usual maxima or minima. To me these two suggested modes of performing the calculation seem to lead to precisely the same result. The amount is the same whether a man receives 20 per cent. of two-thirds of the full pay or two-thirds of 20 per cent. of the full pay, but perhaps I may have misunderstood the meaning of the enquiry.

3. The reply of the Government of India merely declares that "the salary of a native should be his substantive pay *plus* acting allowance calculated on 64 per cent. of the pay which a European officer would receive." Applying this to the case which has been under consideration, Mr. Patel would be entitled to an acting allowance of one-fifth of Rs. 352, viz., Rs. 70-6-5, in addition to his substantive pay of Rs. 200, but I reported to Government that he could draw Rs. 333-5-4, allowing him two-thirds of the minimum acting allowance admissible to a European. The Government of India made no reference to this point of minimum and maximum allowances, but I do not think that it can have been their intention to state that the minimum should be the same for Native and European officers. If Government think that such was the intention, I would respectfully ask that clearer orders may be obtained upon the point.

4. In making the reference, I should be glad also to have the question asked whether, in the case of an appointment usually filled by nomination in England and not by a member of the Indian Civil Service or Staff Corps, the proportion of salary admissible to a native should be 64 per cent. or $66\frac{2}{3}$ per cent. of that admissible to a European.

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, Financial Department, dated Simla, the 7th August 1894, No. 3972-P.

I am directed to acknowledge the receipt of your letter, No. 1045, dated 19th March 1894, regarding the salary admissible to Rao Bahadur Nathabhai D. Patel, while acting as Assistant Political Agent, Mahi Kantha—an appointment which is ordinarily held by a military officer.

2. The question is raised whether, in calculating the salary of a Native of India in a case similar to the one referred, the minimum acting allowance should be Rs. 200, the rate prescribed in Article 125 (ii), Civil Service Regulations, or two-thirds of that amount. The Government of Bombay are of opinion that, subject to the limit of maximum salary, the full amount of minimum acting allowance prescribed in Article

125 (ii) of the Civil Service Regulations, and not two-thirds of it, is ordinarily admissible, and that any reduction in the minimum rate would be incompatible with the ruling in the orders in this department, No. 3092-P., dated 19th July 1893.

3. In reply, I am to say that, in the opinion of the Government of India, the minimum acting allowance of a native of India, in a case like Mr. Patel's, is two-thirds of the minimum admissible to a European. This ruling is not opposed to the orders in the letter of 19th July 1893. Those orders prescribed the manner in which acting allowances were to be calculated, but acting allowances so calculated are subject to a minimum, namely, two-thirds of the minimum prescribed in the case of a European.

4. With reference to paragraph 3 of your letter, I am to say that, if the appointment is one not usually filled by a member of the Indian Civil Service, the proportion of salary admissible to a native of India should be $66\frac{2}{3}$ per cent. and not 64 per cent. but that the charge allowance of Rs. 100 prescribed in Article 176, Civil Service Regulations, is not subject to the rule in Article 80 of the Regulations, but is admissible in full to a native of India holding charge of an appointment reserved for members of the Indian Civil Service.

Copy, with copy of the letter to which it is a reply, forwarded to the Public Works and Military Departments, to the Controller and Auditor-General, and to all Accountants-General and Comptrollers, for information, in continuation of No. 3092-P., dated 19th July 1893.

Endorsement—dated 4th October 1894, No. 3388-F., Military.

Copy of the foregoing, in continuation of Military Department No. 2537-F, dated the 1st August 1893, forwarded to the Secretary to the Government of Madras, Military Department, for the information of His Excellency the Governor in Council.

(By order.)

(Signed) W. J. B. BIRD,
Asst. Secy. to the Govt. of India.

Order—dated 25th October 1894, No. 6615, Military.

Recorded, in continuation of Proceedings of Government, No. 5447, dated 19th August 1893.

(True Extract.)

(Signed) D. J. S. McLEOD, Colonel,
Offg. Secretary to Government.

To the Financial Department.

ORDER—dated 1st November 1894, No. 928, Financial.

Recorded, in continuation of G.O., dated 28th August 1893, No. 833.

(True Extract.)

Hedrick Rice

Chief Secretary.

To the Departments of the Secretariat.
" Accountant-General.

P. M. CURRENT No. 8622

Govt. of {1894} Madras.

FINANCIAL.

Issued

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Recd.

12-11-94

Encl.

G.O., 1st November 1894, No. 928.

NOVEMBER.

Allowances of Natives of India.

Recording Proceedings, Military Department,
communicating ruling of the Government of India
as to the minimum acting allowance admissible to
a Native of India while acting in an appointment
ordinarily held by a Military officer.

with order

B
No. 2916 W d 14 December 1894

Recorded in continuation
of G.O. 2403 W d 19 Sept 93

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Sum

L.P.

19-9-93 No 2403 W

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