Public Works (1894) Department.

ORDINARY.

G.O. No. 3286-87 W

DATED 21-12-94.

[Despatch Abstract.]

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

1/1834

EXAMINER'S OFFICE
26 NOV 1894
ACCOUNTS.

Extract from Examiner's Audit note on the accounts of the Trichinopoly Division for August 1894.

× × ×

Item 5(b). Remarks by Examiner

Should be recovered from Extra Leave allowances admissible to Lieut. J. Kelly with reference to Military Department notification No. 565 dated 25th September 1894. published in Fort St. George Gazette dated 25th September 1894.

× × ×

/True Copy/

J. Kelly
Assistant Engineer

Sd/ C. Norfor.
Exc: Engineer
Trichinopoly Dn.
1st November 94.

SUPG. ENGINEER'S OFFICE
No. 3/1224
P.W.D.
SIXTH CIRCLE

EXECUTIVE ENGINEER'S OFFICE
12/2/1834
TRICHINOPOLY

EXAMINER
26 NOV 1894
ACCOUNTS

No. 1839 S / 1-11-94 Encls: 2.

Extract from the audit note on the Accounts of this Division for August 1894 para 5 b of May/94 under old Item and Copy of Dis: List on the Salary Bill for September 1894

Excess Leave allowance passed by Examiner as per Dis: List quoted above ——— Rs ~~278-6-6~~ M 530-2-2

Deduct Excess amount of exchange Compensation allowance paid already as per Schedule of Establishment charges for Septr 1894 ——— Rs 239-3-1

Balance payable M ~~290-15-1~~ Rs ~~39-2-5~~

Forwarded to Lieut Kelly who is informed that a Cheque for M ~~290-15-1~~ Rs ~~39-2-5~~ as detailed in the margin will be given to him on his attending the office in person and signing the acquittance Roll.

Sd/ C. Norfor
Executive Engineer
Trichinopoly Dn.

True Copy

J. Kelly
Assistant Engineer

SUPG. ENGINEER'S OFFICE
No. 4122 dt.
16 NOV. 34
P.W.D.
SIXTH CIRCLE.

Dw. E. 2
8 Sht/Est
9565

SUPG. ENGINEER'S OFFICE
No. 4122 dt.
16 NOV. 34
P.W.D.
SIXTH CIRCLE.

Dw. E. 1
8 Sht/Est
9564

under

26 NOV 1894
P W ACCOUNTS

Trichinopoly Division

List of Disallowances from the Salary Bill for the month of Septr

No. of Item	Name & designation of Officer or Subordinate	Particulars of Item disallowed.	Amount Disallowed			Reason for disallowance.	Explanation of Officer	Remarks final order of Examiner.
1	2	3	4			5	6	7
1	Lieut. J. Kelly Assistant Engineer	As claimed. Difference between full pay and subsidy already Audited from 6.5.94 to 19.6.94 at Rs 187.8.0 Rs 276.0.2				(1) Disallowed. Leave allowance at Rs 300/ per mensem being only half staff salary with full military pay and allowances has been admitted as the temporary promotion given in place of Lt. Kelly should be held as involving additional cost to the State. See Note 1 to Subsidiary Rule III clause 2. Appendix No. 12 page 389 of Civil Service Regulation If however Lt. Kelly disputes the correctness of the above rate the matter will be referred to the Accountant General Public Works Department.		
		As passed. Difference between Rs 300/- + 187.8.0 112½	165.9.8					
			110.6.6	110	6	6		
2	do	Leave allowance for Septr. 94. As claimed 187.8.0 As passed 300.0.0	112.8.0	112	8	0	(2 and 3) Included and passed Vide Item 1. above. Income tax altered from Rs 12.0.11 to 19.1.5.	
3	do	Difference between Rs 300/- + 187.8.0. from 20.6.94 to 31.8.94 at Rs 112.8.0 = 266.4.0	266.4.0					
4	do	Leave allowance for Septr/94 Rs 300/- arrears. From 6 May to 19.6.94 } 165.9.8 From 20.6.94 to 31.8.94 } 266.4.0				(4) Passed provisionally pending life Certificate or intimation of payment in person Vide Code II ii. 61.		
		Total	378 / 110	2 / 6	6			

So/ V.C. French.
for Examiner
P.W. A/c
Madras.
22.10.94.

/True Copy/

J. Kelly
Engineer

/Copy/

So/ C. Norfor
Exe: Engineer
Trichy Div.
1-11-9

SUPG. ENGINEER'S OFFICE
No. 4122 A/C
16 NOV. 94
P.W.D.
SIXTH CIRCLE.

O.C. to 2
8 Std/Ex
565

1894 S

Thro' The Executive Engineer
Trichinopoly Div.

Trichinopoly.
9th November 1894.

From.

Lieut. J. Kelly.
Assistant Engineer

EXAMINED
26 NOV 1894
P. W. ACCOUNTS

To,

Colonel. J. Pennycuick. R.E.
Secretary to Govt. P.W.D.
Madras.

Sir,

In forwarding the enclosed papers I have the honor to draw your attention to G.O. No. 565 dated 25-9-94 published in the Fort St. George Gazettee dated 25th September 1894 and to the Examiners Disallowance List in which he ignores ~~the~~ the above G.O in disallowing me full pay for the first Six weeks. The question whether the leave granted to me is to be treated under Military or Civil Rules. If the former I am entitled to pay and allowance

Enclosures 3)

under

under the rules quoted in the G.O. If the latter I am entitled to only half salary for the whole period. Considering my claim for Exchange Compensation allowance has not been disposed of, the matter having been referred to the Government of India vide P.W.D. 1893 dated 31st July, this recovery might be left in abeyance till orders on the subject have been received.

For the whole period of my leave I have had nothing but worry and trouble about my pay and was four months without any pay whatever.

If the case has to be referred I beg that it may be to the Military Department.

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

J. Kelly Lieut.
Assistant Engineer

No. 5208 Encl-3.

Forwarded to Supdg Engr Kpr.
for Guide for Inwards

C. Clerk
for Sec.y
10/11/94.

No 1243-TC dt 15

Forwarded.

C. Clerk
Executive Engineer
for Supdg Engr Viziadg.

Supdg Engrs office Guide 3
Trichinopoly 3
19 November 1894.

D 20

W. CURRENT No. 8914

No. 520

SUPDG. ENGINEER'S OFFICE
No. 1211
16 NOV. 94
P.W.D.
SIXTH CIRCLE.

From

The Exec Engr.
Trichinopoly Dn.

To

The Supdg Engr.
6th Circle
Trichinopoly

Dated 10
Despd 15 November 94.

Rec'd 21-11-94

Enclosures. 3

Leave Allowances of
Lieut J Kelly assist
Engineer -

Forwards for trans-
mission the applica-
tion regarding the —

Within No 1245 TC
19-11-94 & EW

No 3768C d/ 23rd November
1894

To C

For favour
of remarks.

CWRS
23/11/94 DWS.

KEEP-WITH CURRENT No.

dated 189 .

E. No.
500—2-5-9

GOVT. OF MADRAS. } 1894. { P. W. DEPT.

EXAMINER, P. W. ACCOUNTS.

Madras, 13 December 1894.

OFFICE NOTE No. 4891 D/E

To

W.

Your office note No.3768 C.of 23rd. November 1894.

In Fort St.George Gazette dated Ist.May 1894 Hony.Lieut. and Asst.Commissary Kelly,Asst.Engineer was granted privilege leave for one month and 15 days from 6th.May 1894. This leave was commuted into leave on private affairs in India for 6 months under the Regulations of 1875,vide Fort St.George Gazette dated 26th.June 1894,and,under C.S.R. Appendix 12,rule 5(1),leave allowance at Rs.187-8-0,equal to half his emoluments,viz staff salary Rs.150 and military pay Rs.225,was passed to him.

2. Subsequently in Military Department Notification No.565,published in Fort St.George Gazette dated 25th.September 1894,Lieut.Kelly was granted leave in India (Private affairs) for 6 months under Rule X of the Regulations of 1875,the first 45 days of the leave to be on full pay and allowances under Subsidiary Rule III.

3. Under Subsidiary Rule III to the

W. CHRETIEN No. 9569

gh Regulations of I875,Note (I) - Army Regulations,Part I,page 403 e grant of full staff salary is subject to the condition that "he has made satisfactory arrangements for the performance of his duties during his absence at no additional cost to the State". Temporary promotions having been given in place of Lieut.Kelly on leave,his absence involved additional cost to the State. Consequently Lieut. Kelly was passed for the first 45 days of his leave allowances at Rs.300 per mensem as below:-

Military pay of rank	= Rs.225
Half staff salary	= Rs. 75
	300

4. Lieut.Kelly's title to full staff salary depends therefore on the question whether temporary promotions that have been made in his place in the P.W.D.should be held as involving "additional cost to the State" or not,vide note (I) to Subsidiary Rule III,Regulations of I875. I would suggest that this point be referred for the orders of the Government of India.

for C.

Encls 4

Encl: 4.

Recd: 14-12-94

PUBLIC WORKS DEPARTMENT.

Re 3286 WD 21 December 1894.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

From the Superintending Engineer VI circle forwarding letter from Lieut J. Kelly Assistant Engineer P.W.D. (H.E. No. 1243 T.C. dt/19 Nov 1894)

Office note from the Examiner P.W. Accounts (" " 4891 T/E dt/13 Dec 1894)

DESPATCHED 22 DEC. 94

Ordered that the Government of India be addressed.

(H.E. No. 3287 WD 21 Dec 1894)

To The Secretary to the Government of India P.W. Department.

Sir,

I am directed to submit the following case for the orders of the Government of India.

2. In May last, Hony: Lieut: and Asst: Commissary J.

The Supdtg: Engr: VI circle & Examiner P.W. Accts

(40—1,000—21-4-94.)

J. Kelly, Assistant Engineer, was granted privilege leave for 1 month and 15 days from the 6th of that month under article 291 C.S. Regulations. This leave was afterwards commuted, under orders in the Military Department, into leave on private affairs in India for 6 months under the Military furlough Regulations of 1875, and under Rule 5 (1) of those Regulations, leave allowances at Rs 187-8-0, equal to half his emoluments, was passed to him. Temporary promotions on the upper subordinate establishment of the P.W. Department were thereupon made with effect from 6th May 1894 under para 68 (1), Chapter I, Vol. I, P.W. Code.

3. Subsequently the Military Department issued an amended notification granting Lieut. Kelly leave in India (private affairs) for 6 months under

under Rule X of the Regu-lations of 1875, the first 45 days to be on full pay and allowances under Sub-sidiary Rule III.

4. Under the rule last quoted, the grant of full staff salary is subject to the condition that an offic "has made satisfactory arrangements for the per-formance of his duties during his absence, at no additional cost to the state, but as temporary promotions had already been made in room of Lieut Kelly, the Examiner regarded this as involving additional cost to the state, and consequently passed to him for the first 45 days of his leave, allowances at Rs 300 per mensem as follows:-

Military pay of rank	Rs 225
Half Staff salary	" 75
	Rs 300

Lieut Kelly now appeals against this finding of the audit

audit branch, and claims full staff salary for the first 45 days of his leave under the Military Department notification. The Examiner reports that the Honorary Lieuts' claim depends on the question whether the temporary promotions which have been made in the P.W. Department should be regarded as involving "additional cost to the State" under note (1) to subsidiary Rule III of the Military Furlough Regulations of 1875, and I am accordingly to refer the point for the decision of the Government of India.

I have &c

23-11-94 No 3768.C
30-1-94 No 411.C
11-9-94 No 1007 D
14-7-94 No 588 D
1-9-94 No 2814 C
18-6-94 No 391. D
~~1-9-94 No 2814.C~~

No 3286-7W. dd 21 December 1894

22 DEC. 94

CUSTOS
19/12/94

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READ AGAIN G.O., No. 191 , DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.	A A A A A A A
LETTER OF GOVERNMENT.	
STATEMENT WITH DITTO.	
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.	

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