No. 1235 W., 7TH APRIL 1896.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

READ—the following papers :—

From H. E. CLERK, Esq., Executive Engineer, North Arcot Division, to the Superintending Engineer, IV Circle, dated 9th July 1895, No. 208 S.E.

I have the honour to report that during the month of October 1894, I did not maintain camp-equipage paid by the month as I had a good deal of travelling to do by rail and made no claim for actual expenses. On the 2nd November I engaged bandies and sent them out at once to Aliabad anicut 27 miles off, I myself following the next day. I was only absent two nights from head-quarters and on my return I halted two days at Vellore. On the 8th I went to Arkonam to dispose of a reference there and on the 9th returned to Vellore where I halted for four more days before starting on a long tour.

In my journal I claimed actual expenses for all the days I halted at head-quarters, but the Examiner has disallowed them all on the grounds that halt at head-quarters must be considered to have commenced on 20th October and that actual expenses can only be drawn for the first ten days of a halt. I accept the disallowance for the 12th and 13th November, but I challenged the right of the Examiner to disallow the claim on the other days. I can find nowhere in the Civil Service Regulations any allusion to *first* ten days of a halt and the Examiner appears to be governed by the wording of a synopsis of the rules compiled by himself in which the word "first" appears to have been interpolated on his own motion. I am aware that the synopsis referred to has received the approval of Government, but I venture to call attention to this point and to ask that the additional restriction imposed by the Examiner on drawing actual expenses may be rescinded. If Government do not consider it advisable to order that the letter of the Civil Service Regulations shall be adhered to in this matter, I request that the power conferred in Civil Service Regulations, article 1164 (*a*) may be exercised, and that I may be allowed halting allowance for the days for which I originally claimed it, or for any portion of that time which Government may think fit, the claim being a *bonâ fide* one and my marches being arranged purely with an eye to the interests of Government. The twelve days over which my claim extends may be divided as follows :—

Days for which travelling allowance was drawn	6
Days on which, although at head-quarters myself, my camp was actually marching	2
Days during which my carts halted at head-quarters	4
Total ...	12

My journals and disallowance lists are forwarded for your perusal. Please return them as soon as done with.

No. 277 W.

Copy forwarded to the Chief Engineer, Public Works Department, for favourable consideration.

(Signed) J. HANNAN,
17th July 1895. Superintending Engineer, IV Circle.

Office-note from the Examiner, Public Works Accounts, dated 8th August 1895, No. 2776 A.

The rule referred to in paragraph 2 of the Executive Engineer's letter, so far from being "an interpolation on my own motion," was based on paragraph 8, Appendix N, of the late Madras Code (issue of 1886) which, it is understood, was based on an interpretation given by the Government of India, to whom I would suggest the point be referred to remove all doubt.

No. 863 D.

Referred with advertence to G.O. No. 969, Financial, dated 16th December 1890, to the Financial Department with the request that a definite interpretation may be obtained from the Government of India as to whether the ten days mentioned in article 1164 (*a*), Civil Service Regulations, is confined to the *first* ten days of a halt.

2. The insertion of the word *first* in paragraph 8 (copy attached), Appendix N of the Madras Public Works Code, does not appear to have been based on an interpretation of the Government of India. On receipt of letter from the Government of India, No. 5456, dated 13th October 1887 (copy enclosed) the question as to the orders to be framed under article 1164 (*a*), Civil Service Regulations (then section 27, Rule I, Civil Travelling Allowance Code) was referred to the Public Works Code Committee, and paragraph 8, Appendix N, above referred was one of the rules issued in consequence. The insertion of the word *first* in the rule appears to have been suggested by the Code Committee and approved by Government.

(Signed) J. PENNYCUICK, Col., R.E.,
27th August 1895. Secretary to Govt., P.W.D.

No. 3026, Financial.

The question as to whether the ten days mentioned in article 1164 (*a*) of the Civil Service Regulations is confined to the first ten days of a halt does not appear to affect Mr. Clerk's case which is as follows:—

He first halted at Vellore from the 20th to the 23rd October, the halt not having been interrupted for the purpose of article 1164 by absence on the night of the 22nd. He was then absent from Vellore on the nights of October 24th to 27th and the first halt was therefore interrupted. On the 28th October he commenced another halt which was interrupted by absence on the four nights of 29th, 30th, 31st and 1st November. On the 2nd November he halted again but was absent on the nights of the 3rd, 4th and 5th, three days which caused an interruption of this halt. On the 6th and 7th November he halted; on the 8th and 9th he was away from Vellore two days; and on the 10th to 13th, four days, he halted again. This made the total halt on the last occasion eight days. It would thus appear that between the 20th October and 13th November 1894, Mr. Clerk made, not one halt as assumed by the Examiner, Public Works Accounts, but four distinct halts, not one of which exceeded ten days. Mr. Clerk would therefore appear to be entitled to actual expenses for those days on which the conditions of article 1164 (*a*) were satisfied.

The Accountant-General is requested to report on the above. The Public Works Department will also be requested to obtain the remarks of the Examiner.

(By order.)

Fort St. George, (Signed) W. W. PHILLIPS,
18th December 1895. Ag. Assistant Secretary.

Office-note from the Examiner, Public Works Accounts, dated Madras, 17th January 1896, No. 106 D.E.

The statements made by the Financial Department in Memo. No. 3026 of the 18th December 1895 are not borne out by the entries in the travelling allowance journals of Mr. Clerk for October and November 1894, which show that Mr. Clerk got to Vellore (his head-quarters) on the 19th October 1894, that he slept at Vellore on October 20th to 24th, 27th, 28th, 31st and November 1st, 2nd, 5th, 6th, 7th, 9th, to 13th, and that the absence during the other days was less than three nights and did not therefore interrupt the continuity of the halt at Vellore.

Memo. No. 425 C.

Copy forwarded to the Financial Department with reference to Memo. No. 3026, Financial, dated 18th December 1895, the file received with which is herewith transmitted.

(Signed) D. McNEIL CAMPBELL, Colonel, R.E.,
24th January 1896. Joint Secy. to Government, P.W.D.

G.O. No. 196, Financial, dated 24th March 1896.

Read—

Endorsements in the Public Works Department, dated 27th August 1895, 10th October 1895 and 24th January 1896, Nos. 863 D., 1158 D. and 425 C., respectively.

From the Accountant-General, dated 23rd September 1895, 17th January 1896 and 17th February 1896, Nos. 2626, 94 and 475, respectively.

Order—No. 196, Financial, dated 24th March 1896.

Mr. Clerk, being an officer of the Public Works Department, is subject to the rule in force in that Department under which the period mentioned in article 1164 (*a*) of the Civil Service Regulations is restricted to the *first* ten days of a halt (paragraph 8 of Appendix N to the Madras Public Works Code). The Government considers that the Examiner of Public Works Accounts has dealt correctly with Mr. Clerk's claim.

2. His Excellency the Governor in Council is, however, of opinion that it is unnecessary to retain the rule in question and the Public Works Department will be requested to take steps to cancel it.

3. In its letter, Finance and Commerce Department, No. 5456, dated 13th October 1887, the Government of India suggested that a short journey which does not necessitate the moving of camp from head-quarters should not be considered to interrupt the continuity of a halt so as to enable an officer to re-commence a new period of halt.

4. The Accountant-General in paragraph 2 of his letter No. 2626, dated 23rd September 1895, states that the practice of his office in computing the lengths of halts for the purpose of article 1164 has been (i) to ignore the days on which the officer did not maintain camp equipage; and (ii) to exclude all marches which do not interrupt the continuity of the halt. The former procedure seems to be fair, but the latter appears to be opposed to the intention of the rule.

5. All claims under article 1164 of the Civil Service Regulations will, in future, be governed by the following rules:—

(*a*) a short journey which does not necessitate the moving of camp from head-quarters shall not be considered to interrupt the continuity of a halt so as to enable an officer to re-commence a new period of halt; This rule is subject to the explanation to Article 1164 (a) of the Civil Service Regulations.

(*b*) the days on which an officer does not maintain camp equipage shall be excluded in computing the lengths of halts for the purposes of article 1164.

6. All officers are requested to note that, in order to establish a claim under article 1164, not only must it be *necessary* to maintain camp equipage ~~at head-quarters~~ but "camp equipage" must actually be maintained.

(True Extract.)

(Signed) W. W. PHILLIPS,
Ag. Assistant Secretary,
for Chief Secretary.

Order—No. 1235 W., dated 7th April 1896.

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

2. The rule referred to in paragraph 2 of G.O. No. 196, Financial, dated 24th March 1896, appertains to the Madras Public Works Code, and, as the latter has been abolished, the rule need not be regarded as being any longer in force.

(True Extract.)

(Signed) D. McNEIL CAMPBELL, Colonel, R.E.,
Joint Secy to Govt., P.W.D.

To the Superintending Engineer, IV Circle, with four enclosures.
„ other Superintending Engineers.
„ the Consulting Architect to Government.
„ the Chief Engineer for Irrigation.
„ the Examiner, Public Works Accounts.
„ the Financial Department.

Exd. Shaik Karim.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1896} Madras.

PUBLIC WORKS.

Dated April, 7th.

Recd. *Encl.*

G.O. No. 1235 W., 7th Apr. 1896.

APRIL.

Article 1164 of the Civil Service Regulations

Proceedings, Financial Department, laying down certain rules by which all claims under — will, in future, be governed, communicated to officers of the Public Works Department, with remarks.

4 JAN 1896
P. W. ACCOUNTS

Copy of para 8, appendix
V, Madras P. W. Code.

The Examiner is authorised to pass during a halt at head quarters the actual expenses (not exceeding the daily allowance) of keeping up camp equipage (when it is necessary to do so) provided that such actual expenses may not be drawn for more than the first ten days.

12350

No 208 S.E. North arcot Division office
9th July 1895

From

A. E. Clerk Esq
Executive Engineer
North Arcot Division

26 JUL 1895
4 JAN 1896

To

The Superintending Engineer
IV th Circle.

Sir

Enclosures
2- Journals for October & Novr 94
1- Div distr from T.A. Bill for Novr 94 together with Rejoinder sheet
3

I have the honor to report that during the month of October 1894 I did not maintain camp equipage paid by the month as I had a good deal of travelling to do by rail and made no claim for actual expenses. On the 2d November I engaged bandies and sent them out at once to Aliabad anicut 27 miles off, I myself following the next day. I was only absent 2 nights from Head quarters and on my return I halted 2 days at Vellore. On the 8th I went to Arkonam to dispose of a reference there and on the 9th returned to Vellore when I halted for 4 more days before starting on a long tour.

In my journal I claimed actual expenses

for

for all the days I halted at Head-quarters but the Examiner has disallowed them all on the grounds that halt at Head-quarters must be considered to have commenced on 20th October and that actual expenses can only be drawn for the first 10 days of a halt. I accept the disallowance for the 12th and 13th November but I challenged the right of the Examiner to disallow the claim on the other days. I can find nowhere in the Civil Service Regulations any allusion to "first" 10 days of a halt and the Examiner appears to be governed by the wording of a Synopsis of the rules compiled by himself in which the word "first" appears to have been interpolated on his own motion. I am aware that the Synopsis referred to has received the approval of Government but I venture to call attention to this point and to ask that the additional restriction imposed by the Examiner on drawing actual expenses may be rescinded. If Government do not consider it advisable to order that the letter of the Civil Service Regulations shall be adhered

adhered to in this matter. I request that the power conferred in Civil Service Regulations Art: 1164 a may be exercised and that I may be allowed halting allowance for the days for which I originally claimed it, or for any portion of that time which Government may think fit. The claim being a bonafide one and my marches being arranged purely with an eye to the interests of Government. The 12 days over which my claim extends may be decided as follows:—

Days for which Travelling allowance was drawn — — — —	6
Days on which although at Head quarters myself my camp was actually marching — — — —	2
Days during which my Carts halted at Head Quarters — — —	4
	12

My Journals and disallowance lists are forwarded for your perusal. Please return them as soon as done with

I have &c &c

/Signed/ H. E. Clerk
Executive Engineer
N. L. Div.
Copy

No: 277/W dated 17th July 1895

Copy forwarded to the Chief Engineer P. W. D for favorable consideration.

Enclosures = 3
2- Journals for table & Number 9 4
1- Div: list from T. A. Bill for Nov 94 together with Re-joinder sheets
3
(To be obligingly returned)

Superintending Engineer
4th Circle

DW 8:43
6137/95
3 Note (56

5
Finan
5
2116

From

The Supg. Engineer
4th Circle.

Dated 17th July 1895.
Despd 19th July 1895.

No. 277/W

Encls: 3.

Halting allowance.

Forwards for favorable consideration the — claimed by Mr. Clerk, Ex: Engr, North Arcot Division and disallowed by the Examiner P.W.A.

JAN 1896

P. W. CURRENT No. 5573

6137

Encls 4 & 5
10. P. 55
Rec: 20-7-95

No. 2369C. dated 24 July '95.

To C

For favour of remarks.

J
27/7

No. 2776 Ady 5.8.95

To

W.

The rule referred to in para 2 of the E. E.'s letter, so far from being "an interpolation on my own motion," was based on para 8, Appendix N, of the late Madras Code (version of 1886) which it is understood was based on an interpretation given by India to whom I would suggest the point be referred to remove all doubt.

H 8/8

C

P. W. CURRENT No. 6137

№ 277 dated 17th July 1895 - Rs 100 -

2977 C of 7-8-88
1888 W of 14-7-87
5712 of 19-9-87
2376 W of 6-8-88
3388 W of 19-12-90

Encls 5

Recd: 10.8.95

Dr 5-2
Bruce/86

O.L.S. 321

P. W. D.

8 3 D. 27 - August 1895

Memo.

From the Superintending Engineer IV circle Rc 277 dated 17th July 1895.

Office Note from the Examiner, P. W. accounts, Rc 2776 A dated 8th August 1895.

X. Circ. 5573

X. Circ. 6137/Ors. 321

Referred with advertence to G.O. dated 16th December 1890, R. 969 Financial, to the Financial Department with the request that a definite interpretation may be obtained from the Government of India as to whether the ten days mentioned in article 1164(a) C.S. Regulations is confined to the first ten days of a halt.

2. The insertion of the word first in para 8, appendix N of the Madras P. W. Code does not appear to have been based on an interpretation of the Govt. of India. On receipt of letter from the Government of India No 5456 of 13 October 1887 (copy enclosed) the question as

× copy attached.

as to the orders to be framed under Art: 1164 (a) Civil Service Regulations (then Sec 27 Rule I Civil Travelling allowance Code) was referred to the P.W. Code Committee, and para 8 appendix N above referred was one of the rules issued in consequence. The insertion of the word first in the rule appears to have been suggested by the Code Committee and approved by Government.

P.37" C 2-10-88
No. 2376 W 6-8-88
No. 2369 C 24-7-95

C.R.S. 24/8/96

25 R

8632. 27 - August 1896

W

Cir

The Financial Deptt.
with returned papers
& the returned papers

[G/69] 1,000—15-8-95.

4 JAN 1896
P. W. ARCHIVES

Financial DEPARTMENT.

CHIEF SECRETARIAT. MADRAS.

Memorandum. No 3026.

READ the following

From the Public Works Department dated 27th.August 1895
No.863.D.

From the Accountant General, dated 23rd.September 1895.
No.2626.

From the Public Works Department, dated 10th.October 1895,
No.1158.D.

The question as to whether the ten days mentioned in article 1164 (a) of the Civil Service Regulations is confined to the first ten days of a halt does not appear to affect Mr.Clerk's case which is as follows:-

He first halted at Vellore from the 20th.to the 23rd.October , the halt not having been interrupted for the purpose of article 1164 by absence on the night of the 22nd. He was then absent from Vellore on the nights of October 24th. to 27th.and the first halt was therefore interrupted. On the 28th.October he commenced another halt which was interrupted by absence on the four nights of 29th,30th.,31st. and 1st.November. On the 2nd.November he halted again but was absent on the nights of the 3rd,4th,and 5th,3days which caused an interruption of the halt. On the 6th and 7th November he halted; on the 8th.and 9th. he was away from Vellore ,2 days; and on the 10th to 13th.,4 days , he halted again. This made the total halt on the last occasion 8 days. It would thus appear that between the 20th.October and 13th. November 1894 Mr.Clerk made , not one halt as assumed by

the

P. W. CURRENT No. 1227

the Examiner, Public Works Accounts, but four distinct halts, not one of which exceeded ten days. Mr. Clerk would therefore appear to be entitled to actual expenses for those days on which the conditions of article 1164(a) were satisfied.

The Accountant General is requested to report on the above. ~~and~~ The Public Works Department ~~is~~ will also be requested to obtain the remarks of the Examiner.

(By order)

Ag. Assistant Secretary.

To

The Accountant General.

" Public Works Department.

with papers in original

to be returned.

No. 7 C dt/2nd January 1896

To C

for favour of remarks.

Cl 1803

20/12/95

For. Dept. Memo No. 3028 dated 18th December 1895.

Encl to file.

Recd: 19-12-95

Forwarded with Current No. dated 189 .

GOVT. OF MADRAS. 1895.

EXAMINER, P. W. ACCOUNTS,

Madras, 17 January 1896.

OFFICE NOTE No. 106/2

To

W.

The statements made by the Financial Department in Memo No. 3028 of the 18th. December 1895 are not borne out by the entries in the travelling allowance journals of Mr. Clerk for October and November 1894, which show that Mr. Clerk got to Vellore (his Head Quarters) on the 19th. October 1894, that he slept at Vellore on October 20th. to 24th., 27th., 28th., 31st. and November 1st., 2nd., 5th., 6th., 7th., 9th. to 13th. and that the absence during the other days was less than three nights & did not therefore interrupt the continuity of the halt at Vellore.

C.

16.1

Encl: Office Note 1 : yr 92-1-96 with complete file.

M 7 cf 2-1-96
38-34 cf 8-1-96
1158 D cf 10-10-95
863 D cf 27-9-95
23 bg cf 24-7-95

Encls 1 file

H/F Accts 18.1.96

No 425 Cdf 24th January 1896

Copy forwarded to
Re Financial dept
with reference to memo
No. 3026 FL. dated 18
Decr 1895, the file re-
-ceived with which is
herewith transmitted

21/1/96

CWMG
21/96

To Re Fin Dept
To the Fin Dept
with file

29/1

Financial Department.

P R O C E E D I N G S O F T H E M A D R A S G O V E R N M E N T

Read the following papers:-

Proceedings of the Public Works Department dated 27th August 1895, 10th October 1895 and 24th January 1896 Nos. 863 D, 1158 D and 425 G respectively.

From the Accountant General dated 23rd September 1895, 17th January 1896 and 17th February 1896 Nos. 3626, 94 and 475 respectively.

Order No. 196 dated 24th March 1896.

Mr. Clark, being an officer of the Public Works Department to which the rule in force in that Department under which [illegible] is entitled to the halt (furlough is restricted to the first ten days of Service Period mentioned in article 1164 (a) of the Civil Code). The Comptroller, Appendix V to the Madras Public Works Accounts Code, considers that the Examiner of Public Accounts has correctly construed the rule. His Excellency in Council is of opinion that it is undesirable to retain the rule in question and the Public Works Department will be requested to take steps to cancel it.

3. In its letter dated 15th October 1895, the Government of India, Public Works Department No. 3456, that a short journey which does not involve the moving of camp from head quarters should not be considered to interrupt the continuity of a halt for the purpose of reconference of new period of halt.

4. The Accountant General in his letter dated 23rd September 1895, states that the practice in his office in computing the length of halts for the purpose of article 1164 has been (i) to ignore the days on which the officer did not maintain camp equipage and (ii) to exclude all marches which do not interrupt the continuity of the halt. The former procedure appears to be fair but the latter appears to be opposed to the intention of the rule.

5.

9 P

5 All claims under article 1164 of the Civil Service Regulations will in future be governed by the following rules:-

(a) A short journey which does not necessitate the moving of camp from head quarters shall not be considered to interrupt the ~~continuity~~ continuity of a halt so as to enable an officer to recommence a new period of halt.

(b) The days on which an officer does not maintain camp equipage shall be excluded in computing the lengths of halts for the purposes of article 1164.

6 All officers are requested to note that, in order to establish a claim under article 1164, not only must it be necessary to maintain camp equipage at head quarters but "camp equipage" must actually be maintained.

(True extract)

W W Phillips

Ag. Assistant Secretary,

for Chief Secretary.

To

The Accountant General.

" Public Works Department. ✓ with papers returned ✓

Dept^s of the Secretariat

All Heads of Dept^s

[G. 15]

Govt. of {189} Madras.

Encls 7.

Accts: 30-3-96

To

The Public Works Dept.

Proceedings, dated 24 March 189 6
No. 196.

Subject.

Laying down two rules by which all claims under article 164 of the Civil Service Regulations are to be governed in future and requesting all officers to note the points that are necessary in order to establish a claim under that article.

1,000—20-2-93.

PUBLIC WORKS DEPARTMENT.

No. 1235 W of 7th April 1896.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read and submitted

READ the following

From the Supdg Engr IV Circle (H.C. No. 277 W dated 17 July 95)
" " Ex. P. W. Accts (" " 2776 A " 8 Aug ")
Memo: to the Fin. Dept (" " 863 D " 27 " " ")
From the — do — (" " 3026 " 18 Decr ")
" " Ex. P. W. A. (" " 1069/E " 17 Jany 96)
Memo: to the Fin. Dept (" " 425 C " 24th " " ")
Proceedings, Fin. Dept. (" " 196 " 24 March ")

Present

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

2. The rule referred to in para 2 of G.O. No. 196, Financial, dated 24th March 1896, appertains

(40—4,000—2-11-95.)

to the Madras P. W.
Code, and as the latter
has been abolished,
the rule need not be
regarded as being
in force.

6/4/96

S. 2296 of 1896
24.1.96 · 4250
2.1.96 · 70
6.10.95 · 11550
27.8.95 · 8832
19.12.90 · 33882
6.8.88 · 23764
4.7.87 · 18884
7.3.96 · 8352

CWRS
4.4.96.

B and C.K.

DESPATCHED
5 MAY 96

S. E. IV Circle
enter 4 enclosures
Other Supdg Engineers
C.A.G. Ent.
Chief Engr for Irrign
Ex P. W. Accts
Financial Deptt

Gn

3204

Govt. of 1876 Madras.

PUBLIC WORKS

21/9/96

Dated

Rect. Encl.

G.O. 7/4/ 1896 No. 1235 W

Article 1164 of the C. S. Regulations.

=

Rep: Financial Dept

ering down ~~all such~~ rules by which all claims under — will in future be covered. Comte & Offrs to the P.W.D. will remark,

==

230/13

3804