Government {1896} of Madras.

PUBLIC WORKS.

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G.O., No. 579 W., 15th February 1896.

FEBRUARY.

2

Halting Allowance

Proceedings, Financial Department, communicating letter from the Government of India explaining that clause (*b*) under Article 1159 of the Civil Service Regulations was intended to enable Local Governments to prevent the ten days' limit for halts operating as a hardship in particular cases, and declining to exempt certain Educational officers from the operation of that article, communicated to officers of the Public Works Department.

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2. The Government doubts whether the officials specified in paragraph 2 of the Director's letter can be exempted from the ten days' rule under Article 1159 of the Civil Service Regulations. A reference will be made to the Government of India on the subject.

(True Extract.)

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Article 1154 (*a*) states that a daily allowance is intended to cover the ordinary daily charges of an officer on tour, but it would seem that this is restricted by Articles 1086 and 1132, which read together lead to the inference that a daily allowance is only intended to cover "actual travelling expenses" as defined in Article 15. As a matter of fact, however, actual travelling expenses are not incurred during a halt except in the way of payment for the upkeep of "camp equipage." In many parts

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Chief Secretary.

ORDER—No. 579 W., dated 15th February 1896.

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

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(Signed) D. McNEIL CAMPBELL, Colonel, R.E.,
Joint Secretary to Government.

To the Chief Engineer for Irrigation.
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Exd. S. J. Pereira.

GOVERNMENT OF MADRAS.

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Read—the following paper :—

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Read—the following papers :—

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Read—the following letter from the Hon'ble Mr. D. DUNCAN, M.A., D.Sc., Director of Public Instruction, to the Chief Secretary to Government, dated Madras, 3rd August 1895, No. 8299 :—

In April last, I appointed a committee consisting of the four Inspectors and the two Inspectresses of Girls' Schools, the Assistant Inspector of Schools, 4th Division, and the Assistant Inspector of Schools, 6th Division, to meet at my office to consider, amongst other matters, the revision of the Madras Educational Rules and to submit to me a report as to the changes that should, in their opinion, be carried out in them. I took that opportunity of inviting representatives of important missionary bodies and the Secretary to the Council on Aided Education, consisting in all of seven members, to attend the conference and to take part in the discussion. The conference lasted for fourteen days from the 17th to 30th April 1895, both days inclusive. The results of its labours will in part appear in the revised copy of the Educational Rules, which I hope to submit to Government shortly. I have now the honour to request that the travelling and daily allowances of the mofussil non-official members, who were all Europeans, may be sanctioned at the rates sanctioned in G.O., No. 1288, Financial, dated 7th December 1886. There were only three such members, viz., Rev. W. Goudie of the Wesleyan Mission, Tiruvallúr (Chingleput), the Rev. J. S. Chandler of the American Mission, Madura, and Rev. G. H. Macfarlane of the London Mission, Cuddapah, the first having attended seven meetings and the two latter two meetings only.

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2. The Government doubts whether the officials specified in paragraph 2 of the Director's letter can be exempted from the ten days' rule under Article 1159 of the Civil Service Regulations. A reference will be made to the Government of India on the subject.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

G.O., Nos. 896, 897, Financial, dated 14th November 1895.

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Letter—to the Secretary to the Government of India, Finance and Commerce Department, No. 897, Financial, dated 14th November 1895.

I am directed to address you regarding the construction to be placed on the phrase "extra expense" in Article 1159 (*b*) of the Civil Service Regulations which is nowhere clearly defined.

2. Part XI of the Civil Service Regulations in which this article occurs is apparently governed throughout by Article 1086 unless the contrary is anywhere distinctly stated. This article states that travelling allowance is given to an officer to cover *actual travelling expenses* and the expression "actual travelling expenses" is defined in Article 15 as meaning "the actual cost of locomotion for an officer himself, his servants and personal luggage, including charges for ferry and other tolls, and for carriage of *camp equipment* (when necessary); but not including charges for hotels, dâk bungalows, or refreshments, or for the carriage of stores or conveyances, or for presents to coachmen, nor any allowance for such incidental losses or expenses as the breakage of crockery, the wear and tear of furniture, the entertainment of additional servants and the like."

It appears to be the intention of the Government of India that the "extra expense" referred to in Article 1159 (*b*) should be in the nature of "actual travelling expenses" as defined in Article 15, for in paragraph 3 of Finance and Commerce Department letter, No. 6204 P., dated 20th December 1894, the claim of the establishment of the Resident in Travancore and Cochin to a general exemption from the provisions of Article 1159 was negatived, because it appeared to have been put forward "largely on the ground of the extra cost of living—for which travelling allowance is not intended to compensate—and not so much because the travelling allowance admissible under rule is insufficient on the whole to cover the actual expenses on account of travelling." Again, in paragraph 2 of Mr. Hewett's letter, No. 1173, Judicial, dated 2nd August 1895, it was pointed out that a daily allowance is not intended to meet charges for conveyance to office or court or to cover cases of special duty or special inconvenience.

G.O., No. 15, Financial, dated 19th January 1895.

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3. On the other hand, Article 1159 as it previously stood permitted special exemption from the ten days' rule solely in cases where (i) the prolonged halt was necessary in the interests of the public service, *and* (ii) it was necessary to maintain *camp equipage*. The article as amended and as it now stands contains the first condition but, as an alternative to the second condition, empowers Local Governments to grant a special exemption when satisfied that an officer has been put to extra expense by his halt after the expiration of the first ten days although no camp equipage may have been maintained. The application of the definition of "actual travelling expenses" contained in Article 15 as a means of interpretation of the phrase "extra expense" raises a difficulty for the reason that during a halt there can be no charges for locomotion, no ferry or toll dues and no cost of carrying camp equipment unless an officer hires carriage for the whole period of his tour. In the latter case he would be maintaining "camp equipage", and his case would fall under clause (*a*) of Article 1159. The practical effect therefore is that if the "extra expense" in Article 1159 (*b*) is to be taken as meaning expense of the nature of "actual travelling expenses" the clause is incapable of being applied.

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of this Presidency, officers seldom have occasion during halts to keep up camp equipage, in which case their "actual travelling expenses" during a halt would be *nil*, and they would not be legitimately entitled to a daily allowance for a halt unless the expression "ordinary daily charges" can be interpreted as covering items such as batta to servants, bungalow fees, etc., which do not enter into "actual travelling expenses." It would appear, therefore, that a similar wide interpretation should be assigned to the words "extra expense" in Article 1159.

4. In making these remarks I am to say that this Government is of opinion that Article 1159 (*b*) should be withdrawn on the ground that the travelling allowance granted to officers is ample on the average to cover the expenses of travelling on duty. Claims for travelling allowance for halts exceeding ten days are, in the experience of this Government, almost invariably made on account of halts at favourite stations.

(Signed) J. F. PRICE,
Chief Secretary.

Read—also the following paper:—

From R. NATHAN, Esq., Officiating Under Secretary to the Government of India, Finance and Commerce Department, to the Chief Secretary to the Government of Madras, dated Calcutta, the 6th December 1895, No. 5677-Ex.

I am directed to refer to your letter, No. 897 (Financial), dated the 14th November last, regarding the construction to be placed upon the phrase "extra expense" in Article 1159 (*b*) of the Civil Service Regulations.

2. In reply, I am to say that the proviso in clause (*b*) under article 1159 was intended to enable Local Governments to prevent the ten days' limit operating as a hardship to an officer who is actually obliged for reasons of public duty to continue expenditure of the kind which travelling allowance is intended to meet; and that the question whether or not there exists a hardship requiring a remedy is one for the judgment of the Local Government in passing orders on the case.

Order—No. 34, Financial, dated 14th January 1896.

The letter from the Government of India will be communicated to the departments of the Secretariat for information and guidance.

2. The officials referred to in paragraph 2 of G.O., No. 822, Educational, dated 11th October 1895, cannot be exempted from the operation of section 1159 of the Civil Service Regulations.

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Marine Department.

Paper taken out of the Records from charge of the Record-keeper.

No. 579 W of 1896.
15-2-96

Mis Series.

To whom given.

Fr. P.W.

For Marine Current No. 11324 of 1897.

When given. 24-11-97

Signature of the Record-keeper	Signature of the Clerk taking.

M. 1
10-5-97

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Government {1896} of Madras.

PUBLIC WORKS.

Recd. } 1896. *Enclosures*

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G.O., No. 579 W., 15th February 1896.

FEBRUARY.

Halting Allowance

Proceedings, Financial Department, communicating letter from the Government of India explaining that clause (*b*) under Article 1159 of the Civil Service Regulations was intended to enable Local Governments to prevent the ten days' limit for halts operating as a hardship in particular cases, and declining to exempt certain Educational officers from the operation of that article, communicated to officers of the Public Works Department.

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2. Part XI of the Civil Service Regulations in which this article occurs is apparently governed throughout by Article 1086 unless the contrary is anywhere distinctly stated. This article states that travelling allowance is given to an officer to cover *actual travelling expenses* and the expression "actual travelling expenses" is defined in Article 15 as meaning "the actual cost of locomotion for an officer himself, his servants and personal luggage, including charges for ferry and other tolls, and for carriage of *camp equipment* (when necessary); but not including charges for hotels, dâk bungalows, or refreshments, or for the carriage of stores or conveyances, or for presents to coachmen, nor any allowance for such incidental losses or expenses as the breakage of crockery, the wear and tear of furniture, the entertainment of additional servants and the like."

3. It appears to be the intention of the Government of India that the "extra expense" referred to in Article 1159 (*b*) should be in the nature of "actual travelling expenses" as defined in Article 15, for in paragraph 3 of Finance and Commerce Department letter, No. 6204 P., dated 20th December 1894, the claim of the establishment of the Resident in Travancore and Cochin to a general exemption from the provisions of Article 1159 was negatived, because it appeared to have been put forward "largely on the ground of the extra cost of living—for which travelling allowance is not intended to compensate—and not so much because the travelling allowance admissible under rule is insufficient on the whole to cover the actual expenses on account of travelling." Again, in paragraph 2 of Mr. Hewett's letter, No. 1173, Judicial, dated 2nd August 1895, it was pointed out that a daily allowance is not intended to meet charges for conveyance to office or court or to cover cases of special duty or special inconvenience.

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3. On the other hand, Article 1159 as it previously stood permitted special exemption from the ten days' rule solely in cases where (i) the prolonged halt was necessary in the interests of the public service, *and* (ii) it was necessary to maintain *camp equipage*. The article as amended and as it now stands contains the first condition but, as an alternative to the second condition, empowers Local Governments to grant a special exemption when satisfied that an officer has been put to extra expense by his halt after the expiration of the first ten days although no camp equipage may have been maintained. The application of the definition of "actual travelling expenses" contained in Article 15 as a means of interpretation of the phrase "extra expense" raises a difficulty for the reason that during a halt there can be no charges for locomotion, no ferry or toll dues and no cost of carrying camp equipment unless an officer hires carriage for the whole period of his tour. In the latter case he would be maintaining "camp equipage", and his case would fall under clause (*a*) of Article 1159. The practical effect therefore is that if the "extra expense" in Article 1159 (*b*) is to be taken as meaning expense of the nature of "actual travelling expenses" the clause is incapable of being applied.

Article 1154 (*a*) states that a daily allowance is intended to cover the ordinary daily charges of an officer on tour, but it would seem that this is restricted by Articles 1086 and 1132, which read together lead to the inference that a daily allowance is only intended to cover "actual travelling expenses" as defined in Article 15. As a matter of fact, however, actual travelling expenses are not incurred during a halt except in the way of payment for the upkeep of "camp equipage." In many parts

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