

Public Works (1897) Department.

G.O., No. 2863 W

DATED 22nd October 1897

[Despatch Abstract.]

Freight Contract. Pro. marine dept Comdg
Despatch from the Secretary of State stating
that it is not considered necessary to alter
the existing conditions governing —, Comdg to
officers of the P.W.D.

2
4/11/97

0. L. S. 543 *R. L. S.*

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following paper :—

From the Right Honourable the Secretary of State for India, to His Excellency the Governor in Council, Fort St. George, dated India Office, London, 2nd September 1897, No. 8, Financial (Stores).

Payment of freight in India on arrival of vessels.—I have considered in Council your letter in the Marine Department, No. 4, dated 23rd April 1897, relative to the retention in all cases of one-fifth of a vessel's freight until after arrival in India.

2. Under the existing "conditions for freight and conveyance of stores," it is provided that the value of any loss sustained by Government by reason of injury to, or short delivery of, stores may be recovered from the owner of the vessel, and in the event of any difficulty being experienced in effecting such recovery in India, the amount can be claimed in this country on receipt of full particulars of the claim.

3. If the proposal of your Government were adopted, it is probable that the amount of freight withheld would sometimes be too small to admit of full recovery in India of the value of stores found deficient or damaged on arrival, whilst the payment of the balance of freight at some of the minor ports, might give rise to inconvenience and trouble.

4. It is not therefore considered necessary to alter the existing conditions governing freight contracts.

ORDER—No. 834, Marine, dated 27th September 1897.

Communicated to the Presidency Port Officer and the Public Works Department with reference to G.O., No. 369, Marine, dated 23rd April 1897.

(True Extract.)

J. J. J.
Under Secretary to Government.

To the Presidency Port Officer.
„ Public Works Department.

Exd. A. F. Eccleston,

P. W. D.

Government { 1897 } of Madras.
MARINE.

Recd.

Enclosures

1897.

Regd.

Spare copies

G.O., No. 369, 23rd April 1897.

APRIL.

S.S. "Yorkshire"

Considering that the — was in no way to blame in the matter of shortage of weight occurring in the consignment of iron shipped from England to Cocanada and addressing the Home Government on the general question of withholding a proportion of freight in all cases to meet possible loss on consignments.

GOVERNMENT OF MADRAS.
MARINE DEPARTMENT.

READ—the following papers :—

From G. W. WICKS, Esq., Port Officer, Cocanada, to the Executive Engineer, Gódvári Eastern Division, dated 14th January 1897, No. 1441.

With reference to the remarks made on the packing account of Public Works stores shipped from England per S.S. *Yorkshire*, I have the honour to forward, for your information and remarks, copy of a letter received from Messrs. Hall, Wilson & Co., regarding the discrepancies and repudiating all responsibility in regard to weights.

2. They are quite correct in stating that the total number of packages (viz., 449) were delivered and also that the bars were marked with white paint at both ends. According to the Survey report there was one bundle of flat iron and one bar round iron short landed, but on the other hand, there were found to be two bars angle iron landed in excess and these bars were marked with white paint at both ends and also found to be of exactly the same size (viz., $3" \times 3" \times \frac{1}{4}"$) as the other angle irons in the consignment. This clearly points to a mistake having been made in England at the time of shipment, and I do not see how the ship can be held responsible for this discrepancy or for the other shortage in weight mentioned on the packing account.

3. Even if it is held that the ship is responsible for the shortage of weight, there is no balance of freight due to the ship and therefore no means of recovering the amount that I can see. I would therefore suggest that, in future (no matter how small the consignment may be), one-fifth of the freight should always be made payable in India subject to due delivery.

ENCLOSURE.

From Messrs. HALL, WILSON AND CO., Agents, British India Steam Navigation Company (Limited), Cocanada, to the Port officer, Cocanada, dated 9th January 1897, No. 17/51.

In terms of your guarantee letter, No. 1179, dated 24th October last, we gave you delivery order for 449 packages of iron addressed to the Executive Engineer, Gódvári Eastern division, landed ex S.S. *Chindwara* through cargo of the S.S. *Yorkshire*, and in due course duly delivered to you 449 packages. All these packages were marked with white paint at both ends and no question was raised as to their discrepancy before they were removed from the Custom House. We notice, however, that the Bill of Lading has been endorsed for a number of discrepancies resulting in a shortage of weight which we decline to accept, and return, herewith, the document in question. We have delivered to you the correct number of packages all bearing the same marks, and repudiate all responsibility in regard to weights.

Copy together with its enclosure is forwarded to the Superintending Engineer, I Circle, with request that the sanction of the Government may be obtained to the Port officer's proposal that one-fifth of the freight on all shipments of stores (no matter how small the consignment may be) should always be made payable in India subject to due delivery.

(Signed) G. F. HANDCOCK,
Executive Engineer.

No. 2374 G.D.

Copy submitted to the Chief Engineer, Public Works Department, for favour of obtaining sanction of Government to the proposal made by the Port officer in the foregoing letter.

7th February 1897.

(Signed) J. C. LARMINIE,
Suptg. Engineer, I Circle.

No. 1351 C., Public Works.

Transferred to the Marine Department, with reference to Rule 8 (Part II) in the appendix to G.O., No. 404, Marine, dated 23rd September 1889, which apparently contemplates the payment of freight in India on consignments from England.

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

9th March 1897.

No. 190 E., Marine.

Referred to the Presidency Port Officer for favour of remarks.

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

16th March 1897.

From Commander H. A. STREET, R.I.M., Presidency Port Officer, Madras, to the Secretary to Government, Marine Department, dated 30th March 1897, No. 458/117 G.

In reply to Marine Department endorsement, No. 190 E., dated 16th March 1897 (enclosure herewith returned), I have the honour to state, for the information of Government, that one-fifth freight is always withheld when the freight is in excess of £50. Occasionally, however, this proportion has been withheld when the freight was below £50, and I think this should always be the case.

ORDER—No. 369, Marine, dated 23rd April 1897.

His Excellency the Governor in Council is of opinion that the ship was in no way to blame in this case, and that the error must have occurred in shipping the iron in England.

2. The Home Government will be addressed on the general question of withholding a proportion of freight in all cases to meet possible loss on consignments.

[Here enter No. 4, Marine, dated 23rd April 1897.]

(True Extract.)

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

To the Presidency Port Officer.
Public Works Department.

Exd. T. K. Narayana Aiyangar.

No: 1487 W 2, 1.6.97

Communicated to office of
the P. W. Department

(sd) L. H. C.

W.

Supl. Engrs.

C. A. to Govt.

Ex-Engrs, L. H. D. U.

Ex. P. W. Sects.

Public Works (1897) Department

Government {1897} of Madras.
MARINE.

Recd.

Regd.

1897.

Enclosures

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G.O., No. 834, 27th September 1897.

order N-2963 Wg 23. 1087
communicated to officers
of the Public Works Department
SEPTEMBER. *in continuation of G.O. No 148*
dated 1st June 1897.
(2) W.B. deW.

To Suptg Engrs
C.A. to G.W.D.
C.E. & H. Dn
G.W.D.

Freight Contracts

Despatch from the Secretary of State stating that it is not considered necessary to alter the existing conditions governing —, as it is probable that the proposed retention of one-fifth of a vessel's freight until after arrival in India would sometimes be too small to admit of full recovery in India of the value of stores found deficient or damaged on arrival, communicated to the Presidency Port Officer and the Public Works Department.

GOVERNMENT OF MADRAS.
MARINE DEPARTMENT.

READ—the following paper:—

From the Right Honourable the Secretary of State for India, to His Excellency the Governor in Council, Fort St. George, dated India Office, London, 2nd September 1897, No. 8, Financial (Stores).

Payment of freight in India on arrival of vessels.—I have considered in Council your letter in the Marine Department, No. 4, dated 23rd April 1897, relative to the retention in all cases of one-fifth of a vessel's freight until after arrival in India.

2. Under the existing "conditions for freight and conveyance of stores," it is provided that the value of any loss sustained by Government by reason of injury to, or short delivery of, stores may be recovered from the owner of the vessel, and in the event of any difficulty being experienced in effecting such recovery in India, the amount can be claimed in this country on receipt of full particulars of the claim.

3. If the proposal of your Government were adopted, it is probable that the amount of freight withheld would sometimes be too small to admit of full recovery in India of the value of stores found deficient or damaged on arrival, whilst the payment of the balance of freight at some of the minor ports, might give rise to inconvenience and trouble.

4. It is not therefore considered necessary to alter the existing conditions governing freight contracts.

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(True Extract.)

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

To the Presidency Port Officer.
,, Public Works Department.

Recd.

Regd.

1897.

Enclosures

Spare copies

G.O., No. 834, 27th September 1897.

SEPTEMBER.

To
Supply Engrs.
C.A. to Govt
E.E. Lt H.D.
C.W. P.W.A.

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No. 834, MARINE, 27TH SEPTEMBER 1897.

GOVERNMENT

MARINE DEPART

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(True Extract.)

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Secretary to Government.

To the Presidency Port Officer.
,, Public Works Department.

Exd. A. F. Eccleston.

Recd.

Regd.

1897.

Enclosures

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G.O., No. 834, 27th September 1897.

N. 2963 W. 23 60
order: -
Communicated to officers of
the Public Works Department
SEPTEMBER. *in Confirmation of G.O. No*
1487 W dated 1st June 1897.
(Sd) W Biden

To
shdngt engrs.
C.A. to Govt
E. S. Lt 4 82
Exr DWA.

Freight Contracts

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GOVERNMENT OF INDIA
SEPTEMBER 1897.
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Secretary to Government.

To the Presidency Port Officer.
„ Public Works Department.

Exd. A. F. Eccleston.

Recd.

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1897.

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SEPTEMBER.

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Secretary to Government.

To the Presidency Port Officer.
,, Public Works Department.

*order thereon :—
communicated to officers of the Public
Works Department in continuation of G.O No
1487W dated 25th ju*

Exd. A. F. Eccleston.

Public Works (1897) Department
Proceedings of the Madras Government

Read the following :—

Government (1897) of Madras. MARINE.

Recd.

Enclosures

1897.

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Secretary to Government.

To the Presidency Port Officer.
,, Public Works Department.

*order thereon :—
Communicated to officers of the Public Works
Department in continuation of G.O. No 1487W
Exd. A. F. Eccleston dated 1st June 1897 (True Extract)*

*Public Works (1897) Department
Proceedings of the Madras Government
Read the following—
Government (1897) of Madras.
MARINE.*

Recd.

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1897.

Regd.

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SEPTEMBER.

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Secretary to Government.

To the Presidency Port Officer.
" Public Works Department.

order thereon:—

communicated to officers of the Public Works Department in continuation of G.O. No 1487 W dated 1st June 1897.

Exd. A. F. Eccleston,

(True Extract)

To the Superintending Engineer

Government (1897) of Madras.

FINANCIAL.

Recd.

Enclosures

Regd.

1897.

Spare copies

G.O., No. 755, 14th September 1897.

2864-912-597

Recorded.

(21) D. M. C. N. C.

W

SEPTEMBER.

*Exr. P.W. Accts
Ch. Engr for Ling
Consig. Engr for Rep.*

Pensions.

Recording letter from the Government of India stating that only acting allowances drawn by an officer appointed provisionally under article 109 or sub. *pro tem.* under article 110, Civil Service Regulations, should be taken into account in calculating —.

GOVERNMENT OF MADRAS.
FINANCIAL DEPARTMENT.

READ—again the following paper :—

G.O., Nos. 558, 559, Financial, dated 20th July 1897.

Read—the following papers :—

From W. H. MICHAEL, Esq., Officiating Accountant-General, to the Secretary to Government, Pension Department, dated Fort St. George, 21st May 1897, No. I.A.E.—41.

I have the honour to invite attention to the marginally-noted correspondence on the subject of taking into account acting allowances in the calculation of average emoluments for pension, and to state that on reconsideration the interpretation put upon article 530 (i) of the Civil Service Regulations does not seem to be correct. This office held that the acting allowances drawn by an officer appointed to act in an office, though not provisionally or sub. *pro tem.* substantively vacant or temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowances. Clause (i) of article 530 of the Civil Service Regulations, however, clearly lays down that only allowances drawn by an officer appointed provisionally or substantively *pro tempore* to an office which is substantively vacant should be taken into account in calculating pension. The word "provisionally" used therein refers apparently to the allowances drawn by an officer appointed under article 109 of the Civil Service Regulations, and not to the acting allowance of an officer appointed to act in an office for the time being. The principle seems to be that, if the officer is appointed either sub. *pro tem.* or provisionally under article 110 or 109, his allowances as such should be taken into account in calculating pension, but when no provisional or sub. *pro tem.* appointment is made, article 530 (i) cannot apply.

As, however, the point is not free from doubt, I request that you will be so good as to obtain an authoritative ruling from the Government of India.

G.O., No. 490, Pension, dated 5th July 1897.

Order—No. 558, Financial, dated 20th July 1897.

The Government of India will be addressed.

(True Extract.)

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

Letter—No. 559, Financial, dated 20th July 1897, to the Secretary to the Government of India, Finance and Commerce Department.

I am directed to ask for an authoritative ruling from the Government of India as regards the interpretation to be put on article 530 (i) of the Civil Service Regulations in the matter of taking into account acting allowances in the calculation of average emoluments for pension.

2. In August 1894, Mr. T. W. Rawlins, the then Accountant-General, Madras, to whom a reference was made on the subject, agreed with this Government in considering that the acting allowances drawn by an officer appointed to *act* in an office which was substantively vacant, or temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowances, should be included in the calculation of his average emoluments for pension. The late Officiating Accountant-General, Mr. W. H. Michael, questioned the correctness of the above view and observed that, under clause (i) of article 530 of the Civil Service Regulations, only allowances drawn by an officer appointed provisionally or substantively *pro tempore* to an office which is substantively vacant should be taken into account in calculating pension. Mr. Michael was of opinion that the word "*provisionally*" used in the clause above quoted refers apparently to the allowances drawn by an officer appointed under article 109, and not to the acting allowances of an officer appointed to *act in an office for the time being*, and that article 530 (i) cannot apply when the appointment is neither *provisional* under article 109 nor sub. *pro tem.* under article 110. His Excellency the Governor in Council, however, considers that the matter is not free from doubt, and I am directed accordingly to make a reference on the point to the Government of India.

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

READ—also the following paper :—

From J. B. BRUNGATE, Esq., Officiating Under Secretary to the Government of India, Finance and Commerce Department, to the Chief Secretary to the Government of Madras, dated Simla, 31st August 1897, No. 3878-P.

I am directed to acknowledge the receipt of your letter, No. 559, dated 20th July 1897, asking for an authoritative ruling regarding the interpretation to be put on article 530 (i) of the Civil Service Regulations in the matter of taking into account acting allowances in the calculation of average emoluments for pension. You state that Mr. Michael, late Officiating Accountant-General, Madras, was of opinion that only acting allowances drawn by an officer appointed *provisionally* under article 109 or sub. *pro tem.* under article 110 should be taken into account in calculating pensions.

2. In reply, I am to say that it is understood that in each of the cases referred to in paragraph 2 of your letter under reply the acting officer had a substantive appointment, and that this being so the view held by Mr. Michael was correct.

Copy, with copy of the letter to which the above is a reply, forwarded to the Accountant-General, Madras.

ORDER—No. 755, Financial, dated 14th September 1897.

Recorded.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Pension Department.

Copy to the Political Department.

" " Revenue "

" " Public Works "

" " Marine "

Government { 1897 } of Madras.
FINANCIAL.

Recd.

Regd.

1897.

Enclosures

Spare copies

G.O., No. 755, 14th September 1897.

12864 W & 12-1087

Recorded.

SEPTEMBER.

(2d) D. M. N. C.

W

Exr. P. W. A. C. C.

Ch. Eng. for Inspr.

Consy. Eng. for Rys.

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Letter—No. 559, Financial, dated 20th July 1897, to the Secretary to the Government of India, Finance and Commerce Department.

I am directed to ask for an authoritative ruling from the Government of India as regards the interpretation to be put on article 530 (i) of the Civil Service Regulations in the matter of taking into account acting allowances in the calculation of average emoluments for pension.

2. In August 1894, Mr. T. W. Rawlins, the then Accountant-General, Madras, to whom a reference was made on the subject, agreed with this Government in considering that the acting allowances drawn by an officer appointed to act in an office which was substantively vacant, or temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowances, should be included in the calculation of his average emoluments for pension. The late Officiating Accountant-General, Mr. W. H. Michael, questioned the correctness of the above view and observed that, under clause (i) of article 530 of the Civil Service Regulations, only allowances drawn by an officer appointed provisionally or substantively *pro tempore* to an office which is substantively vacant should be taken into account in calculating pension. Mr. Michael was of opinion that the word "provisionally" used in the clause above quoted refers apparently to the allowances drawn by an officer appointed under article 109, and not to the acting allowances of an officer appointed to act in an office for the time being, and that article 530 (i) cannot apply when the appointment is neither provisional under article 109 nor sub. *pro tem.* under article 110. His Excellency the Governor in Council, however, considers that the matter is not free from doubt, and I am directed accordingly to make a reference on the point to the Government of India.

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

READ—also the following paper:—

From J. B. BRUNGATE, Esq., Officiating Under Secretary to the Government of India, Finance and Commerce Department, to the Chief Secretary to the Government of Madras, dated Simla, 31st August 1897, No. 3878-P.

I am directed to acknowledge the receipt of your letter, No. 559, dated 20th July 1897, asking for an authoritative ruling regarding the interpretation to be put on article 530 (i) of the Civil Service Regulations in the matter of taking into account acting allowances in the calculation of average emoluments for pension. You state that Mr. Michael, late Officiating Accountant-General, Madras, was of opinion that only acting allowances drawn by an officer appointed provisionally under article 109 or sub. *pro tem.* under article 110 should be taken into account in calculating pensions.

2. In reply, I am to say that it is understood that in each of the cases referred to in paragraph 2 of your letter under reply the acting officer had a substantive appointment, and that this being so the view held by Mr. Michael was correct.

Copy, with copy of the letter to which the above is a reply, forwarded to the Accountant-General, Madras.

ORDER—No. 755, Financial, dated 14th September 1897.

Recorded.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Pension Department.

Copy to the Political Department.

"	"	Revenue	"
"	"	Public Works	"
"	"	Marine	"