Public Works (1897) Department.

G.O., No. 3143 W

DATED 11. November 1897

13/11

Proof

[Despatch Abstract.]

Rent; Stating that under G.O. No. 413. Revl. of 8. July 1896 Mr. Harding is liable to pay — for the Sub Collector's House at Tellicherry for the period from 22d April to end of May 1897 he having failed to give notice that he had vacated the building and having left his furniture and servants in it.

120/7

H
11 xi 97

P.W. 26.
0—30-11-96.

Inlaid. 13/11

BACK PAPERS.

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

FURTHER PAPERS.

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

GENERAL.
ACCOUNT.

Government [1897] of Madras.

PUBLIC WORKS.

Recd. } 1897. *Enclosures*
Regd. *Spare copies*

G.O., No. 3143 W., 11th November 1897.

NOVEMBER.

Rent

Stating that under G.O., No. 413, Financial, dated 8th July 1896, Mr. Harding is liable to pay — for the Sub-Collector's house at Tellicherry for the period from 22nd April to end of May 1897, he having failed to give notice that he had vacated the building and having left his furniture and servants in it.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Account.

Read—the following papers:—

From the Executive Engineer, West Coast Division, to the Superintending Engineer, IV Circle, dated 6th September 1897, No. 624 S.E.

I have the honour to inform you that Mr. H. O. D. Harding, late Sub-Collector of Malabar, objects to pay rent for the Government bungalow at Tellicherry for the period he was acting for the Collector of Malabar, from the 22nd April to end of May 1897, for reasons set forth in his letter, No. 37, dated 26th July 1897 (herewith sent for information and return).

The Collector informs me that no one was appointed to act as Sub-Collector during Mr. Harding's absence at Calicut, but that the Deputy Collector of Wynaad, who occupies a Government building at Manantoddy, was in charge of the division in addition to his own. As this officer did not occupy the Sub-Collector's bungalow for the period he held charge of the Sub-Collectorate, the rent was claimed from Mr. Harding, who left his things in the bungalow in the charge of his servants. I referred the case to the Examiner for his opinion, who, in his letter, No. 2761 D./A., dated 30th August 1897, states that Mr. Harding is liable to pay rent for the Sub-Collector's bungalow at Tellicherry for the period during which he kept his things in that building (G.O., No. 413, Financial, dated 8th July 1896, communicated with G.O., No. 2302 W., dated 11th August 1896).

I therefore request you will be good enough to refer the matter for the orders of Government as requested by Mr. Harding.

Enclosure.

From H. O. D. HARDING, Esq., Acting District Judge, Kurnool, to the Executive Engineer, West Coast Division, dated 26th July 1897, No. 37.

With reference to your letter, No. 1172, dated 16th instant, I have the honour to inform you that I have paid the rent for June, so the only rent pending settlement is for the period from 22nd April to the end of May, during which I was Acting Collector and not Sub-Collector at all. I am prepared to pay the amount due as soon as it is decided whether I am to pay rent for the Collector's or the Sub-Collector's bungalow. I contend that as I was not Sub-Collector but was Acting Collector, I should pay for the Collector's bungalow and not the Sub-Collector's. Of course, if a man goes on leave, leaving his bungalow full of his things, and not occupied by a rent-paying acting incumbent, he is reasonably liable for rent. But I contend that since the duty of paying rent for a Government bungalow falls on the holder of a particular appointment by reason of his holding that appointment, that duty ceases when he gives up that appointment and takes another. For instance, if the Collector's bungalow in Calicut were a Government bungalow, I should be liable for rent for that bungalow for the period during which I acted as Collector, whether I occupied it or not. I should not be liable for rent for both the Collector's and Sub-Collector's bungalows. I submit that the accident of the bungalow at Calicut being owned by a private person does not affect this position. If, on the other hand, I were merely Sub-Collector temporarily in charge of the Collectorate, I should be liable for the Sub-Collector's and not the Collector's rent. This was the case with Mr. Brodie when a similar question was raised some years ago and decided against him. I submit that the fact of my leaving some things in the Sub-Collector's bungalow could not reasonably justify Government in demanding rent for both houses at the same time, if I were transferred by their orders from one of their houses to another. The same argument must apply if the other bungalow happens not to be Government property. I therefore request that you will refer the matter to Government again or settle it in consultation with the Collector. I may point out that I have no financial interest in it, as I have arranged to pay for either the one house or the other. But the point seems to be one that requires settling in the interests of all Government officers, as I think it differs from previous cases, such as absence on leave or in charge merely.

No. 492 W.

Copy forwarded to the Chief Engineer, Public Works Department, for favour of disposal.

(Signed) J. HANNAN,
Superintending Engineer, IV Circle.

11th September 1897.

From the Financial Department, dated 27th October 1897, No. 2195.

Order—No. 3143 W., dated 11th November 1897.

Under G.O., No. 413, Financial, dated 8th July 1896, Mr. Harding is liable to pay rent for the Sub-Collector's house at Tellicherry for the period from 22nd April to the end of May 1897, he having failed to give notice that he had vacated the building, and having left his furniture and servants in it.

(True Extract.)

Under Secretary to Government.

To the Superintending Engineer, IV Circle.
„ Examiner, Public Works Accounts.
„ Revenue Department.
„ Judicial „
„ Financial „

Exd. W. D'Moss.

Public works **(1897) Department.**

CURRENT No. 10783

Read Curr. 9223 + Previous notes under
10783 Draft

From the Financial Dept No 2195 of 27-10-97

A
No 3143 W. 11-11-97

From The Financial Dept. + Flagged B.

No. 2195

Dated 27.10.97

Received 29.10.97

Enclosures 7

Spare copies -

Order

A.S.K. 9.11.97

6 P

Under G.O. No 413 Fin. dated 8th July 1896, Mr Harding is liable to pay rent for the Sub Collector's house at Tellicherry for the period from 22nd April to the end of May 1897, he having failed to give notice that he had vacated the building, & having left his furniture and servants in it.

5-11-97

Note - This draft G.O. is proposed with reference to the notes flagged E. & Q

SUBJECT.

Govt. Bungalow at Tellicherry:

Re. the liability of Mr Harding to pay rent for the — occupied by him while acting as Sub Collector.

To the S.S. IV Circle
" Exr. [illegible]
" Rev. Department
" Judl. Department
" Fin. Department

[illegible] 25/11/97

[P. W. 29. / 1,000—27-4-97.]

H.E. 5-11-97 R 11-11-97.

BACK PAPERS.

No.	Date.
1669 D	14-10-97 ✓
1422 D	20-9-97 ✓
673 d/	7-3-96 Finl ✓
413 "	8-7-96 - ✓
3154 W	" 3-11-96 ✓
1102 D	" 18-8-96 ✓
2935 W	" 22-10-92 ✓
648 W	" 6-3-91 ✓
930 W	" 20-4-85 ✓
749 W	" 18-9-77 ✓

FURTHER PAPERS.

No.	Date.

[G. / 25]
500 - 2-9-97.

Financial DEPARTMENT.

C. No. 2943

HIS EXCELLENCY THE GOVERNOR.
THE HON'BLE SIR HENRY BLISS, K.C.I.E.
THE HON'BLE MR. GROSE, C.I.E.

SUBJECT.
Rent for the Govt. bungalow at Tellicherry

~~FOR ORDERS.~~ Note

Encl 1 to C No: 2943

Mr: Harding, late Sub-Collector of Malabar, was till recently occupying the Govt: bungalow at Tellicherry. He had to rent a private building at Calicut during the period he acted as Collector from the 22nd April to the end of May 1897. He, however, left his things* in the bungalow at Tellicherry, which was otherwise vacant. He objects to pay rent for the Govt: bungalow for the period referred to on the ground that his liability ceased when he gave up the Sub-Collector's appointment and took up the Collector's post. He considers that the transfer of an officer by Govt: from one of its houses to another cannot justify it in

demanding

* He also left his servants in charge
Cmd

SAW

0/11/10

demanding rent for both houses t the same time and that the fact of the rented building at Calicut being owned by a private person does not ~~not~~ lter the nature of his case.

2 The Secretary to Govt, P.W.D, ~~observes~~ points out that if the Tellicherry building were a private one, and Mr: Harding left his furniture and servants in it during a period of absence, he would have to pay rent for it irrespective of the question whether he paid rent for another building elsewhere.

3. Mr: Harding's case is similar to that of Mr: Brodie disposed of ~~in~~ by G.O No: 930 W dy 20' April 1885. Mr: Brodie, who vacated the bungalow at Tellicherry temporarily to take charge of the office of the Collector, was called upon to pay the rent for the period he was away at Calicut, because he and gave no notice of having vacated the bungalow ~~&~~ left some furniture in it. Mr: Brodie was, however, appointed

C No: 2943

D
printed in G.O 413 Finl d 8.7.96 printed.

A printed.

appointed to be in charge of the Collectorate, while Mr: Harding was appointed to act for the Coll

Attention is also solicited to the case of Mr: Campbell dealt with in G.O No: 673 Finl, d 7 Oct. 1896. Mr: Campbell who was putting up in the Govt. bungalow at Tuticorin, left his furniture there on his appointment as Ag: Judge, Madura. He also failed to give notice that he was leaving the house. He was consequently called upon to pay the rent for the period during which his successor did not occupy the building. Mr: Campbell, however did not re-occupy the bungalow, whereas Mr: Harding did so on the expiration of his acting appointment.

4 ~~It does not appear~~ ~~that~~ Mr: Harding ~~gave~~ did not give notice of vacation (printed) as required by para 2 of G.O No: 413 Finl d/8 July 1896, ~~having~~ but left his furniture & servants in the bungalow. He ~~is~~ seems to be, therefore, liable for rent for the period (22 April to 31 May 97) during

But notice or no notice, no one else c^d have occupied the building except the officer who succeeded & was he prevented from occupying because of some furniture having been left behind. If he was not, or there was no one to succeed, surely the house might be regarded as vacant B in the circs?

during which he acted as Collr:

To

The P. W. D.

C.M.S.
4-10-96

5/(07)

Ansd
29/7/57

PWC 6
10783/57

Govt. of {1896} Madras.

FINANCIAL.

Issued.

Recd. *Encl.*

G.O., No. 413, 8th July 1896.

JULY.

Rent due by Officers occupying public buildings.

Passing orders in regard to the recovery of —.

CHIEF SECRE
OOTACAMUND

PWC 7
10783/57

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

Read—again the following papers :—

G.O., No. 749 W., dated 18th September 1877.

Abstract.—Directing that all officers occupying public buildings be warned to give notice of having vacated them to the Public Works Department.

G.O., No. 930 W., dated 20th April 1885.

Read—the following paper :—

From the Superintending Engineer, IV Circle, dated 25th March 1885, No. 138 E.W.

Order—No. 930 W., dated 20th April 1885.

The above correspondence refers to a claim for house-rent preferred by the Executive Engineer against Mr. Brodie, Head Assistant Collector, Malabar.

2. It would appear that Mr. Brodie vacated his bungalow at Tellicherry on the 12th October 1884 on transfer to Calicut to take charge of the office of the Collector. He gave no notice of having vacated, and left some furniture (a few boxes and some crockery) in the house, in charge of three servants. He returned to Tellicherry on the 24th November 1884, and re-occupied the building. Mr. Brodie now demurs to pay rent for the period of his absence.

3. It will be pointed out to Mr. Brodie that the same rule governs the contract in the case of a Government building as would be applied in that of a house rented from a private individual.

4. In such case the liability to pay rent would certainly continue until the lessee gave notice of his having vacated the house. In G.O., No. 749 W., dated 18th September 1877, communicated to all departments, it is distinctly laid down that such notice must be given in the case of all Government buildings.

5. In these circumstances, Mr. Brodie's application to have the rent of the Sub-Collector's bungalow at Tellicherry remitted during the time he was away at Calicut cannot be acceded to.

(True Extract.)

(Signed) J. SHAW-STEWART, Colonel, R.E.,
Secretary to Govt., P.W.D.

G.O., No. 2935 W., dated 22nd October 1892.

Read—the following paper :—

Office-note from the Examiner, Public Works Accounts, dated Madras, 13th October 1892, No. 242 A.

I beg to forward, herewith, for favour of orders of Government, letter from the Executive Engineer, Coimbatore Division, No. 3418, dated 19th September 1892, inquiring whether the rule in paragraph 1045 of Madras Code (to which there is no corresponding rule in Government of India Code) may still be acted upon.

2. The rule in the Madras Code is based upon G.O., No. 749 W., dated 18th September 1877, and G.O., No. 930 W. of 20th April 1885. In my opinion the ordinary law between landlord and tenant should be observed in all cases and formal notice should be given in every case. Gazette notifications will not be sufficient.

ENCLOSURE.

From J. C. LARMINIE, Esq., Executive Engineer, Coimbatore Division, to the Examiner, Public Works Accounts, dated 19th September 1892, No. 3418.

I have the honour to bring to your notice that there appears to be no paragraph in the India Code corresponding to Madras Code paragraph 1045, according to which an officer occupying public quarters is liable to pay rent till notice is given of vacating the building or re-occupation of the quarters. In the absence of ruling in the India Code on the subject, I wish to know whether the rule in the Madras Code may still be acted upon or the gazetted notification transferring the officer from the district construed as sufficient authority for discontinuing to charge rent.

Order—No. 2935 W., dated 22nd October 1892.

The Madras rule, which is based on the orders quoted by the Examiner, will continue in force.

(True Extract.)

(Signed) G. T. WALCH,
Ag. Secy. to Govt., P.W.D.

READ—also the following papers :—

From the Executive Engineer, Tinnevelly Division, to the Superintending Engineer, VI Circle, dated 13th March 1896, No. 1027.

I have the honour to bring to your notice that much trouble is caused in my accounts by the non-punctual recovery by the Treasury Deputy Collector of dues from civil officers occupying public buildings.

2. In my latest return of public buildings rented no less than two items out of four items have been outstanding for several months as under :—

—	—	Period for which rent is due.	Amount due.		
			RS.	A.	P.
1. Sub-Collector's bungalow at Tuticorin.	J. A. Cumming, Esq., Acting Sub-Collector	1st to 3rd November 1895 at Rs. 80 per mensem.	8	0	0
2. Sergeant's quarters at Palamcottah.	B. C. Leggatt, Esq., Assistant Superintendent of Police.	1st to 8th December 1895.	5	2	7

3. For the sum outstanding from Mr. Cumming, the Treasury Deputy Collector explains that he is now on furlough. This item will be appearing month after month as objectionable in my accounts probably till Mr. Cumming's return to duty.

4. As regards the sum due from Mr. Leggatt, the Treasury Deputy Collector states "that the Assistant Superintendent of Police has been requested to pay the amount." Mr. Leggatt has since been transferred to Tanjore, and I expect it will be many months more before the objection is removed.

5. I have the honour therefore to draw your attention to the procedure in vogue for recovery of rent from officers and subordinates of this department occupying public buildings, viz., to recover at the time of paying salary and to suggest that there seems no reason why the same course should not be adopted in the case of officers of other departments.

From the Executive Engineer, Tinnevelly Division, to the Superintending Engineer, VI Circle, dated 4th April 1896, No. 1466.

In reply to your No. 313 T. N., dated 23rd March 1896, I have the honour to inform you that the procedure adopted is in accordance with that laid down in Code, Vol. II, Chapter II, paragraphs 54 and 55. The contention is that if the rent is recoverable from the civil officers by the Treasury Deputy Collector from their pay bills as per procedure laid down for Public Works Department officers—*vide* Code, Vol. II, Chapter II, paragraph 55-A, the inconvenience complained of in my No. 1027, dated 13th March 1896, would, I think, be averted.

2. The vacating of the buildings is not generally communicated by the occupants to the Executive Engineer as enjoined in G.O., No. 2935 W., dated 22nd October 1892. The officers are either ignorant of the rule or intentionally omit to do so.

3. I am unable to say if the Deputy Collector is informed then and there by the occupants of their vacating the buildings, but it seems strange, if he were so informed, why he should fail to recover the rent.

4. In the two cases under reference the Treasury Deputy Collector was informed of the amount to be recovered on 11th January 1896 through Public Works Department Form 44 B.

No. 403 T. W.

Copy, submitted with copy of previous letter* from the Executive Engineer, Tinnevelly, to the Chief Engineer, with a request that the Revenue Department may be addressed regarding the delays which sometimes occur in the recovery of rent for official residences. These delays are chiefly in cases when officers are transferred. It would perhaps remove the difficulty if, in such cases, the officer who pays the salaries or gives last pay certificates were to assume, in the absence of information to the contrary, that the transferred officer was in occupation up to the date of his relief.

* No. 1027, 13th March 1896.

(Signed) W. HUGHES,
Superintending Engineer, VI Circle.

15th April 1896.

No. 82 D.

Transferred to the Financial Department for issue of the necessary orders.

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

From F. C. HARRISON, Esq., Officiating Accountant-General to the Government of Madras, to the Chief Secretary to Government, dated Fort. St. George, 13th June 1896, No. 272 I.B.D.

With reference to your memorandum, No. 1070, dated the 22nd May 1896, I have the honour to report that the procedure laid down in paragraph 55 A of Vol. II, Chapter II of the Public Works Department Code, is observed in the Civil department as will be seen from a circular issued by this office in 1887, copy enclosed for information.

The papers received with the memorandum quoted above are herewith returned.

Enclosures.

Memorandum from H. F. CLOGSTOUN, Esq., Accountant-General, to all Treasury Officers, dated Fort St. George, 19th March 1887, No. 8.

At the instance of the Examiner of Public Works Accounts, the undersigned has the honour to request that the amounts due from officers in the Civil department, other than the Public Works Department, on account of rent of public buildings, may be recovered from the salary bills of such officers when they are presented at treasuries for payment.

2. Statements in duplicate in the form enclosed will be forwarded to treasury officers monthly by Executive Engineers showing sums due for rent by civil officers, and one copy of the statement should be returned to the Executive Engineer showing the recoveries effected.

P.W.D. Form,
No. M42A.

NOTES.

Reference to Madras P.W.D. Code, Para. 1230B.

1. The Executive Engineer will prepare, at the close of each month, statements in duplicate in this form and forward them to the treasury officer concerned in time to enable the necessary recoveries to be effected on the audit of pay bills.

2. The buildings will be entered in column 2 in the order given in form No. M41.

3. The treasury officer will, on recovery of the amounts due, fill in columns 9 and 10, and return one copy of the statement duly signed to the Executive Engineer in time to enable him to prepare the next month's statement. In cases where the treasury officer has failed to effect recovery of the rent due, he should record in the column set apart for that purpose the reasons for the non-recovery.

4. The Executive Engineer, on receipt of the statement from the treasury officer, will transmit it to the Examiner for adjustment in his auxiliary accounts.

Division ______________

List of Officers employed in Civil Departments other than the P.W.D., who occupied public buildings

in the station of ____________, showing the rents due by them to end of 188 , *and the recoveries made during the following month.*

Register No. of building.	Name of building.	Name and rank of the individual occupying the building.	Period for which rent is due.	Monthly rate of rent.	Rent due.									Recovered in 18 .			Balance still due.			Treasury officer's explanation of the causes of non-recovery of the amounts outstanding for more than one month.
					Balance at end of last month.			Assessment of the month.			Total.									
				RS.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.	

Dated 188 .

Executive Engineer.

Completed and returned to the Executive Engineer.

Dated 188 .

Treasury officer.

Order—No. 413, Financial, dated 8th July 1896.

The Accountant-General will be requested to draw the attention of treasury officers to his office circular of 1887, the procedure laid down in which should be strictly enforced.

2. In accordance with the ruling in the orders read again above, officers occupying public buildings are liable for the rent of the same until notice is given of vacating or until re-occupation. In the case of transfers, in which it is reported that delays in the recovery of rent chiefly occur, treasury officers will assume, in the absence of information to the contrary, that the transferred officer was in occupation up to the date of his relief.

3. As regards the cases reported in the foregoing correspondence, the amount due by Mr. J. A. Cumming will be recovered immediately on his return from furlough, and the Inspector-General of Police will report whether Mr. Leggatt has paid the amount due by him and, if so, when.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Public Works Department.
" the Revenue Department.
" the Local and Municipal Department.
" the Marine Department.
" all Heads of Departments under the Chief Secretary.
" the Accountant-General.

Exd. C. M. Thumbuswamy.

No. 1669 D

CURRENT NO. 3243

Government of Madras.

Public Works DEPARTMENT.

Ootacamund, ~~Madras~~, 14th October 1897.

OFFICE NOTE. Recd 15/x/97

From

The Secretary to Govt P.W.D.

To

The Chief Secretary

Financial current No. 2943 and note thereon.

These papers have apparently been forwarded to the P.W. Dept for reply to Mr. Forbes' marginal note.

From the Executive Engineer's report, it appears that no officer was appointed to act as Sub Collector, the Dy. Collector of Wynaad having held charge of the office in addition to his own duties. There re was therefore no officer to succeed Mr. Harding in the occupancy of the Govt. building at Tellicherry.

The point however is that Mr. Harding did not give notice that he was vacating the building and he left his furniture and servants in it. The question of his liability to pay rent hinges on this fact.

In G.O. No 930 W dated 20th April 1885 printed with G.O. No 413 Financial dated 8th July 1896, it was pointed out that the same rule governs the contract in the case of a Government building as would be applied to that of a house rented from a private individual. If the building at Tellicherry had been a private one, Mr. Harding would undoubtedly have been liable to pay rent during the period of his absence on other duty. The case is similar to that of Mr. Brodie, ~~and~~ disposed of in G.O. No 930 W dated 20th April 1885.

Of course if the Govt. decides that the Tellicherry residence was vacant while Mr. Harding was acting as Collector, the latter will be freed of his liability

Ag. Secretary to Gov

Cu

(original papers returned)

Gwc. 7
10783/97

[F. / 28]
1,000—25-11-96.

C 22/10/7
Q 22/10/7

Financial (1897) Department.

CURRENT No. ~~8243~~

HW.

For Orders

Please see the note below, flagged E

Cwd.
19.x.97

I do not think that there can be the slightest doubt that Mr H is liable.

21/10/97

I think he is, by his [illegible] of what w^d. have happened if it had been a private building

BP
22/10/97

548

To. Endt No. 2195 D/27.x.97.
P. W. D.

Cwd.
24.x.97

From

P. W. Dep^t.

No. 1669 D

Dated 14 Oct^r. 97
Received } 15. " "
Registered }
Enclosures -
Spare copies. -

SUBJECT.

Submitting remarks with regard to the liability of Mr. Harding to pay rent for the Govt: Bungalow at Tellicherry occupied by him while acting as Sub Collector

CA
16 x 97

AL 26.10.97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Financial

Public Works (1897) Department.

~~2943~~ 5.5

CURRENT No. ~~9223~~

10783/97

D

Recd 20/9/97

Regn 21/9/97 Endt

~~Order~~ Endt

No. 1422 D., d/ 20th September 1897

Referred to the Financial Dept. for decision.

2. Under the ruling in G.O. No 673 Finl. dated 7th Octr 1896, on a corresponding case, Mr Harding would appear to be liable to pay rent for the Sub Collector's bungalow at Tellicherry for the period in question. If the Tellicherry building were a private one, and Mr Harding left his furniture and servants in it during a period of absence, he would pay rent for it irrespective of the question whether he paid rent for another building elsewhere.

G. McW. Campbell Colonel R.E.
Secy to Govt.

CM

From The Supg. Engineer 4th Circle

A

No. 492/W

Dated 11th September 1897

Received 15-9-97

Enclosures One.

Spare copies

SUBJECT.

Government Bungalow at Tellicherry.

Forwards for favor of disposal in re the payment of rent due by Mr Harding late Sub ~~Conductor~~ Collector of Malabar.

0-LS.486

BACK PAPERS.

G.O.	No.	Department.	Date.
	3154 W	P.W.	3-11-96
	1102 D	,,	18-8-96
	2302 W	,,	11-8-96
	2935 W	,,	22-10-92
	648 W	,,	6-3-91
	930 W	,,	20-4-95
	~~93~~ 749 W	,,	18-9-77
Mis	673	Jud	7-10-96
	535	,,	3-9-96
	413	,,	8-7-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 37

District Court, Kurnool.
Dated 26th July 1897.

388

From,

H. O. D. Harding Esquire,
Acting District Judge,
Kurnool.

To,

The Executive Engineer
West Coast Division,
Calicut.

A Cw 3/7

Sir,

With reference to your letter No. 1172 dated 16th instant, I have the honour to inform you that I have paid the rent for June so the only rent pending settlement is for the period from 22d April to the end of May during which I was Acting Collector and not Sub-Collector at all. I am prepared to pay the amount due as soon as it is decided whether I am to pay rent for the Collector's or the Sub-Collector's bungalow. I contend that as I was not Sub-Collector but was Acting Collector, I should pay for the Collector's bungalow and not the Sub-Collector's. Of course if a man goes on leave, leaving his bungalow full of his things, and not occupied by a rent paying acting incumbent he is reasonably liable for rent. But I contend that since the duty of paying rent for a Government bungalow falls on the holder of a particular Appointment by reason of his holding that Appointment, that duty ceases when he gives up that Appointment and takes another. For instance if the Collector's bungalow in Calicut were a Government bungalow I should be liable for rent for that bungalow for the period during which I acted as Collector whether I occupied it or not. I should not be liable for rent for both the Collector's and Sub Collector's bungalows. I submit that the accident of the bungalow at Calicut being owned by a private person does not affect this position. If on the other hand I were merely Sub Collector temporarily in charge of the Collectorate, I should be liable for the Sub Collector's and not the Collector's rent. This was the case with Mr. Brodie when a similar question was raised some years ago, and decided against him. I submit that the fact of my leaving some things in the Sub Collector's bungalow could not reasonably justify Government in demanding rent for both houses at the same time, if I were transferred by their orders from one of their houses to another. The same argument must apply if the other bungalow happens not to be Government property. I therefore request that you will refer the matter to Government again or settle it in consultation with the Collector. I may point out that I have no financial interest in it as I have arranged to pay for either the one house or the other. But the point seems to be one that requires settling in the interests of all Government Officers as I think it differs from previous cases such as absence on leave or in charge merely.

I have the honour to be,

Sir,

Your Most Obedient Servant

Ag: District Judge

Glho 1/1849 M
2-9-97

EXAMINER,
P. W. ACCOUNTS.
23 AUG. 1897
No.

30 JUL. 97
P. W. D.
WEST COAST DIVISION

1646 M

From,

H. O. D. Harding Esqr
Act. District Judge,
Kurnool

To,

The Executive Engineer
West Coast Dn,
Calicut

Dated 26th }
Despd 26th } July 1897

5846 C
8 SEP.

No. 37.

Subject

Informing that he has paid the rent of Govt Bungalow for June that rent pending settlement is for the period from 22nd April to the end of May during which he was act Collector & that he is prepared to pay the amount due as soon as it is decided whether he has to pay rent for the Collector or Sub Collectors Bungalow & requesting that in the interests of all Govt Officers he will either refer the matter to Govt again or settle it in consultation with the Collector

P.W. 2. 3
10783/97

P.S. 1
9223/97

1897
Fin. Dept
Enclos. No 1
To
C. No 2943

See G. O. No 1622 M
Vide No: 1257 M
6-8-97

CURRENT NO 2943

Letter from the Executive Engineer West Coast Division, to the Superintending Engineer, 4th circle, dated 6th September 1897 No. 624 S.E.

Encl: 1

1. Letter No. 37 dated 26th July 1897, from late Sub-Collector, Tellicherry.

I have the honor to inform you, that Mr. H. O. D. Harding, late Sub Collector of Malabar, objects to pay rent for the Government bungalow at Tellicherry for the period he was acting for the Collector of Malabar, from the 22nd April to end of May 1897, for reasons set forth in his letter No. 37 dated 26th July 1897 (herewith sent for information and return).

The Collector informs me that no one was appointed to act as Sub Collector during Mr. Harding's absence at Calicut, but that the Deputy Collector of Wynad, who occupies a Government building at Manantody,

wa

Is in charge of the Division, in addition to his own. As this officer did not occupy the Sub-Collector's bungalow for the period he held charge of the Sub-Collectorate, the rent was claimed from Mr. Harding who left his things in the bungalow in the charge of his servants. I referred the case to the Examiner for his opinion, who in his letter No. 2761 D/A dated 30th August 1897 states that Mr. Harding is liable to pay rent for the Sub-Collector's bungalow at Tellicherry for the period during which he kept his things in that building (G.O. No. 413 Financial dated 8th July 1896 communicated with G.O. No. 2302 W. dated 11th August 1896).

I therefore request you will be good enough to refer the matter for the orders of Government, as requested by Mr. Harding

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No. 2692/W d/11-9-97

Encl: 1
Letter No. 37
dated 26th
July 1897 from
the District
Judge Kurnool
(To be kindly
returned).

Copy forwarded to the Chief Engineer P.W. Department for favor of disposal

Supg: Engineer 4th circle