

Public Works (1898) Department.

G.O., No.

2886

DATED

4 February 1898

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W. R. 1/2 on 8/2

[Despatch Abstract.]

Travelling Allowance: Secy. Financial Dept., conveying letter from the Govt. of India stating that the expression "travelling allowance" in article 1225 of the C.S. Regs includes "Daily allowance", and declining to sanction the modification of articles 1224 and 1225, sent to officers of the P.W. Dept.

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## GOVERNMENT OF MADRAS.

## FINANCIAL DEPARTMENT.

READ—again the following papers:—

G.O., Mis. No. 895, Financial, dated 4th November 1897.

Read—the following paper:—

From F. C. HARRISON, Esq., Officiating Accountant-General, Madras, to the Secretary to the Commissioners of Land Revenue, dated 26th November 1896, No. 3652.

With reference to Board's Proceedings, No. 1470, dated the 12th of November 1896, regarding the interpretation of the term "travelling allowance" in article 1225, Civil Service Regulations, I have the honour to state that there is no question but that the term "travelling allowance" in its generic and widest use includes daily allowance; for in article 1132, Civil Service Regulations, travelling allowance is divided into the classes of monthly, daily and conveyance allowances. The point, therefore, for determination is what travelling allowance means in article 1225. Unless the contrary appears from the context, it should, I think, be taken in its generic sense.

2. It is argued, however, that article 1224 uses travelling allowance in contradistinction to daily allowance and that this distinction will hold good in article 1225, but the term "daily allowance" is used in article 1224, because article 1132 excepts exactly what forms of travelling allowance are admissible. I think, therefore, that the use of the term "daily allowance" in article 1224 has no bearing on its absence in article 1225. It may, however, be argued that the addition of the words in article 1225 "for a journey to and from a hill station" restricts travelling allowance from its generic to a specific meaning. I confess that I think this view is arguable, but the article has not so been read in this office. In the circumstances, therefore, if the board do not accept the interpretation put upon the article in this office, I would suggest that, on a case arising, the officer feeling aggrieved be left to remonstrate.

Proceedings of the Board of Revenue (Land Revenue), Mis. No. 3106, dated 21st August 1897.

Read—the following papers:—

From the Acting Collector and District Magistrate of Salem, dated 10th July 1897, Ref. on Cur. No. 1680.

ABSTRACT.—Requesting sanction for the payment of daily allowance of Rs. 75 for halt at Yercaud held under objection by the Accountant-General.

Reference thereon, dated 22nd July 1897.

From the same officer, dated 26th July 1897, Ref. on Cur. No. 1680.

ABSTRACT.—Stating that his presence at Yercaud was absolutely necessary only up to the 6th May, though he stayed on the hills till the end of May.

From the Officiating Accountant-General, Madras, dated 30th July 1897, No. 2346.

ABSTRACT.—Explaining the circumstances under which the daily allowance drawn by Mr. C. H. Mounsey for the halt at Yercaud was disallowed, and stating that the travelling allowance drawn for the journey to and from Yercaud will also be held under objection.

Resolution—Mis. No. 3106, dated 21st August 1897.

The Board resolves to submit for the orders of Government, through the Accountant-General, a question that has arisen regarding the interpretation of article 1225 of the Civil Service Regulations.

2. On the 25th April last, Mr. Mounsey, Collector of Salem, proceeded to Yercaud and remained there for 36 days from 26th April to 31st May, while his presence was required on duty for eleven days only, viz., up to 6th May. He drew travelling allowances for the journey to and from Yercaud and daily allowance for a halt of ten days. The Accountant-General has held all these charges under objection under article 1225 of the Civil Service Regulations. The question is whether the article contemplates the retrenchment of the halting allowance, as well as of the travelling allowance for the actual journey to and from a hill station, when the halt exceeds ten days, and the entire halt is not required on duty.

3. The expression occurring in the article under consideration is "travelling allowance for a journey to and from a hill station," while in the article immediately preceding it a distinction is made between "travelling allowance for the journey" and "daily allowance for a period of halt." The Board considers that the difference in reading between the two articles is intentional, and that it is not meant that anything more than the travelling allowance for the actual journey to and from a hill station should be retrenched under article 1225.

4. The Accountant-General, however, holds a different view. He thinks that the term "travelling allowance" in article 1225 is used in its generic and widest sense and includes daily allowance. He refers to article 1132 in which "travelling allowance" is divided into the classes of monthly, daily and conveyance allowances and says that the term "daily allowance" is used in article 1224, because article 1132 excepts hill journeys from its scope. He admits, however, that the question is not free from doubt as the words "for a journey to and from a hill station" occurring in article 1225 may be held to restrict travelling allowance from its generic to a specific meaning.

5. The interpretation of article 1225 formed the subject of correspondence between the Board and the Accountant-General on a previous occasion, when it was decided that on the occurrence of the next case in which the acceptance of the Accountant-General's interpretation appeared to involve a real hardship, the Board would ask for an authoritative interpretation of the article. In Mr. Mounsey's case, it seems to the Board to be unfair that he should be called upon to forego, in addition to the travelling allowances for the journeys to and fro, the daily allowance which he has claimed only for ten days, though his presence at Yercaud was actually required on duty for eleven days. The Accountant-General's ruling, briefly stated, amounts to this: An officer may draw travelling allowance and halting allowance so long as his presence is required on duty and the prescribed limit of time is not exceeded, but should he thereafter stay at the hill station for a single day for his own convenience, he forfeits all claim to any allowance whatsoever. The case is accordingly submitted for the orders of Government.

(True Extract.)

(Signed) R. C. C. CARR,  
Secretary.

To the Secretary to Government, Revenue Department  
(through Accountant-General).

„ Collector of Salem.

No. 2685.

Forwarded to Government. A copy of my letter to the Board, No. 3652, dated 26th November 1896, is forwarded, in which I have explained my views as to the meaning of the words "travelling allowance" in article 1225 of the Civil Service Regulations.

FORT ST. GEORGE,  
31st August 1897.

(Signed) F. C. HARRISON,  
Offg. Accountant-General.

To the Secretary to Government, Revenue Department.

No. 1661, Revenue.

Transferred to the Financial Department.

OOTACAMUND,  
6th September 1897.

(Signed) G. STOKES,  
Ag. Secretary to Government.

Order—Mis. No. 895, Financial, dated 4th November 1897.

The Government of India will be addressed.

(True Extract.)

To the Board of Revenue (Land Revenue).  
,, Accountant-General.

(Signed) A. T. ARUNDEL,  
Chief Secretary.

Letter—to the Secretary to the Government of India, Finance and Commerce Department, dated 4th November 1897, No. 896.

I am directed to request the orders of the Government of India on the interpretation to be placed on the expression "travelling allowance" which occurs in article 1225 of the Civil Service Regulations.

2. It has been urged in a case which has been recently submitted to this Government that the expression occurring in article 1225, viz., "travelling allowance, for a journey to and from a hill station," is exclusive of daily allowance for halt—a distinction which is specifically made in article 1224; that the difference in reading between the two articles is intentional; and that article 1225 does not contemplate that any thing more than the travelling allowance for the actual journey to and from a hill station should be retrenched.

3. The Accountant-General holds, on the other hand, that the expression "travelling allowance" in its generic and widest use includes daily allowance; for in article 1132 travelling allowance is divided into the three classes of monthly, daily and conveyance allowances; and that the use of the term "daily allowance" in article 1224 has no bearing on its absence in article 1225, as "daily allowance" is used in the former article, because hill journeys are excepted from the scope of article 1132 and it is necessary to set forth in article 1224 exactly what forms of travelling allowance are admissible. He admits, however, that the words "for a journey to and from a hill station" occurring in article 1225 may be held to restrict travelling allowance from its generic to its specific meaning, but states that the article has not been so read in his office.

4. The ruling of the Accountant-General amounts to this: An officer may draw travelling allowance and halting allowance so long as his presence is required on duty and the prescribed time-limit of ten days is not exceeded; but should he thereafter remain at a hill station for a single day for his own convenience, he forfeits all claim to any allowance whatsoever.

5. His Excellency the Governor in Council considers that the Accountant-General's view of the matter is correct as the rules stand, but at the same time he would represent that, as thus applied, the rules are liable to be unnecessarily harsh when an officer has a hill station in his district or sphere of duty which he must visit from time to time if he is to perform his duty properly. In such a case—and it is a case of this nature which has given rise to the present reference—it is not advisable to prohibit the officer from remaining at the hill station a day longer than his duty actually occupies him, under pain of forfeiture of his travelling allowance to and from the station as well as of his daily allowance for the days he actually performs duty there. The more equitable course, in the opinion of His Excellency the Governor in Council, would be to rule that an officer should get travelling allowance to and from the hill station and for so many days (not exceeding ten except by special orders) as his duty necessarily keeps him there. As regards his stay there after he has finished his duty, his travelling allowance bill would apprise the controlling authority of what he has done, and it would be for that officer, with the information thus obtained, to check any disposition to unduly lengthened halts at hill stations.

(Signed) A. T. ARUNDEL,  
Chief Secretary.

READ—also the following paper:—

From J. F. FINLAY, Esq., Secretary to the Government of India, Finance and Commerce Department, to the Chief Secretary to the Government of Madras, dated Calcutta, 16th December 1897, No. 5417 S.R.

I am directed to acknowledge the receipt of your letter, No. 896, dated 4th November 1897, regarding the application of articles 1224 and 1225 of the Civil Service Regulations.

2. In reply I am to say that the expression "travelling allowance" as used in article 1225, Civil Service Regulations, includes daily allowance.

3. With reference to paragraph 5 of your letter, I am to say that the Government of India consider that the modification proposed in articles 1224 and 1225 of the Regulations would give rise to more questions than it would set at rest, and that the rules as they stand are sufficiently elastic to prevent real hardship. The Governor-General in Council accordingly regrets that he is unable to sanction the modification proposed.

ORDER—No. 24, Financial, dated 10th January 1898.

Communicated to the Board of Revenue (Land Revenue) and to the Accountant-General.

(True Extract.)

*M. R. Coulson*

for Chief Secretary.

To the Board of Revenue (Land Revenue).  
,, Accountant-General.

Copy to all Departments of the Secretariat. (P.W. D.)  
,, Heads of Departments under the Chief Secretary.