

MADRAS RECORD OFFICE.

Government of Madras.

Railways DEPARTMENT.

G.O. No.	<i>1253</i>	Press Mis.
Dated	<i>6-12-</i>	<i>1965</i>

Not to be folded or roughly handled

No. 15. . Read the following letter from the Examiner of Claims, Fort Saint George, to the Chief Secretary to Government, Fort Saint George; dated 1st November 1865, No. 159.

I am directed by the Accountant General to submit, for the orders of Government, the following claim preferred by Surgeon Major H. W. Porteous.

2. Mr. Porteous claims for the period from 1st January to 19th March 1865 the difference of pay between that of his rank as Surgeon Major of 25 years' service, and the consolidated salary of the Civil appointment he then held, viz., that of Surgeon of the 4th Presidency District.

3. That Officer grounds his claim upon the letter* from the Officiating Secretary to Government of India, Military Department, dated 4th July 1865, No. 76, and strengthens his position by

adducing the fact that the Medical Store-keeper at the Presidency (who, however, is a Military and not a Civil Staff Officer) has, under that order, been allowed the pay of his rank, in lieu of the consolidated salary attached to his appointment, as the former is the greater of the two.

4. It appears to me, however, that Mr. Porteous' claim cannot be admitted upon two grounds: first, the order quoted has not been communicated to the Civil Department, and cannot therefore be held applicable to officers in Civil employ; and, secondly, the order does not appear to me to warrant the construction sought to be put upon it, or the practice stated to have been adopted under it by the Military Department. The order does not refer to all Military Staff appointments,

† Except that at the Presidency.

far less to those to which consolidated salaries are attached, but merely to Garrison Surgeoncies, the emoluments of † which appointments were pay as Surgeon, or Assistant Surgeon, as the case might be, and Rupees 500 Staff salary.

5. The Governor General's orders referred to in the letter from the Government of India, in my opinion, clearly establish that the ruling contained in that letter was not intended to be made applicable to Officers drawing consolidated salaries, other than those specified in these same Governor General's orders. Paragraph 16 of Governor General's Order, No. 507, distinctly states that "Officers * * holding Staff appointments, the salaries of which are consolidated, will continue to draw their salaries as at present."

Rule I in Governor General's Order, No. 953, is that "all Medical Officers * * who were in receipt of consolidated salaries * * will draw such consolidated salaries and no more."

Paragraph 28 of Governor General's Order, No. 1060, specifies that "Officers now in the service will receive the pay of their rank, when such pay is in excess of the consolidated salaries abovementioned," i. e., in paragraph 28, where the appointment of District Surgeon and Medical Store-keeper are not mentioned.

Paragraph 30 of this Governor General's order, however, provides, in my opinion, for the salaries of the two appointments under consideration, as there, it is distinctly laid down—"the salaries of other Medical appointments in the Civil and Military Departments will be revised with reference to the above, and fixed

*Proceedings of the Madras Government, Public Department,
6th December 1865.*

"at a consolidated sum; and I request that a report may be made to me upon
"the subject with as little delay as possible. In the meantime, the aggregate sums
"at present received in each case will continue to be drawn."

6. Surgeon Major Ranking was not holding an appointment to which a consolidated salary is attached, but one on account of which he would, under the old régime, have been entitled to Surgeon's pay and allowance and Staff salary, an amount much less than the pay of his rank under the new Warrant.

7. I have stated the objections that occur to me against the course adopted by the Military Department, because, if the resolution of the Government of India be communicated to the Civil Department, it would be an anomaly that the practice in the two Departments should differ; while at the same time I should have to object to follow that stated to be pursued in the Military Department, except upon a special order by Government sanctioning it, as, for the reasons above stated, I consider it erroneous.

No. 16. ORDER THEREON, 6th December 1865, No. 1253.

The Governor in Council concurs in the opinion expressed in the foregoing letter, that Surgeon Major Porteous is not entitled to draw a higher salary than that assigned to the appointment of District Surgeon for the period referred to.

2. The Government, in a recent communication to the Government of India, regarding the salaries to be assigned to the several Medical appointments in this Presidency, have recommended that the maximum salary of a District Surgeon at the Presidency should be fixed at Rupees 1000, whatever may be the rank of the Medical Officer holding the appointment, and declined to support a recommendation made by the Principal Inspector General of the Medical Department that a higher salary should be assigned to the appointment when held by a Surgeon Major.

(True Extract).

Chief Secretary.

To the Accountant General.

- „ Examiner of Claims.
- „ Principal Inspector General, Medical Department.
- „ Surgeon Major H. W. Porteous.
- „ Military Department.

Ed. J. H. Burns.

No. 169

Office of Examiner of Claims

Fort Saint George
1st November 1865

From

The Examiner of Claims

Fort St. George

To,

The Chief Secretary
to Government

Financial Department

Fort St. George

Sir,

I am directed by the Accountant

General to submit for the Orders of Government
the following Claim preferred by Surgeon Major
H. W. Porteous

2. Mr. Porteous claims for the period
from 1st January to 1st March 1865 the difference of
Pay between that of his rank as Surgeon Major of 25
years service and the Consolidated Salary of the
Civil appointment he then held vizt. that of
Surgeon of the 4th Presidency District.

3. That Officer grounds his claim
upon the letter from the officiating Secretary to
Govt. of India, Military Dept. dated 21st July 1865
and strengthens his position by stating the fact
that the Medical Storekeeper at the Presidency
(who however is a military & not a Civil Staff
Officer) has under that Order been allowed the
pay of his rank, in lieu of the Consolidated

Salary

X
Communicated in
8676th July 1865
to the Military
Dept.

Salary attached to his appointment, as the former is the greater of the two.

1. It appears to me, however, that Mr. Porteus' Claim cannot be admitted upon two grounds. First, the Order quoted has not been communicated to the Civil Dept. and cannot therefore be held applicable to Officers in Civil Employment. Secondly, the Order does not appear to me to warrant the construction sought to be put upon it, or the practice stated to have been adopted under it by the Military Dept. The Order does not refer to all Military Staff Appointments, far less to those to which Consolidated Salaries are attached, but merely to Garrison Surgeons, the incumbents of which appointments were paid as Surgeon, or Assist. Surgeon, as the case might be, and Rs. 500 Staff Salary.

5 The Govt. Genl. Orders referred to in the letter from the Govt. of India in my opinion clearly establish that the ruling contained in that letter was not intended to be made applicable to Officers drawing Consolidated Salaries other than those specified in these same Govt. Genl. Orders.

Para 16 of Govt. Genl. Order No. 507 distinctly states that "Officers x x holding Staff Appointments" "the Salaries of which are Consolidated will continue to draw their Salaries as at present."

Rule

Rule I in Govt. Genl. Order No. 953 is that "all Medical Officers x x who were in receipt of Consolidated Salaries x x x will draw such Consolidated Salaries & no more."

Para 28 of Govt. Genl. Order No. 1060 specifies that "Officers now in the Service will receive the pay of their Rank when such pay is in excess of the Consolidated Salaries above mentioned" i.e. in para 28, where the appointment of District Surgeon & Medical Storekeeper are not mentioned.

Para 30 of this Govt. Genl. Order, however, provides in my opinion for the Salaries of the two appointments under consideration, as there it is distinctly laid down. "The Salaries of other Medical Appointments in the Civil and Military Dept. will be revised with reference to the above, and fixed at a Consolidated Sum, and I request that a report may be made to me upon the subject with as little delay as possible. In the mean time, the aggregate sums at present received in each case will continue to be drawn."

6 Surgeon Major Ranking was not holding an Appointment to which a Consolidated Salary is attached, but one on account of which he would under the old regime have been entitled to Surgeon's pay and allowance and Staff Salary an amount much less than

than the pay of his rank under the new warrant.

I have stated the objections
that occur to me against the course as
it is adopted by the Military Department
- cause if the Resolution of the Govern-
ment of India be communicated to the
Civil Department it would be an anomaly
that the practice in the two Departments
should differ, while at the same time
I should have to object to follow that
as stated to be pursued in the Military
Department, except upon a special
Order by Govt. sanctioning it, as, for the
reasons above stated, I consider it erro-
neous.

I have the honor to be,

Sir,

Your most ob. Servant.

R. Donald
Examiner of Claims

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Examiner of Claims

of 1st Novr 1865 No 159.

Order thereon to Decr 1865 No 1253.

The Governor in Council
concurs in the opinion
expressed in the foregoing
letter that Surgeon Major
Porteous is not entitled
to draw a higher salary
than that assigned to the
appointment of District
Surgeon for the period
referred to.

2. The Govt., in a
recent communication
to the Govt. of India re-
garding the salaries to

Letter 1865- Sept 16
To the Examiner of Claims
Fort St George

To the Chief Secy to Govt
Fort St George
Civil Dept.

Of 1 November

R/o

No 1420

No 159.

Submits for the order
of Govt. the claim of Mr Porteous
from 1 January to 19 March
1865 to the difference of pay
between that of his rank as
Surgeon Major of 25 years
service & the consolidated
salary of the Civil Appnt
he then held viz that of
Surgeon of the 4th Presidency
District.

10/11/65
10/11/65

File 1865. Department.

No. 1253

PROCEEDINGS OF GOVERNMENT.

77th Nov 1865.
Dated 6th August 1865.

