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MADRAS RECORD OFFICE.

Government of Madras.

Public **DEPARTMENT.**

G.O. No.	197	Press
		Mis.
Dated	18-2-	1950

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Department,
18th February 1870.*

No. 77. Read the following letter from the Persian and Hindoostanee Translator to Government, to the Acting Chief Secretary to Government, Fort Saint George, dated Chepauk, 10th January 1870, No. 2.

With reference to Government Order, 3rd December 1869, No. 1661, I regret to find myself obliged, in justice to myself, and to the office I hold, again to submit the claim therein rejected for consideration, with a request that it may be referred, if necessary, for the orders of the Supreme Government of India.

2. In my former letter on this subject, (18th November 1869, No. 1661,) I have explained the grounds on which my claim rests. I beg now to submit, for the consideration of Government, that it is fully supported by the Regulations of the Service, and that the order by which those Regulations have been set aside is of an *ex post facto* character, having been issued after the appointment of my substitute, after my departure on leave, and without reference to me. I submit that, when it was discovered that Captain Law's appointment by Government was contrary to the Regulations, the course prescribed by the Regulations should have been at once returned to—that is to say, Captain Law's appointment should have been cancelled, and I should have been called on to nominate my substitute. Had this been done, I would, with pleasure, have entered into such arrangements with Captain Law as would have prevented all further trouble on the subject. Government, however, did not return to the course prescribed by the Regulations; but on the contrary departed further from it, by directing that a portion of my allowances should be paid to Captain Law, their own nominee. I submit that, as Captain Law's appointment was invalid, being contrary to the Regulations, he cannot possibly have any claim on the allowances of the post; and I submit, finally, that, if my claim be rejected, the Regulations of the Service will cease to be any security to those acting under them.

No. 78. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 18th February 1870, No. 197.

On the 15th June 1869, Colonel R. S. Wilson, who holds the office of Government Agent at Chepauk and Persian and Hindoostanee Translator to Government, was granted three months' cumulated privilege leave. He availed himself of the leave on the 10th July following; and the duties of the Persian and Hindoostanee Translator were conducted by Captain V. E. Law, an officer appointed by the Government to act both as Agent and Translator during Colonel Wilson's absence.

2. When the leave was granted to Colonel Wilson, the acting allowances of the Government Translators were, under the Resolution of the Government of India, dated the 1st August 1868, No. 1513, and the Order of this Government, dated the 17th February 1869, No. 101, regulated by the Civil Service Absentee Rules. But, shortly afterwards, it having been found that the officer appointed to act for the Tamil Translator to Government would be inadequately remunerated by an adherence to the Rules referred to, the sanction of the Government of India was solicited* to the renewal of the permission accorded

* An officer holding a subordinate appointment and officiating in an appointment of a higher grade or class, shall draw acting allowance calculated at thirty per cent. on the first Europeans 2000, and twenty per cent. on the remainder of the pay of the appointment in which he is officiating.

* Letter to Home Department, dated 17th June 1869, No. 831.

*Proceedings of the Madras Government, Public Department,
18th February 1870.*

to this Government, in a Resolution, dated the 30th November 1866, No. 2055, "to grant to officers acting in the Government Translatorships in this Presidency the full salaries of those appointments, provided no extra expense is entailed on the State."

The Government of India accorded their sanction to this proposal in their Resolution in the Financial Department, dated 26th July 1869, No. 2187, and the Rules in force, when Colonel Wilson was granted leave, were thereby superseded.

3. Adverting to the foregoing rulings, the Accountant-General sought the orders of this Government as to what allowances were to be passed to Colonel R. S. Wilson and Captain V. E. Law, on account of the Persian and Hindoostanee Translatorship, and he was authorized to deduct from Colonel Wilson's salary Rupees 100 during his absence, and to disburse the same to Captain V. E. Law.

4. Colonel Wilson has appealed against this decision, and he urges that, had he been permitted to make his own arrangements for the performance of his duties as Translator, he would have been subjected to no forfeiture of salary, as he would have recommended a thoroughly-qualified officer, who had consented to act for him during his absence.

5. On reconsideration of the matter, His Excellency the Governor in Council thinks that, as Colonel Wilson had applied for and obtained his three months' leave, on the faith of the Rules in force at the time, he ought not to be subjected to any loss from any subsequent alteration of the Rules.

6. Colonel R. S. Wilson's pay as Lieutenant-Colonel in the Staff Corps is Rupees 827-14-0. The consolidated salary which he draws in the Civil Department as Government Agent and Persian and Hindoostanee Translator is Rupees 825, or Rupees 2-14-0 less than the pay of a Lieutenant-Colonel.

The loss to him, therefore, of Rupees 300, from no fault of his, seems hard.

7. Under these circumstances, and as Colonel Wilson had been at his post without leave since 1861, His Excellency the Governor in Council requests that the Government of India will be pleased to sanction, as a special case, the refund to Colonel Wilson of the sum of Rupees 300, which was deducted from his salary and paid to Captain V. E. Law.

(Signed) J. I. MINCHIN,
Acting Chief Secretary.

Home 1870 Dept.

From Government of

Fort St. George.

Dated 18th Feb. 1870. No.

Enclosures

Spare copies

D. No.

Procs.

L. No. 197.

No.

FEBRUARY

1870

Making a reference to the Government of India in regard to the claim preferred by Colonel R. S. Wilson to the full salary attached to his office as Persian and Hindoostanee Translator to Government.

deff 22/2

Public Department. 5

No. 197.

To

The Secretary to the Government
of India.

Home Department

Sir,

On the 11th June
1864 Colonel R. S. Wilson,
who holds the office of
Government Agent and
Chepate and Persian
and Hindustani Trans-
lator to Government,
was granted three months
cumulated privilege
leave - He availed
himself of the leave
on the 10th July following
and the duties of the
Persian and Hindustani
Translators were con-
ducted by Capt. V. Wilson,
an officer appointed
by the Government to
act both as Agent
and Translator during
his absence.

P.S.

A. J. A.

M.R.

Colonel Wilson's absence

2. When the leave was granted to Col. Wilson the acting allowances of the Government Translators were, under the Resolution of the Govt of India dated the 1st August 1868, No 1573, and the Order of this Govt dated the 17th February 1869, No 101, regulated by the Civil Service & Revenue Rules - But shortly afterwards it having been found that the officer appointed to act for the Sanskrit Translator to Govt would be inadequately remunerated by an adherence to the Rules referred to, the sanction of the Government of India was solicited to the removal of the provisions

"An officer holding a subordinate appointment & officiating in an appointment of a higher grade or class, shall draw acting allowance calculated at 30 per cent. on the first Rs 2000, and 20 per cent. on the remainder of the pay of the appointment in which he is officiating."

Letter to Home Dept. 7th June 1869, No 821.

to this Government, in a Resolution dated the 30th November 1866, to grant to officers acting in the Government Translatorships in this Presidency the full salaries of those appointments, provided no extra expense is entailed on the State.

The Government of India accorded their sanction to this ^{proposed} in their Resolution in the Financial Dept dated 26th July 1869, No 2187, and the rule in force when Col. Wilson was granted leave were thereby superseded.

3. Adverting to the foregoing rulings, the Accountant General sought the order of the Government as to what

what allowances were
to be paid to Colonel
A. S. Wilson and
Captain V. E. Law on
account of the Persian
and Hindustani Trans-
lation, and he
was authorized to
deduct from Colonel
Wilson's salary Rs 100
during his absence,
and to disburse the
same to Capt. V. E. Law.

Colonel Wilson has
appealed against the
decision, and he says
that had he been per-
mitted to make his
own arrangements
for the performance
of his duties as Trans-
lator, he would have
been subjected to no
forfeiture of salary,
as he would have
recommended

recommended a thoroughly
qualified officer, and
had consented to act
for him during his
absence.

On reconsideration
of the matter, the Executive
the Governor in Council
thinks that, as Col. Wilson
had applied for and
obtained his three
months leave, on the
faith of the Rules in
force at the time,
he ought not to be
subjected to any loss
from any subsequent
alteration of the Rules.

Colonel R. S. Wilson's
pay as Lieut. Col. in
the Staff Corps is
Rs. 827-14-0. This
consolidated salary
which he draws in
the Civil Department

as Fort Agent and
Peregrin and Hindustani
Translator is Rs 825

or Rs 2-14-0 less than
the pay of a Lieut. Col.

The loss to him, therefore,
of Rs 300, from no fault
of his, seems hard.

Under these
circumstances, and
as Colonel Wilson had
been at his post with-
out leave since 1861,
His Excellency the
Governor in Council
requests that the
Government of India
will be pleased to
sanction, as a special
case, the refund to
Col. Wilson of the sum
of Rs 300, which was
deducted from his
salary and paid to

For 80/100
14/10/70
14/10/70

11-

I really think that Colonel
Wilson has a valid grievance
and am not surprised at his
giving a good deal of
indignation at the treatment
which he has received in this
matter. He had been at his
post at Muziris without a
day's change of leave since
1861, when in 1869 he applied
for 3 months privilege leave
during the greater part of which
period he had been receiving
no remuneration for his two offices
held by him, the work of
which is by no means light,
he was rather less than he
would have drawn as a
Lt Colonel of the Staff Corps

2

1869 - G.O. No. 545 - 9

546 - 7
547 - 8

1869 - G.O. No.

with no employment. He naturally
expected that after this long spell
of uninterrupted toil, he would be
allowed to enjoy the privilege have
which under the rules of his service
had long been due & was on the
same terms as other officers and
that if he could arrange with
some competent officer to perform
the duties of translation for him during
his absence, the government would
authorize the latter to act for him
as a matter of course & there would
be no question of salary. He accordingly
made the necessary arrangements
with Major Lewis who is probably
the most competent translator & it was
at his suggestion that he had done
so, he was told, it does not appear

to show that I presume at the 13th
April, that the arrangements for
had made necessary would not be
allowed, but that another officer
would be appointed to act for him.
He was informed erroneously as it
was his duty, that the order under
which it ^{might} have been left to him
to make his own arrangements
but there was no longer in force &
it was subsequently pointed out by the
Accountant General that the order
in question was in force. Instead
of it was not paying the error the
proposed for many years
proposing an order on the Accountant
General's letter and there are the
strength of a case which had arisen
the year previously, since the notes
are different, proposed an order
depriving (about value of Rs 100 per

No.

To

The Secretary to the Government
of India.

Home Department.

Sir,

I am directed to forward to you the accompanying papers, having reference to a claim presented by Col. R. S. Wilson to the full salary, viz. Rs. 100 per mensem, attached to his office as Petitioner Assistant Quarter Master to Government, during his absence on privilege leave.

2. In granting leave to Col. Wilson the Government appointed Captain V. C. Law to act for him. The order at present in force permits the Government to grant privilege leave to ~~any~~ ^{any} ~~officers~~ ^{officers} ~~of the rank of Major and above~~ ^{of the rank of Major and above} ~~and to pay them full salary during such absence~~ ^{and to pay them full salary during such absence} provided

Recd. 14th Sept. 1889 No. 1231
" 3rd Dec. " - 1889
Letter from Col. Wilson.
of 10th Jan. 1889 No. 2

I hope this is satisfactory to you. I refer to the letter of the 10th Sept. and the letter of the 10th Oct. I think we are growing in our view of the matter. I am, Sir, respectfully,
Yours faithfully,
W. L.

+ In my opinion the answer to the Govt. is that the Govt. has been very generous in appointing him.

business out of his salary as Quarter Master.
I think that Colonel Wilson was perfectly justified in representing against the Government that the Govt. have taken and that under the circumstances much allowance must be made for the time of his letter.

I cannot join in the letter which is proposed to send to the Govt. I think that another letter should be proposed stating the actual facts & asking that the Govt. should consider and allow the full salary of Rs. 100 per mensem & be represented to Colonel Wilson.

3rd Jan. 1890
A. A.

"provided no extra expense
is entailed on the State."
It therefore rested with
Col. Wilson to intimate,
when he applied for
leave, that it could
be granted to him with-
out extra expense, as
he had arranged with
Captain Law, a competent
substitute, to act for him.
No such intimation was,
however, made. It con-
sequently was incumbent
on the Government,
when nominating Capt.
Law to perform Col. Wilson's
translation duties, to
specify a certain amount
of remuneration; and
on this point being
submitted by the
Accountant General
for instructions, the
sum of \$2100, to be de-
ducted from the salary
of the Translator, was
fixed on. This

My thought is that
much can be done
by having an intimation
be made with arrangement
with Captain Law in
be having arranged with
Major Law as perfectly
competent Officer to
perform his duties -
A. J.

But the fact is that
not to have arranged
Captain Law but
to have arranged
to arrange for the
performance of his duties.
A. J.

Per. 30 April 1857 12:267.
forwarded

not very different
from as their posts &
both much changed.
A. J.

This is not the fact,
as I was the case.
Arriving I have been
the first to appoint
Captain Law in that
communication with
Wilson, instead of
leaving it to be
as indeed he had done,
with a competent Officer
to perform his duty.
A. J.

reference to the case of
Dr. Balfour, for whom
Capt Law officiated
in 1854, enabled Govt
to determine the question.
The weight was allowed
to the circumstances of
Dr. Balfour's absence
which are vastly different
from those of Col. Wilson.
3. As to the assignment
of the acting allowance
to Captain Law arose
from Col. Wilson's own
omission to notify the
arrangement entered
into by himself with
that officer, this Govt
declined to reconsider,
as requested by Col
Wilson, its decision
on the matter.
4. Col. Wilson has
again submitted his
claim, and as the
Government see no
reason for modifying
its

its views thereon, I am
instructed to refer his
case for such orders
as the Government
~~may~~ may see fit
to pass on it.

It was overlooked in
 granting leave to the
 visitor that it would be
 better with help to go to
 be done with help to go to

Under existing rules
 let visitor last N300
 a month, which the
 Govt had no intention
 that he should last
 when he was granted
 leave

Under all these
 circumstances of the
 case they will begin
 if the Govt can
 sanction the payment
 to the visitor of the
 N300, which he lost
 during his absence on
 business leave.

Dated 18

To
 The Secretary to the
 Government of
 Department

No.

15
 Department

Revised Draft

18 . *Department*

No.

To
The Secretary to the
Government of
Department

Dated 18 .

Home 1869 Dept.

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From Government of

Fort St. George.

Dated Feby. 18

No.
Enclosures:
spare copies.

D. No.

Progs.

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No.

E. No. 197.

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Making a reference to the
Govt. of India in regard
to the salary preferred by
Colonel S. Wilson to the
full salary attached to
his office as Persian and
Hindustani Translator to
Govt.

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