

- (1) பக்கங்களின் எண்ணிக்கை 8-14
- (2) புதுக்கித் திருப்பிய நாள்
- (3) ஆதாரங் குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

12/11/90 குறை

அரசாணை எண். 81	அச்சகம்
மு. கோப்புத் தாள் எண்.	பலவகை
நாள் : 4-2-1890	1890.

மடிக்கவோ கண்டபடி கையாளவோ கூடாது.

ஆவண. கா. 1-18,006-6-9-90.

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATE 4/2/90
No. 81

When given for copying

[Despatch Abstract.]

Mr. Farrell's claim to
allowance under
of the B. S. Regn.

செப்பனெடுபவர் பெயர்

செப்பனெடுவதற்காக எடுத்த
கொள்ளப்பட்ட நாள் 12/6/7

செப்பனெடு முடிந்த நாள் 1/08

செப்பனெடுக்கு
மு. ப. பா. கையொப்பம்
கையொப்பம்

BACK PAPER, No.

FURTHER PAPER, No.

READ AGAIN ORDER OF GOVERNMENT, DATED
188 , No. MISCELLANEOUS

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BRING MEANT FOR DISPATCH
IN ORIGINAL (not paged).

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.

*W. H. Forman's copy of O'Connell's
Constitutional History of Ireland
is not being used in the
act. of the House of Commons
under the
188 of the House of Commons
Regulation.*

A A

Public

*W. H. Forman's claim to
acting allowance under Art. 120
of the C. S. Reg.*

Papers to be read in Proceedings:—

Again G.O., dated 18 , No.
 Again G.O., dated 18 , No.
 Current No. of 18 , dated from

Current No. 32 of 1890, dated 6th Jan 91 from the Registrar High Court

Order, 24 February 90 No. 81.

The rule in Art. 120 of the Civil Service Regulations is clear, and in the opinion of H. E. the Governor in Council there is no case for a reference to the Court of Directors. As pointed out by the Accountant General, the change of "leave" to "acting appointment" in the rule, in view of deliberate purpose.

(From orders.)

JG 31/1
 28 Jan.

The Hon. the Chief Justice (with C. A.)
 Accountant General.

FOR ORDERS.

have shown it is submitted sufficient grounds for a relaxation of the strict letter of the law in his case had he ~~at the time~~ during the period between 25 Sept. + 6 Oct. been on his permanent appointment + drawing only sub-collector pay. Seeing, however, that Mr. F. was acting as Collector of D. A. during that period the hardship which he has undergone does not seem so severe as to call for an application to the Govt. of India for special consideration of his case.

JG 22 Jan.
 23/1

The rule in Art. 120 of the Civil Service Regulations is clear, and in the opinion of H. E. the Governor in Council there is no case for a reference to the Court of Directors. As pointed out by the Accountant General, the change of "leave" to "acting appointment" in the rule, in view of deliberate purpose.

FOR ORDERS.

An officer transferred to another station & act in a higher appointment & made on account of the absence of another officer on privilege leave may during the first 30 days of his appointment draw three-fourths of the acting allowance otherwise admissible (§ 120, C.S.R.) But if this officer succeeds another in the same acting appointment this period of 30 days is calculated not from the date on which the ~~transferring~~ officer joins the appointment but from the date on which the officer succeeded joined the acting appointment. (§ 121(ii) C.S.R.)

Mr. Cole left Chatter on the 25 Sept. making over charge of his duties as Judge & the Court Clerk to Mr. O'Farrell. From that date till the 6th Oct. the Clerk remained in charge; on the 7th Oct. Mr. O'Farrell came in charge as acting Judge. Mr. O'F's contention is this:

The object of the rules § 120
C.R. is to save money to the
State.

In the ordinary course of things,
Mr. Crane could have been relieved
by the 25th Sept. by
an acting substitute. Then,
as this substitute been relieved
by Mr. Farrell on the 7th Oct.,
a period of 30 days during
which only 3 allowances
could have been calculated
on the 25th Sept. But the
'acting' was not an acting
substitute, therefore the Acc. General
failed to deduct Mr. O'F. the
benefit of § 121(ii) C.R.

30 days of
calculated the period of short
allowance from the 7th Oct. to
between 26th Sept & 7th Oct. there
was no acting substitute. The
State actually saved considerably
more than it would have done
if there been an acting substitute
drawing 3 allowances during
the short time. Therefore
the object of § 120 C.R. has been
fully fulfilled & the spirit,
of the letter of § 121(ii) should
be considered and Mr. O'F. should
be deducted for the period between
25th & 26th Oct. alone.

There cannot be a doubt that
Acc. General's view of the
is correct & that Mr. O'F.

No 4.

H.C. No 6573

Submitted for the orders of
Government.

High Court -
Madras
January 1890
Registrar.

The ag. District Judge,
North Arcot.

To

The Registrar,
High Court,
Madras.

No 169.

Dated 17 } December 1889.
Recd 18 }

CHIEF SECRETARY
27 JAN 90
GOVERNMENT OF MADRAS

Enclosures 2. CS 8/1
Subject: Return of
Ref No 16/1

Referring the enclosed corres-
pondence between the Accountant
General and himself that it may
be submitted for the orders of
Government.

This is the 4-2-90

Gazettes Audit Department.

Fort St George.
Accountant-General's Office.
12th December 1889.

No. 4447

From, J. W. Rawlins Esquire.
Accountant-General of the
Government of Madras.

To, H H G' Farrell Esquire.
Acting District Judge,
North Arcot.

Sir,

In reply to your letter, No. 52, dated
the 5th December 1889, I have the
honor to invite your attention to the
phrase "for the first thirty days of
such acting appointment" in Article
120 of the Civil Service Regulations and
to state that, in your case, the first
thirty days are reckoned from the
7th October 1889, the date on which
you joined your acting appointment.

2. Article 121 (ii) of the Regulations does
not apply to your case, ~~as~~ for as

matter of fact you did not succeed
any officer in the same acting appoint-
ment, and you, therefore, come under
the rule in article 120, in which the
original term "leave" was changed
to "acting appointment", obviously
with reference to some case similar
to yours.

Encl
to Letter
81-17

I have the honor to be,

^{Sir}
Your most obed^t servant

(Signed) J. W. Rawlins

Accountant-General

(True copy)

Justices

Ag. District Judge

North Arcot, Dist.
Chittoor, 5th Dec

No.

From,

H. H. B. Farrell Esquire,

Ag. District Judge,
North

To,

The Accountant General
Madras

Sir,

In Pay slip A.B.S. dated 19th
30

you state that I am entitled to
acting allowance at the rate of
from 31st day after joining. I
here on 7th October last forenoon
joined his appointment as 4th
of Board of Revenue, I believe,
September last forenoon.

2. I have the honor to draw your
attention to article 121 Para II, C

Regulations and

Enclosed
Chittoor

inform me whether in my
period of first 30 days is to be
from 7th October last, the date
I joined, or from 26th September
which Mr. Prole joined his
suit.

think it should be the latter.
one asked for Mr. Prole from
after to 6th October there could
not be the matter. As no one
movement is the gainer by the
very saved instead of by Mr. Prole.

I have the honor to be
Your most obedient servant,
(sd) H. H. C. Starnell
Sgt. District Judge.

Enclosure
to Letter No. 11
dated 11/10/18

6. The State ~~and~~ ^{whole} acting allowance of
7. The Accountant-General
that under the strict letter of
in Art. 120 Civil Service Regulation
I did not exceed another and
in the same acting appointment
therefore the 1st thirty days
in any case from the 7th 6.
8. I am quite willing to admit
that the strict letter of the rule
is against me. But I fail
see any principle of equity or
such an interpretation con-
ceded, and I believe that a case
similar to mine was not
filed at the time of the framing of

act for him as District Judge of
the Court between that date and
date on which I joined, viz, 7th
to her.

Had this course been followed the
at thirty days during which only
acting pay is to be drawn would
have run from 26th September to
1st October and I should have
been entitled only from 7th October
to 25th October.

In that case the estate would
have saved from 26th September to
1st October 1/4 of the acting allowance.

As a matter of fact no one was
appointed from 26th September to 6th
October, the Court Sheristidar being
in charge.