

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

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

1200 துறை

அரசாணை எண். 81 மு. கோப்புத் தாள் எண்.	அச்சகம் பலவகை
நாள் : 4-2-1890	1990.

மடிக்கவோ தண்டபடி கையாளவோ கூடாது.

ORDINARY, MS.

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

When given for copying

[Despatch Abstract.]

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

செப்பனெடுவர் பெயர்

செப்பனெடுவதற்காக எடுத்த
கொள்ளப்பட்ட நாள் 12/6/7

செப்பனெடு முடிந்த நாள் 1/08

செப்பனெடு முடிந்த
மு. ப. ரா. யாள்
கையொப்பம் கையொப்பம்

Public

5/3

Mr. O'Harell's claim to
acting allowance in No. 120
of the C. S. Reg. no.

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).

W. H. Thompson, Jr. O'F. G. G.
Comms. of the C. S. Reg. no.
No. 120 of the C. S. Reg. no.
120 of the C. S. Reg. no.
Regulation

A A

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

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. 90 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 Govt of India. 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. J.)
 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. P. F. was acting as Collector of S. 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

These rules in other instances can be interpreted. As pointed out by the Act. the change from "leave" to "acting app." is a deliberate purpose.

FOR ORDERS.

An officer transferred to another station & sent in a higher appointment & made on account of the absence of another officer on privilege leave being during the first 30 days of his appointment draw three-fourths of the acting allowance otherwise admissible (§ 120. CSR)

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) CSR)

Mr. Gole left Chatter on the 25 Sept. making over charge of his duties as Judge & the Court Sheriffs tadar. From that date till the 6th Oct. the Sheriffs tadar remains 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
CSR. is to save money to the
State.

In the ordinary course of things,
Mr. Crook could have been relieved
on the 25th Sept. by
an acting substitute. Then,
if this substitute been relieved
by Mr. O'Farrell on the 7th Oct.,
a period of 30 days during
which only ^{allowance} ~~draw~~ ^{draw}
could have been calculated
on the 25th Sept. But the
'irishman' was not an acting
substitute, therefore the Acc. General
failed to admit Mr. O'F. to the
benefit of § 121(ii) CSR. ^{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
nothing it would have done
if there been an acting substitute
drawing 3 allowance during
the short time. Therefore
the object of § 120 CSR. has been
fully fulfilled & the spirit,
of the letter of § 121(ii) should
be considered and Mr. O'F. should
be doctored for the period between
25th & 26th Oct. alone.
We cannot be a doubt that
Acc. General's view of the
is correct & Mr. O'F.

No 4.

Submitted for the orders of From
Government:

High Court- } *Subscribed*
Signature of *Side*
of *Admrs*
January 1890 } Registrar.

H.C. No 6573

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
Enclosure 2.

Subject: Return of form
Refce 16/1

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

This copy of 4-2-90

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

No. 4447

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

To, H. H. C. 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)

J. W. Rawlins

Ag. District Judge

Enclosed

North Arcot, Dist.
Chittoor, 5th Dec

No.

From,

H. H. S. Harrell Esquire,

Ag. District Judge,
North

To,

The Accountant General
Madras

Sir,

In Page slip ^{A.B.S.} ₃₀ dated 19th
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

inform me whether in any
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 acted for Mr. Prole from
after to 6th October there could
be in the matter. As no one
movement is the gainer by the
very saved instead of by the

I have the honor to be

Your most obedient servant,

(sd) H. H. C. Stowell

Att. District Judge.

51
8

Enclosure

E. L. L. L. L.

date 17/10

7/9

6. The State ~~and~~ ~~the~~
whole acting allowance of

7. The Accountant-General
that under the strict letter of
in Art. 120 Civil Service Regs
I did not exceed another and
in the same acting appoint

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
is against me. But I fail
see any principle of equity or
such an interpretation con-
ed, and I believe that a
similar to crime was not
Fleming & Co. the framers of

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

Had this course been followed the
at thirty days during which only
acting pay is to be drawn would
be 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
be saved from 26th September to
1st October $\frac{1}{4}$ of the acting allowance.

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