

ORDINARY, MS.

<i>Public</i>		DEPARTMENT.
G.O., DATED	<i>17-5-93</i>	
No.	<i>394</i>	

INDEXED.

When given for copying. 1/15

[Despatch Abstract.]

Considering that
the recoveries from
Collection & Retribution
Judges unimpaired
by G.O. 10 Oct 92-1706
should be made at
the rate of 10 per
cent of each salary
here—

The Acct. Gent will apparently abide by the decision of Govt. in the matter.

Mr. Joseph is now drawing Rs 1,900 p. m. ~~the Govt. is recovering from him his instalments.~~

It might be ruled that where the ~~recovery~~ ^{recovery} necessitated by G.O. of W. 10. 92, No. 704, exceeds Rs 1000 in any particular case, no more than Rs 250 p. m. should be recovered from the officer in question and that where it does not exceed Rs 1000. ~~the recovery~~ it should be made in 3 monthly instalments.

CS 8/5
I would allow the 10 percent instalment in every case.

CS 11/5/93
10 May. W.
12 May.

ORDER 17th May/93, No. 394.

The Govt. considers that in Mr. Joseph's the recovery necessitated by G. O. of W. 10. 92. No. 704 should be made at the rate of 10 per cent of each salary bill.

CS 16/5
Acct. Gent. (1237 = Q)
H. G. Joseph Esq. J. C. (1237) 25/11/93
DESPATCHED
MS 25/11/93

Recovery from Mr. Joseph

Mr. + Co.

BACK PAPER, No.

OF 18

FURTHER PAPER, No. 453-54 OF 18

13-6-93

READ AGAIN ORDER OF GOVERNMENT, DATED 18, No. MISCELLANEOUS

ENCLOSURE.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL (not paged).

N.B. -

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

Public

(189) DEPARTMENT.

From

THE ACCOUNTANT-GENERAL,

MADRAS,

To

THE Chief Secretary to Govt.
Public Deptt.

No. 1222.

Dated

27th April 1933.

Received

29th April '93

Regd

1st May 1933

No.

2/5

SUBJECT.

Stating that Mr. Joseph, as D. M. or
of Samsam, has requested A.G. to
deduct the ar. allowance of Rs 2689-2-11
overpaid ~~to him~~ at the rate of 10 percent
of each monthly salary bill instead
of in five instalments (inquiring
whether in this & similar cases it is
desired that recoveries should be made
at a more favourable rate)

Pub go. no 704 d 10-10-92 Pres
" " 226 d 17-3-93

Public Dept

C. No 1237. & 1265

For Orders.

The recoveries in both the
above cases are apparently due to
the H. of J. ruling that Mr. Ramachand
Anjar was ~~entitled~~ entitled to reckon
his standing as a Dist. Judge from
the date of his confirmation in
that appt.

S.O. 704
10.10.92

In C. No. 1237 Mr. H. G. Joseph
requests that the recovery of Rs 2689
odd in his case may be made at the
rate of 10 % of each salary bill &
not in five instalments.

In C. No. 1265, Mr. Wolfe Murray
requests that the sum of Rs 321. odd,
which he has to repay, may be recovered
in three monthly instalments
commencing from 1st May.

§ 16(3) of the Civil Act. Code
directs that recoveries shall not
ordinarily be made at a rate exceeding
1/3^d of salary.

The present cases ~~are~~ ^{are} peculiar
~~and~~ and the recoveries now being
made are not due to mistakes on
the part of the officers concerned

Gazetted Audit DEPARTMENT.

1237
FORT ST. GEORGE,
Accountant-General's Office,
27 April 1893.

No. 1222

From

J. W. Rawlinson Esq.

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Chief Secretary to Government,
Public Department.

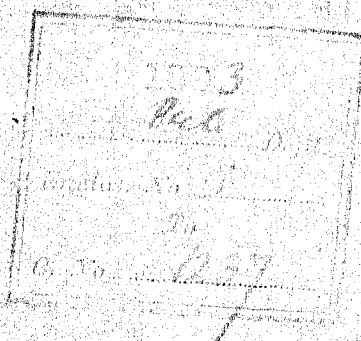
SIR,

In forwarding herewith copy of letter from Mr. H. G. Joseph, Acting District Judge, Ganjam, N^o. 923 dated the 13th April 1893, I have the honor to state that, with reference to para 2 of Madras Government Order N^o. 704, Public, dated the 10th October '92, Mr. Joseph has requested me to deduct the acting allowance of Rs 2,689-2-11 overpaid to him at the rate of 10 per cent of each monthly salary bill instead of in 5 instalments, each amounting to something less than one-third of his salary under Article 16(3) of the Civil Account Code, 5th Edition, and to enquire whether in this and similar cases, it is desired that recoveries should be made at a more favorable rate.

I have the honor to be
Sir,

Yours most obedt. servant

Wm. Rawlinson
Accountant-General



3. I have also found on my return from leave that in consequence of the representations made to Government, the first para of G.O. No. 704
10.10.92
has since been changed, and from your letter No.

3818
20.12.92 in reply to my No. 2037
3.12.92 that the

recovery demanded from me is in accordance with para 3 of Government India letter No. 403;
12.9.92
a portion of which letter is embodied in

M.G.O. No. 704
10.10.92 but the part which you refer to has never been communicated to me.

4. I am therefore now presenting an appeal to the Government of India against the hardship which is inflicted on me by the Madras Government without allowing me to know the orders of the Government of India under which this heavy penalty is imposed.

5. In the meantime I have to request that either the recovery may be postponed pending the result of my appeal or at any rate may be made at the rate at which recoveries of Government Advances are made 10 p.C or ~~less~~ Railway Bills, and that I may

not be subjected to a deduction from my pay for the succeeding months at the arbitrary rate adopted in the months of December 1892 and January 1893 which is "something less than $\frac{1}{3}^{\text{rd}}$ of my pay"

6. I have no means of knowing by whom that rate was fixed and so I do not know to whom to appeal against it, but I request that if you are unable to comply with my request yourself, you will forward my application to the proper quarters or inform me to whom I should apply.

I have &c.

W. H. G. Joseph

Dy: District Judge.

(True Copy)


Chief Superintendent



CURRENT

Pass 704
226

925
935

From
The Collector of
Nilgiris

To
The Chief Secretary
to Government.
Public Dept.
Madras

Dated 28 April 1893
Received 28 May 1893
Recd 24 May 1893

CHIEF SECRETARY
31 MAY 1893
No 5195

Subject

Requesting that the recovery
of Acting allowance may
be ordered to be made
in three instalments

Note sent to Madras office for Col. 980 2041/3
3/5

Copy

Ganjam District Court
Dated Bhubaneswar 13 April 1893

No 923

From

H. G. Joseph Esquire,
Ag: District Judge of Ganjam,
Bhubaneswar,

To

The Accountant General
Madras

Sir,

Before leaving Madras on privilege leave
at Anas last, I wrote to you requesting that the
recovery of Rs 2,689-2-11 notified to me in your
No 3484 might not be enforced pending a
25.11.92
number of objections which I understood had
been presented (in addition to my own in my
No 2837) against the order in Government Order No 704
8.12.92 10.10.92
Public, under which that recovery purported to be made.

2. I have received no reply to that letter but
I find that deductions to the extent of Rs 537-13-4
from my salary Bill for December 1892 and
Rs 455-12-8 from my salary bill for January 1893
were made under this head on their presentation
in your office. The same was done in the case of the late Mr. [illegible]

in three monthly instalments commencing
from 1st May 1893.

I have the honor to be
Sir

Your most obedient servant.

H. Wanyanew Lym.

for Ag collector

and MC

[Faint handwritten signature]

[Faint handwritten text]

Gobt. of {1892} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 10th October 1892, No. 704.

OCTOBER.

Civil Service.

Giving the future interpretation of the term "junior officer" used in G.O., 15th March 1883, No. 560, and directing that Mr. C. Ramachandra Aiyar's emoluments from the date of his confirmation as District Judge be regulated in accordance with paragraph 3 of Government of India letter, No. 403, dated 12th September 1892.

No. 51 Gt

Nilgiri Collector's office
Ootacamund 28th April 1893

From

O. Wolfe-Murray Esquire,
Ag collector of Nilgiris

To

The Chief Secretary
to Government,
Public Dept.,
Madras.

Sir,

The Accountant General,
in his final order, No. 647 of 18th
instant has directed recovery from
me of a sum of Rs 321-2-3, being
the difference between the first
grade acting allowance allowed to
me, and the second grade allowance
admissible from 18. 12. 91 to 14-1-92.
2. As my salary here, at present,
only just covers my expenditure, and
as this large retrenchment is ordered
through no fault of mine, I have the
honour to request that Government
will be so good as to direct the
Accountant General to order the
recovery to be made from my pay

6. His Excellency the Governor in Council considers that the contention of the Accountant-General is incorrect, being of opinion that the rulings alluded to in paragraph 4 *supra* refer mainly to the cases of men recruited specially for the Statutory or Provincial Service and that they were not intended to apply to the class to which Mr. Ramachandra Aiyar belongs, viz., those appointed to either service late in life on the grounds of special merit and ability. Mr. Ramachandra Aiyar having moreover been confirmed as a District Judge under special circumstances, this Government considers that he has been virtually removed from the operation of the rule laid down in regard to Statutory Civilians and ranks with other Collectors and Judges in accordance with the dates of their respective confirmation in those offices and not of their first appointment to the service, and that his emoluments should from the date of his confirmation be regulated under the orders referred to in paragraph 2 above and Article 625 (1) of the Civil Service Regulations.

7. The question, it will be observed, affects, not only Mr. Ramachandra Aiyar, but all officers who have been or may be appointed to the Statutory or Provincial Service late in life on the grounds of proved merit and ability, and I am to refer the point for the decision of the Government of India.

(Signed) J. F. PRICE,
Chief Secretary.

From C. J. LYALL, Esq., C.I.E., Secretary to the Government of India, Home Department (Establishments), to the Chief Secretary to the Government of Madras, dated Simla, the 12th September 1892, No. 403.

I am directed to reply to your letter, No. 538, dated the 4th ultimo, on the subject of the salary to which Mr. C. Ramachandra Aiyar, a Statutory Civilian, is entitled as District and Sessions Judge. The letter involves two points on which a decision is called for, viz., (1) the question whether the term "junior officers" used in the order of the Madras Government, No. 560, dated the 15th March 1883, should in future be read as meaning the junior officers in service gradation or the officers last appointed to the particular posts in question, and (2) from what date Mr. Ramachandra Aiyar's standing in the list of District Judges should be calculated.

2. It appears from your letter that the term "junior officers" has hitherto been interpreted in the Madras Presidency as meaning the officers who are junior in respect of their length of service or standing on the gradation list. This interpretation, though possible under a state of things in which only Covenanted and Statutory Civilians were appointed to Collectorships and District Judgeships, will require modification now that a certain number of these appointments have been thrown open to members of the Provincial Service; for it will not be possible to determine the relative seniority of Covenanted Civilians and Provincial officers with reference to the date of their first appointment to Government service. A somewhat similar question was raised recently in Bengal in connection with the interpretation of the term "Junior Commissioner" (who draws a lower rate of salary than other Commissioners). The Government of India and the Secretary of State have decided that the term should be interpreted as meaning, not the officer holding the appointment of Commissioner who is junior in the gradation list, but the officer who is last appointed to be or to act as a Commissioner. I am to suggest for the consideration of the Madras Government that, in order to obviate any further difficulties regarding the relative seniority of Covenanted Civilians, Statutory Civilians and Provincial officers appointed to the posts of Judge and Collector, the term "junior officers" in the order of the 15th March 1883 above referred to should be declared to mean the officers last appointed to be Collector or Judge, irrespective of their length of service or position in the gradation list.

3. As regards the second question referred to above, I am to say that, in the opinion of the Government of India, the standing of Mr. Ramachandra Aiyar as District and Sessions Judge should reckon from the date of his confirmation in that appointment and not from the date of his admission to the Statutory Service.

ORDER—dated 10th October 1892, No. 704, Public.

The term "junior officer" used in G.O., dated 15th March 1883, No. 560, will in future be interpreted as meaning the officer whose first appointment as acting or permanent Collector or Judge is latest in date.

2. The emoluments of Mr. C. Ramachandra Aiyar from the date of his confirmation as District Judge will be regulated in accordance with the ruling in paragraph 3 of the letter from the Government of India read above.

(True Extract.)

J. F. PRICE,
Chief Secretary.

Exd. A. Raitt.

Transferred to the Chief Secretary to Government for disposal.

(By order.)

GOVERNOR'S CAMP,
8th May 1892.

(Signed) C. F. MACCARTIE,
Private Secretary.

No. 858.

Referred to the Accountant-General for favour of remarks.

16th May 1892.

(Signed) J. F. PRICE,
Chief Secretary.

No. 1562.

Under Madras G.O., dated 15th March 1883, No. 560, Public, the two junior officers, whether acting as Collector or as Judge, are considered second-grade officers, and for this purpose their standing in the service is fixed by a reference to what their position would be in a gradation list composed of Covenanted and Statutory Civilians.

2. Mr. Ramachandra Aiyar was admitted to the Statutory Civil Service on the 26th March 1887 and therefore takes rank immediately above Mr. J. K. Batten, No. 112 in the Civil List for May 1892, and, as all the officers mentioned in his letter under reference are his seniors, they have been permitted to draw the salary of first-grade appointment before him. Mr. Ramachandra Aiyar was allowed the salary of first-grade appointment for the periods mentioned in his letter, as there were then vacancies in the first grade entitling the two junior officers to draw the salary of first-grade appointment.

FORT ST. GEORGE,
23rd May 1892.

(Signed) T. W. RAWLINS,
Accountant-General.

To the Chief Secretary to Government.

No. 947.

MEMORANDUM.

The Accountant-General has not stated the circumstances under which Mr. Ramachandra Aiyar was granted the salary of an Acting First-grade Judge on the occasions mentioned in paragraph 4 of his petition, dated 30th April 1892.

2. It is requested that information on this point may be furnished.

OOTACAMUND,
30th May 1892.

(Signed) J. F. PRICE,
Chief Secretary.

No. 1702.

The circumstances under which Mr. C. Ramachandra Aiyar was granted the salary of an Acting First-grade Judge on the occasions referred to in paragraph 4 of his petition are as follows:—

(1) 7th May to 8th June 1889.—(a) The District Court of North Malabar was vacant in consequence of the transfer of Mr. A. F. Cox, First-grade Judge, to the Financial Department from the 7th May till Mr. J. P. Fiddian, who was appointed to act for him, took charge on the afternoon of the 8th June 1889.

(2) 9th to 13th June 1889.—The District Court of North Arcot was vacant in consequence of the transfer of Mr. J. P. Fiddian to the District Court of North Malabar until Mr. J. H. A. Tremenheere took charge on the forenoon of the 14th June 1889.

(3) 8th July 1890.—The Collectorate of South Arcot was vacant on the 8th July 1890 as Mr. G. F. T. Power, First-grade Collector, went on leave on the afternoon of 7th July 1890 and Mr. A. C. Tate took charge only on the afternoon of 8th.

(4) 23rd May to 12th June 1891.—The District Court of North Arcot was vacant between 23rd May and 12th June 1891, the period intervening between the date on which Mr. T. M. Horsfall made over charge and Mr. E. J. Sewell took charge on return from leave.

FORT ST. GEORGE,
9th June 1892.

(Signed) T. W. RAWLINS,
Accountant-General.

To the Chief Secretary to Government.

Order—dated 4th August 1892, No. 537, Public.

The Government of India will be addressed.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Accountant-General.
„ C. Ramachandra Aiyar, Esq.

Letter—to the Secretary to the Government of India, Home Department, dated Madras, 4th August 1892, No. 538.

Mr. C. Ramachandra Aiyar, a Statutory Civilian of this Presidency, was confirmed as a District and Sessions Judge with effect from the 27th June 1891, in accordance with the recommendation made in my letter, No. 905, dated 26th October, and approved in Home Department telegram, No. 1868, of the 24th November 1891.

2. In carrying out the instructions of the Government of India conveyed in Home Department letter, dated 13th October 1881, No. 1646, for the constitution of two second-grade Collectorates in this Presidency, it was ruled by this Government, in the orders marginally noted, that the junior Collector and junior Judge should be considered second-grade officers

on Rs. 1,800 per mensem and that the two junior Civilians, whether acting as Collector or Judge, should be similarly treated. Under the operation of the second of these orders, the confirmed second-grade Collector and Judge draw acting allowances in the first grade.

3. The Accountant-General, however, contends that, as Mr. Ramachandra Aiyar was admitted to the Statutory Service on the 26th March 1887, he takes rank immediately above the officers who arrived from England at the close of that year, and will not be entitled to the salary of an acting or permanent first grade Judge until all the Indian Civilians who joined the service prior to his confirmation are in receipt of such emoluments.

4. In paragraph 3 of Home Department letter, dated 27th May 1892, No. 1535, it is ruled that a Provincial Service officer is to rise *pari passu* with his contemporaries in the Indian Civil Service subject to the claims of officers of the latter service recruited after 1879—1881 to the posts for which recruitment was or might have been made in any one year, and in paragraph 5 of the same letter it is laid down that the claims of a Statutory Civilian are to be taken into consideration only when those of his contemporaries in the Indian Civil Service counting from the date of his confirmation have been considered.

5. Mr. Ramachandra Aiyar, as advised in my letter, dated 23rd January 1891, No. 62, has, so far, elected to remain in the Statutory Service.

Paper taken out of the Records from the charge of the Referencer.

Press
Miscellaneous No. 124 dated Dec 18-21 190 .
Routine

Date taken out.	FOR WHAT PURPOSE.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
7-10-22	Spec. Request				18-10-21	PC
	From					
	Ad. Printing					
	Anal.					