

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATED 18-10-93
No. 856.

INDEXED.

When given for copying.

[Despatch Abstract.]

Despatch to entertain
Mr A. J. Forbes' claim
for the special al-
lowance of Rs 175-
in addition to his
pay as Dy Regis-
-trary for certain
period -

High Court of Judicature
Madras, 17 August 1893

No. 2179.

From

A. J. Forbes Esquire
Deputy Registrar of the
High Court of Judicature,
Appellate Side, Madras.

To

The Honorable J. D. Preece,
Chief Secretary to Government,
Fort St. George.

Sir,

I have the honor to acknowledge the receipt of Order dated 8th August 1893, R. No. 565, forwarding copies of G.O.'s dated 19th July 1893 and 27th April 1893, Nos. 559 and 334/5, which have reference to the nature of the allowance of Rs. 175 per mensem granted to Assistant Collectors on passing the Higher Standard Examination.

2. I gather from the above papers that the question which is settled by the G.O. dated 19th July, arose out of a correspondence between myself and the Accountant General regarding a claim I preferred (1) to an enhanced rate of acting allowance while acting

acting as Head Assistant Collector in the Krishna District and (2) to the grant of the special allowance of Rs. 175. from the date of my passing the Higher Standard Examination prescribed for Assistant Collectors. The G.O. received does not refer expressly to this correspondence and as it does not dispose of the whole of my claim, I beg leave to address the Government further on the subject.

3. On the recommendation of this Government, the Government of India has now ruled in its letter dated 30th June 1893, No. 281, Home Department, that the allowance of Rs. 175 granted to an Assistant Collector on his passing the Second Standard Examination "should no longer be considered a special allowance and that Rs. 385, Rs. 560 and Rs. 768-5-4 received by "unpassed and passed Assistants" and Head Assistants, respectively, "should be regarded as pay as de-fined in the Civil Service Regulations." This order recognizes that, previous to its date, the allowance was a personal allowance separate from, and independent of,

of, pay, and so disposes of my claim to a higher rate of acting allowance while acting as Head Assistant of District prior to the date of my passing the higher standard. But, I respectfully submit that the order equally recognizes that my second claim alluded to above, namely my claim to draw the special allowance of Rs. 175 in addition to my pay as Deputy Registrar of the High Court, is well founded and that it should be admitted up to 30th June 1893 - the date when the special allowance was consolidated with the pay of the appointment.

4. The Government in its order No. 303, dated 24th February 1880, sanctioned, and in its order No. 313, dated 19th July, re-affirmed the grant of this allowance to Mr. Dumergue, who passed the Second Standard Examination when holding the office of Assistant Resident of Travancore. I respectfully submit that this case furnishes an almost exact precedent for the claim I now make and request you will be so good as to obtain the sanction of the Government thereto.

I have the honor to be,
Sir,
Your most obedient servant,

H. Forbes.
Deputy Registrar.

Judicial { 1893 } Department.

FROM

THE REGISTRAR OF THE HIGH COURT
OF JUDICATURE AT MADRAS,
APPELLATE SIDE.

Dated
Received

17th August 1893

No. 2177
Enc

Requesting sanction for
the payment of the special
allowance of Rs. 175-0-0
in addition to his pay
as Dy. Registrar upto
30th June 1893.

No. 1473.

Referred to the Accountant-
General for report

By Order

M. V. S. C.

Assistant Secretary

C.S.
22/8 Cota Camund }
23rd Augst 1893 }

Gazetted Audit DEPARTMENT.

FORT ST. GEORGE,
Accountant-General's Office,

September 1893.

No. 2643

From

J. E. Cooke Esq.

To

ACCOUNTANT-GENERAL TO THE
GOVERNMENT OF MADRAS,
The Chief Secretary to Government,
Public Department.

SIR,

With reference to your endorsement No. 1473 dated the
23rd of August, 1893 referring to me for report letter No. 2177 dated
17th August 1893 from Mr. A. J. Forbes, I have the honor
to state that Mr. Forbes is correct in his presumption that
his was the case of the unpassed Assistant Collector which
gave rise to the reference contained in my letter No. 1567
16th February 1893.

2. Mr. Forbes claims the increased allowance of Rs. 175
per annum granted to Passed Assistants from the 30th February
1893, the date of his joining his appointment as Deputy
Registrar of the High Court, upto the 30th June last, the
date of the letter No. 281 of the Government of India Home Dept.
quoted by him, on the ground that the Madras Government
in its Order No. 313 Political Department dated 19th July 1893
had declared that a passed Assistant acting as
Registrar of the High Court would draw the

special allowance of Rs 17/- in addition to deputation allowance"

3. I have discussed at length the history and nature of this allowance in my letter No. 456 of the 16th February quoted above and it is unnecessary therefore for me to again enter upon it. I would however observe that while the terms of the Secretary of State's Sanction conveyed in the Government of India letter No. 1184 dated 11 March 1881 seem to support the view then held by the Home Government that the allowance was one in addition to pay, they are not sufficiently definite to justify me in passing such a claim as Mr. Forbair's. Nor do I think that the words quoted by him from the Home Department letter of the 30th June 1893 "this allowance should no longer be considered a special allowance" must necessarily be construed to mean that, as he supposed, the Government of India had recognized it before that date as a special allowance to be granted to all passed Junior Civilians in addition to their salary?

4. I would therefore request that should the Government of Madras be disposed to entertain Mr. Forbes's claim, a reference be made to the Government of India before finally disposing of his application.

I have the honor to be,
Sir,
Your most obed^t Serv^t.

Offg & Accountant General

[illegible]

If Mr. Forbes' claim is a just one - let him memorialize. I would not entertain his application now. Mr. Forbes' claim if admitted, would give him \$700 a month for the time forth he claims Mr. Forbes is a personal assistant, officiating as Dr. Reynolds. and Rule 117 of the CR says "The maximum salary of an officiating officer is the pay of the appointment." Now the pay of the appointment is \$700 a month. What does the Recruitment General say to this? If he is not an officiating officer he is not entitled to the pay of the appointment, & cannot lay forward any claim as personal assistant.

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Public (1893) DEPARTMENT.

From

THE ACCOUNTANT-GENERAL,

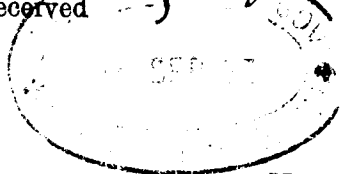
MADRAS,

To

THE *Chief Secy. Govt.*
Public Department

No. 2643

Dated 14/9/1893
Received



No.

Subject
Regarding the ~~disbursement~~
of Government with the
report that if the Government
of Madras be disposed to
entertain Mr. Forbes' claim
a reference be made to the
Government of India before
finally disposing of his

*I don't think Mr. Forbes' claim should
be entertained. The ruling in the *Emmery*
case was in my opinion wrong in any
case it is in precedent.*

*If Mr. Forbes likes he can memorialize but
he might not be satisfied with his reply. Having
raised the question of Mr. Forbes' position*

MS. 2. 1. 1.

Final G.O. No. 5658-8-93 Routine
Pub. ... 5598-19-7-93 S.C.
... 334-358-27-4-93 S.C.
Poll ... 3130-19-7-80 S.C.
Pub. ... 3030-14-2-80 S.C.
... 4700-14-8-80 S.C.

H.M. Curie

For Orders whether the G.O. of 28
Sanction should be ^{granted} ~~retained~~ to the
grant of the Rs 175. to Mr. Forbes for
the period in question. ~~When appointed~~
~~as acting appt. of Dy. Registrar~~ Other officers
have held the acting appt. of Dy. Registrar
- e.g. Mr. Cowie from May 1891 to
Jan'y 1892. and if Mr. Forbes is to be
granted the allowance as a special allowance,
there seems no reason why they should not
be similarly treated and be granted
a salary of Rs 770 made up as follows:-

Pay as Asst. G.O. — 385
Ag. Allowance
= $\frac{2}{3} \times (700 - 385)$ — 210
Special Allowance — $\frac{175}{4}$
Rs 770

or Rs 70 in excess of what they actually
draw. Mr. Forbes case appears, moreover,
to be ~~exactly~~ on the same footing as those
of Asst. & Head Asst. who have hitherto
acted as Sub. Collectors. vide para 7 of
the AG's letter on page 2 of G.O. 334/5-
27-4-93
it appears impracticable to let all
these officers draw the differences indicated

Public Department

With reference to H.E. The
Governor's note, it is submitted that
Mr. A. J. Forbes is permanent Dy.
Registrar of the High Court, to which
post he was appointed on the 3rd
February last, and that he bases his
claim on the analogous case disposed
of in G.O. of 15th March 1881
No. 1184 (G.O. of 11. April 1881 No. 470
Public) on the ground that the view
then taken of the allowance of Rs 175.
was that it was one to be granted in
addition to pay. Please see para 3

*Yes - but I cannot think it
was intended to be granted in
addition to pay - as Deputy Registrar.*

*W
10 Oct.*

*C.S.
710*

28/10/93.

of the Asst. Comr's letter, where he
alludes to this point

W. Forbes' Salary

H.E. the Governor.

The Hon'ble Mr. Garsden C.S. 9

ORDER 18th Oct 1893. N. 856.

The Govt. cannot entertain

Mr. Forbes' claim

(From Orders)

C.S.
11/10.

12/10/93

NOTE It is understood that H.E. the

Governor does not wish any reference
to be made to the C.S.

C.S.

A.T. Forbes Esq.,

Deputy Registrar of the
High Court, A.F.C. side.

21/10.

BACK PAPER, No.

OF 18

FURTHER PAPER, No.

OF 18

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

ENCLOSURE.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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