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ORDINARY, PRINTED.

Pub DEPARTMENT.
G.O., DATED 10th July 1894
No. 507

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[Despatch Abstract.]

Promotions in the Civil Service

Directing that The
System in force prior to Dec
1884 in regard to the
application of art 120
of the C.S.R. in private
leave and augmentations of
Civil servants be revised
to.

NOTES
PRINTED.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITO.

ORDER, &c., OF GOVERNMENT—A.

PAPERS KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL
(not paged).

NUMBER OF COPIES
REQUIRED.

Order complete. 250
Letter only.
Order complete with Letter.

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly column.

10TH JULY 1894, No. 504, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers :—

G.O., dated 11th December 1884, Mis. No. 2878, Financial.

ABSTRACT.—Directing the Accountant-General to apply the provisions of section 5 of the Pay and Acting Allowance Code to officers who are acting directly for an absentee on privilege leave.

G.O., dated 22nd July 1891, Mis. No. 633, Financial.

Read—endorsement by the Accountant-General, No. 1623, on Proceedings of the Board of Revenue (Land Revenue), dated 14th May 1891, Mii. No. 3364.

3. The system, the adoption of which is suggested in the last paragraph of . . . letter, was followed in this Presidency up to December 1884, but on the suggestion of Mr. Clogstoun, then Accountant-General, Government, in its order, dated 14th December 1884, Mis. No. 2878, Financial, directed its discontinuance in favour of that now followed. I find myself unable to agree with Mr. Clogstoun as to the inconvenience which in paragraph 4 of his No. 3573, dated 20th November, he ascribes to that system, and the repeated objections raised by officers who decline to see the justice of that which succeeded it show how little has been gained by the change in one of the directions indicated by him. Under the system now in force, the man affected by article 120 is often as in the present case a senior officer who has for years acted continuously in a similar appointment, and for whom, it may safely be inferred, another similar appointment would have been provided had the privilege leave not been granted.

At first sight it may appear that a case like Mr. Joseph's could be satisfactorily dealt with under article 120 (i) which provides that the acting officer's emoluments shall not be less than he would have drawn had "such appointment not been made." But obviously in such a case this proviso could take effect only on a declaration being made by the local Government that if the officer had not been provided for in the privilege leave arrangement he would have been provided with an acting appointment of equal value in some other arrangement, and the result would be that in this Presidency article 120 would practically become a dead letter; for the junior officers who really benefit by a privilege leave vacancy are now unaffected by the article unless they happen to appear in the "arrangement" while all senior officers who appeared in the "arrangement" would then be protected by article 120 (i).

In other Presidencies officers draw their salary not as substantive or acting Collector of this district or Sub-Collector or Head Assistant of that, but as Collectors and Joint Magistrates, or Deputy and Assistant Commissioners of the 1st, 2nd or 3rd grades, and when a senior officer takes privilege leave, the junior acting officer in each grade below him is the officer who is considered to, and really *does*, act in consequence of the privilege leave, and not the officers who locally fill the series of vacancies caused. But although rank in this Presidency is local and not graded, it is

still the junior officer in each rank who, roughly speaking, benefits by the absence of a senior officer on privilege leave, and who should, therefore, in equity suffer from the drawbacks of that position, and I venture to suggest that, for the purpose of article 120, the rank held by an officer may be treated as his grade and the junior officer in each rank be considered as the officer affected.

FORT ST. GEORGE,
6th June 1891.

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

To the Chief Secretary to Government, Public Department.

Order—dated 22nd July 1891, Mis. No. 633, Financial.

The Government considers that as the local Civil Service is not a graded service, a return to the system which was terminated by G.O., No. 2878, dated 11th December 1884, is not advisable.

(True Extract.)

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

To the Board of Revenue.
,, Accountant-General.

G.O., dated 4th May 1894, No. 1060, Judicial.

ABSTRACT.—Approving of the system of gazettement grade promotions in the Police Department suggested by the Accountant-General, and requesting the Inspector-General of Police to submit all draft minutes of appointment involving grade promotions through the Accountant-General.

From T. W. RAWLINS, Esq., Accountant-General to the Government of Madras, to the Chief Secretary to Government, dated Fort St. George, 7th May 1894, No. 1285.

It not unfrequently happens that an Assistant Collector, who is Acting Sub-Collector, having been promoted from an Acting Head Assistantship, or a Head Assistant Collector who has acted as Sub-Collector and is Acting Collector, is involved in some one else's privilege leave arrangement.

2. Under article 120 of the Civil Service Regulations, 2nd Edition, he will then lose acting allowance for the first 30 days of his acting appointment, but the amount of his loss will depend upon the relative lien on the appointment in the intermediate grade which he and the actual incumbent have. Thus A, Assistant Collector of Z and Acting Head Assistant Collector of Y, of which B is the permanent incumbent, is appointed to act as Sub-Collector of X, and C is appointed to act as Head Assistant Collector of Y. As Acting Head Assistant Collector A would draw Rs. 760 and an Acting Sub-Collector Rs. 964-7-1. He falls presently into a privilege arrangement, and, according to the practice of my office, receives for the first 30 days of the period Rs. 760 if C has been appointed to act at Y for him, but if C has been gazetted to act for B, A's allowances are reduced to Rs. 583-5-4 (the minimum salary under article 120, Civil Service Regulations, of an Acting Sub-Collector, and only Rs. 23-5-4 more than the pay of his substantive appointment), even though all the officers who are acting as Head Assistant Collector are junior to him.

3. Several complaints have been made of the inequity of such a practice and it seems to me to be a hardship never contemplated by Government.

4. I imagine that when an officer is appointed to act in an office, the previous acting incumbent of which has been promoted to act in a higher appointment, it is intended that the lien of the actual holder should be subordinate to that of the officer promoted. If so, I have the honour to suggest that the former should be gazetted to act for the latter, and not for the permanent incumbent, in which case the seeming injustice to which I have referred would not occur.

ORDER—dated 10th July 1894, No. 504, Public.

On reconsideration of the decision in G.O., dated 22nd July 1891, No. 633, Financial, His Excellency the Governor in Council directs that the system which was in force prior to December 1884 and which is advocated in the Accountant-General's letter of the 6th June 1891, No. 1623, shall be reverted to with effect from the 1st July 1894. Under this system the junior officer in each grade will be affected by article 120 of the Civil Service Regulations and the inequalities of treatment alluded to in the Accountant-General's letter of the 7th May 1894, No. 1285, will not arise.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Accountant-General.
,, the Revenue Department.
,, the Board of Revenue.
,, all District Judges.

Gobt. of {1894} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 10th July 1894, No. 504.

JULY.

Promotions in the Civil Service.

Directing that the system in force prior to December 1884 in regard to the application of article 120 of the Civil Service Regulations in privilege leave arrangements of Civil Servants be reverted to.



PUBLIC DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 504, PUBLIC, DATED
10TH JULY 1894.

[SUBJECT.—Promotions in the Civil Service.]

I

FINANCIAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 633, FINANCIAL, DATED 22ND JULY 1891.

From the Accountant-General, No. 1623, dated 6th June 1891 [page 1 of the
collection G.O.].

For the Chief Secretary—

Submitted that the course proposed by the Accountant-General in the last paragraph of his endorsement is the fairest method of interpreting section 120 of the Civil Service Regulations.

It is not quite clear, however, how article 121 (1) would be worked if the Accountant-General's proposal were adopted. Taking for example *A* and *B* Collectors, *A* returns from privilege leave* on the 1st June, on which day *B* takes privilege leave. *C*, *D* and *E* are the junior Acting Collector, Acting Sub-Collector and Acting Head Assistant, respectively, brought into *A*'s arrangement. Under article 121 (1) *C*, *D* and *E* would draw full acting allowance one month after *A*'s departure on leave, but under the Accountant-General's scheme they would apparently come into *B*'s arrangement and be again out.

C. M. SCHMIDT.
25-6-91.

This point might be cleared up. It is a pity that the rule itself which, introduced for the sake of saving a paltry amount annually, is a vexation to every branch of the service cannot be done away with. It was commonly reported to have been introduced at the instance of Mr. John Bright, and perhaps another strong representation to the Government of India might now induce them to move against it.

A. T. PRINGLE.
29-6-91.

H. M. and circ.—

J. F. PRICE.
29-6-91.

I think that the system in force since 1884 should be adhered to. It was a restoration of the old plan which the Accountant-General had unauthorizedly suspended and the restoration was part of the resistance which for good grounds the Government was then making to the proposals for personal grading of the service which the Government of India was trying to force upon us. The system of cutting the junior officers in each rank is all right enough in a graded service, but ours is not such a service, but one in which salaries are assigned to local posts. In such a service it is proper to follow the "arrangement" and officers in it must take their chances. This will not work injustice taking one case with another. Here for instance Mr. Joseph is not so senior as to make his grievance of much account. His appointment as Acting Judge, Cuddapah, was, I believe, his first acting appointment in that rank, and there was not at the time any officer junior to him acting in it.

In the case put in the note, I think that *C*, *D* and *E* so long as they continued to act in the same appointments would be protected under article 121 (1) either under the Accountant-General's proposal or the system in force.

It is no use addressing India in the matter. The Secretary of State will stick to the rules, unjust as they are.

H. E. S^[TOKES].
30-6-91.

I agree with the view taken in the note. The rule (120—122, Civil Service Regulations) is an iniquitous one and should be abolished. The saving caused by it is very trifling, and I dare say that a vigorous protest against it would ensure its abolition. I think this protest should be made. I believe the rule had its origin in Mr. Mounsey's going home on three months' privilege leave and in conversation with Mr. Bright (who was a Quaker like himself) informed that gentleman that he was drawing full pay while on leave. Meanwhile, I agree that the Accountant-General's plan is far more equitable than that now in vogue and should be tried. The question as to the working of article 121 (1) in the hypothetical case put in the note might be asked, if it presents any real difficulty. But it seems to me that such would only arise in cases where *A* and *B* each took only one month's leave, in which case the three juniors of each grade would get no acting allowance for two months. That could not be helped. If any one is to suffer, let it be the junior.

J. H. G^[ARSTIN].
1-7-91.

I think if we stir this matter up, it may turn out worse for those holding acting appointments than at present, as it may lead to their losing two or perhaps all the three months' acting allowance. As spread all over India even now this economy must amount to a considerable sum. So I certainly would not go to India. As the Madras service is not a graded service, it would be inadvisable to introduce rules which only apply to a graded service.

W^[ENLOCK].
8-7-91.

For the Chief Secretary—

[Draft is submitted.]

With reference to the marginal note marked *A* in the preceding page of these notes, it is respectfully submitted that the effect on *C*, *D* and *E* in the case put in the note would be the same whatever the length of *A*'s leave were, as they would, if cut in acting allowances on *B*'s departure on leave, be deprived of acting allowance for more than thirty days when officiating continuously in the same appointments. Article 121 (1) of the Civil Service Regulations rules that this shall not be done "under any circumstances".

C. M. SCHMIDT.
10-7-91.

J. F. PRICE.
10-7-01.

II

NOTES CONNECTED WITH G.O., No. 504, PUBLIC, DATED 10TH JULY 1894.

From the Accountant-General, No. 1285, dated 7th May 1894 [pages 2 and 3 of the collection G.O.].

Demi-official to T. W. RAWLINS, Esq., I.C.S., Accountant-General, Madras, dated 30th May 1894.

Your letter of the 7th instant, No. 1285. The system advocated in paragraph 4 appears to be that when an Assistant acting as Head Assistant is appointed to act as Sub-Collector, his lien on the Acting Head Assistantship should not be destroyed by the notification appointing his successor in the Acting Head Assistantship. Similarly when a Head Assistant acting as Sub-Collector is appointed to act as Collector or Judge, his lien on the Acting Sub-Collectorate should be retained. Practically this would amount to every Assistant acting as Sub-Collector being shown with three appointments in the Civil List, viz., Permanent Assistant, Acting Head Assistant and Acting Sub-Collector. Every Head Assistant acting as Collector would similarly have three appointments—Head Assistant, Acting Sub-Collector and Acting Collector or Judge. This would multiply the entries in our Civil List, but if officers are not to lose in a few cases, this multiplication appears to be unavoidable. Perhaps you can suggest some way out of the difficulty.

How would the adoption of the plan suggested in your No. 1623 of the 16th June 1891 and negatived in G.O., No. 633, Financial, dated 22nd July 1891, affect the arrangement suggested in your present letter?

Demi-official from T. W. RAWLINS, Esq., I.C.S., Accountant-General, dated 19th June 1894.

Your demi-official of the 30th ultimo.

The adoption of the plan suggested in my 1623, dated 16th June 1891, and negatived by Government would effectually meet the case.

I am sorry that my reply should have been so long delayed.

For the Chief Secretary—

It is not known to what particular cases the Accountant-General alludes, but there is no doubt that the principle in paragraph 4 of his letter is theoretically correct. It has, however, hitherto been the practice not to retain an officer's lien on an acting appointment if he is promoted to act in a higher appointment than his last acting appointment and if the higher acting appointment is in a furlough arrangement. Thus taking—

K=Collector of *Z* (on furlough).

A=Permanent Collector of *X*.

B=Permanent Sub-Collector of *Y* acting as Collector of *Z*.

C=Permanent Head Assistant of *W* acting as Sub-Collector of *Y*.

D=Permanent Assistant of *W* acting as Head Assistant of *W*.

E=Assistant of *V*.

A goes on furlough. *C* is appointed to act as Collector of *X* during the absence of *A* on furlough or until further orders. *D* is appointed to act as Sub-Collector of *Y* during the employment of *B* on other duty or until further orders, thus destroying *C*'s lien on the Sub-Collectorate of *Y*. *E* is appointed to act as Head Assistant of *W* during the employment of *C* on other duty or until further orders, thus destroying *D*'s lien on the Head Assistantship of *W*. The arrangement being a furlough one, all these officers would draw full acting allowances. But supposing the permanent Collector of *Z*, on return from furlough, is promoted to act as Member of the Board of Revenue vice a Member on privilege leave; *D* being in this privilege leave arrangement will, under article 120 of the Civil Service Regulations, be restricted to Rupees 533-5-4 for the first 30 days of such acting appointment, whilst *E*, his junior, would

be drawing Rs. 760. The instances in which some of these officers might be cut in salary could be multiplied, but the above may be taken as a typical example. In order to prevent officers suffering loss it will be necessary in future to retain these acting liens and, as stated in the demi-official of the 30th ultimo to the Accountant-General, every Assistant acting as Sub-Collector must be shown with three appointments in the Civil List, viz., (i) Permanent Assistant, (ii) Acting Head Assistant and (iii) Acting Sub-Collector. Similarly every Head Assistant acting as Collector will have three appointments, (i) Permanent Head Assistant of one district, (ii) Acting Sub-Collector of another, and (iii) Acting Collector of a third. This will multiply the Civil List entries and corrections—that is, however, a minor point. But even such a system will not abolish the hardship of a junior officer sometimes drawing more than his senior. Take the case of 107. Mr. L. E. Buckley, who is now Assistant, Trichinopoly, Acting Head Assistant, Trichinopoly, Acting Sub-Collector, Kistna. The permanent Sub-Collector of Kistna is 70. Mr. E. C. Rawson, who is acting as District Judge, Kistna, *vice* Mr. G. T. Mackenzie on furlough. Supposing Mr. Mackenzie on return from leave were appointed to act as Judge of (say) Kurnool *vice* Mr. Thorburn granted privilege leave. Mr. Mackenzie, Mr. Rawson, Mr. Buckley and Mr. Slocock (No. 132—Acting Head Assistant, Trichinopoly) would be in this arrangement. Mr. Mackenzie would fall back upon his pay as District Judge, Kistna, for the first month, Mr. Rawson on that of Sub-Collector, Kistna (Rs. 1,166), Mr. Buckley on that of Acting Head Assistant, Trichinopoly (Rs. 760) and Mr. Slocock on that of Assistant, Trichinopoly (Rs. 560). Messrs. Rawson, Buckley and Slocock would each for this month draw less than many of their juniors. There is, moreover, nothing to prevent officers higher up in the list of acting Collector, acting Sub-Collector and acting Head Assistant than Messrs. Rawson, Buckley and Slocock being similarly placed on reduced salary for a month. The fairest plan to all concerned would, it is submitted, be to revert to the system advocated in paragraph 3 of the Accountant-General's No. 1623, dated 6th June 1891, and which was in vogue prior to December 1884. This system is described in paragraphs 1 and 2 of the Accountant-General's letter No. 2513, dated 9th August 1884, in G.O., No. 2878, dated 11th December 1884. Under it, the junior officers in each grade, *i.e.*, junior by standing in the service, are the ones who would suffer by article 120. The system was advocated by Mr. Rawlins in 1891, but rejected by Government (G.O., No. 633, dated 22nd July 1891) on the ground that the local Civil Service is not graded. Mr. Rawlins considers that the difficulties brought forward in the present papers would be met by the adoption of such a system. It has been applied to the Police department (G.O., No. 1060, Judicial, dated 4th May 1894). Under these circumstances the point is resubmitted for consideration. The local Civil Service is not actually graded, but for purposes of promotion it is treated like a graded service and the plan of working article 120, which was in vogue prior to December 1884, protected senior officers. At present it is quite a matter of chance as to which officer is to be mulcted under article 120. It seems fairer that the juniors in each grade should be the losers.

C. M. SCHMIDT.
22-6-94.

H.M. and circ.—

I agree with the note that the old system should be reverted to. The service is not graded, it is true (and more's the pity, I think), but for this particular purpose it is convenient and equitable to treat it as if it were graded. I should, therefore, do so.

H. W. B[LISS].
26-6-94.

I think the system in vogue prior to December 1881 must be reverted to.

J. G[ROSE].
28-6-94.

Very well, we can try it. Must we go to India?

W[ENLOCK].
29-6-94.

For the Chief Secretary—

[Draft is submitted].

With reference to His Excellency's query, the sanction of the Government of India is not required. The present system was inaugurated by this Government without reference to India and the former one by the Accountant-General. The Accountant-General's office, which has been referred to unofficially, agrees in this view.

C. M. SCHMIDT.

H. M.—

H.E. the Governor—

J. F. PRICE.
6-7-94.

H. W. B[LISS].
7-7-94.

Very well.

W[ENLOCK].
9-7-94.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers :—

From T. W. RAWLINS, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 6th March 1894, No. 665.

It is the practice of the Madras Government to gazette officers of the Police Department to act in a higher class in consequence of the absence of a named senior officer on leave, and when that senior returns to duty the acting officer, if not the junior officer, officiating in his acting class is transferred by Gazette notification to act in the arrangement of some other absentee. It not unfrequently happens that the absentee into whose arrangement the acting officer is shifted is on privilege leave, and in accordance with the provisions of Article 120 of the Civil Service Regulations, this office deprives the acting officer and all those below him in the arrangement of acting allowance for the first 30 days of his new acting appointment, and this even though he is not the junior acting officer of his class. A junior Police officer has complained of the operation of this rule, which has caused him several times recently to be deprived of acting allowance, while his more fortunate juniors acting in the same grade as himself have continued to draw it.

In my endorsement, No. 1623, dated 6th June 1891, I pointed out the inequalities to which this course gave rise in the case of Covenanted Civilians, but the Government, in its order, No. 633, dated 22nd July 1891, declined to revert to the old practice of regarding the junior officer of the class as the one who should be deprived of acting allowances, on the ground that the Madras Civil Service is not a graded service. This objection, I venture to submit, does not apply to the Police Department which is a graded service, and I would suggest that, to avoid the hardships complained of, the Government might adopt the procedure in force in other Presidencies. There when a senior officer takes privilege leave, the junior acting officer in each grade below him is the officer who is considered to, and who really does, act in consequence of the privilege leave. It is the junior officer in each grade who benefits by the absence of a senior on privilege leave, and who should therefore suffer from the drawbacks of that position.

I venture to refer the Government to the manner in which acting promotions in the Finance Department are gazetted in the *Gazette of India*. The reason of the vacancy is never given, and an officer continues to act in a higher class so long as there is a vacancy even though the original absentee may have returned to duty. No reference is made to privilege leave, as it is the practice to abstain from making any appointment to a higher class in such cases until after the lapse of 30 days.

From Colonel C. A. PORTEOUS, Inspector-General of Police, to the Chief Secretary to Government, dated Madras, 16th April 1894, No. 2039.

In returning the accompanying letter from the Accountant-General, Madras, received with your endorsement, No. 547, dated 17th March 1894, I have the honour to state that, as far as I am aware, it has been the practice to place the junior acting officers in privilege leave vacancies by Gazette notification.

2. The case to which reference is made by the Accountant-General of a Police officer having been several times deprived of acting allowances, while his juniors in the same grade as himself drew it, was not brought to my notice.

3. I beg to recommend that the course suggested by the Accountant-General may be sanctioned. It would be a great convenience indeed not to have to notify in the Gazette transfers of acting officers in each grade from under one vacancy to another.

ORDER—dated 4th May 1894, No. 1060, Judicial.

The system of gazetting grade promotions in the Police Department suggested by the Accountant-General will be adopted in future.

2. The Inspector-General will be requested to submit, until further orders, all draft minutes of appointment involving grade promotions through the Accountant-General for scrutiny, in view to the system being correctly worked.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Inspector-General of Police.
„ Accountant-General.

6 clark
Govt. of {1894} Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 4th May 1894, No. 1060.

MAY.

Alert
Grade Promotions in the Police Department.

Approving of the system of gazettement suggested by the Accountant-General, and requesting the Inspector-General of Police to submit all draft minutes of appointment involving grade promotions through the Accountant-General.

Read - also the following
Gazetted Audit DEPARTMENT.

1423
FORT ST. GEORGE,

Accountant-General's Office,

7 May 1894.

No. 1285

From

J. W. Rawlinson Esq.,

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Chief Secretary to Government,

Public Department,

SIR,

It not infrequently happens that an Assistant Collector who is acting sub collector, having been promoted from an acting Head Assistantship, or a Head Assistant Collector who has acted as sub Collector and is an acting Collector, is involved in some one-class privilege leave arrangement.

2. Under Article 129 of the Civil Service Regulations, 2nd Edition he will then lose acting allowance for the first 30 days of his acting appointment, but the amount of his loss, ^{will} depend upon the relative

lien on the appointment in the intermediate grade which he and the actual incumbent have. Thus A, Assistant Collector of Z, and acting Head Assistant Collector of Y, of which B is the permanent incumbent is appointed to act as sub Collector of X and C is appointed to act as Head Assistant Collector of Y. As acting Head Assistant Collector, A would draw Rs 760, and one acting sub Collector Rs 640-7-4. He falls presently into a privileged arrangement and according to the practice of my office, receives for the first 30 days of the period Rs 760/1, if C has been appointed to act at Y for him, but if C has been gazetted to act for B, his allowances are reduced to Rs 583-5-4 (the minimum salary under Article 120, Civil Service Regulations of an acting sub collector, and only Rs 23-5-4 more than the pay of his substantive appointment), even though

all the officers who are acting as Head Assistant Collector are junior to him.

3. Several complaints have been made of the inequity of such a practice and it seems to me to be a hardship never contemplated by Government.

4. I imagine that when an officer is appointed to act in an office, the previous acting incumbent of which has been promoted to act in a higher appointment, it is intended that the lien of the actual holder should be subordinate to that of the officer promoted. If so, I have the honor to suggest that the former should be gazetted to act for the latter, and not for the permanent incumbent, in which case the seeming injustice to which I have referred would not occur.

I have the honor to be,
your most obedient servant

J. C. S. S.
Accountant General

Public (189) DEPARTMENT.

From
THE ACCOUNTANT-GENERAL,

MADRAS,

To
THE Chief Secy to Govt
Public Works

No.

Dated } May 24
Received }
Regd 195.

No. 83
9 MAY 94
PUBLIC WORKS

Subject

Suggesting that if in a case
in which an officer is
appointed to act for an acting
officer who has been
promoted to act in a
higher appointment than
the former ^{subject's} appointment
to act for the latter under
of for the permanent member
the seeming injustice in
such cases would not be

R
P. M. K. 11/11/94
7/1891
acting abt. CS.
1675
Public Works
prev. no. 15

3 P Cotacamund

30 May 1894

My dear Sir,

Your letter of the 7th
inst. No. 1285. The system
advocated in para 4 appears to be
that when an Assistant acting as
Head Assistant is appointed to
act as Sub. Collector his lien on
the acting Head Assistantship
should not be destroyed by
the notification appointing his
successor in the acting Head
Assistantship similarly when
a Head Assistant acting as
Sub Collector is appointed to act
as Collector or Judge his lien on
the ag. Sub Collectorate should
be retained. Practically this would
amount to every Assistant acting
as Sub. Collector being shown with
three appointments in the Civil list
viz. Permanent Assistant of Head
Assistant, and Ag Sub Collector. Every
Head Assistant acting as Collector
would similarly have three appoint-
ments. Head Assistant, Ag Sub Collector
and Ag Collector or Judge. This would
multiply the entries in our Civil
list, but if officers are not

to lose in a few cases the
multiplication appears to be
unavoidable. Perhaps you can
suggest some way out of the
difficulty.

How would the adoption
of the plan suggested in your
No: 1623 of the 16th June 1891
and negatived in G.O. dated 22nd
July 1891 No: 633 Financial affect
the arrangement suggested in your
present letter?

Yours sincerely
(Sd) T. J. Price.

To
J. M. Lambie Esq^r & Co

7
SECRETARY
ACCOUNTANT GENERAL'S OFFICE.
FORT ST. GEORGE.
the 22nd of June 1891.
D.O. No. 385

My dear Sir -

Your D.O. of the 30th
ult.

The adoption of the
plan suggested in my
1623 of 16th June 91. &
negatived by Govt. would
effectually break the
Rule.

I am sorry that my
reply should have
been so long delayed

to lose in a few cases this

9
5/2

Your friend,
Franklin

[G]
0

5,000-147-98.

Current No. 385

DEPARTMENT.

From

J.W. Rawkins Esq.

No.

Dated 19th }
Received 20th } June 94
Reg'd 21st }
Enclosures

SUBJECT.

Acknowledging receipt
of D.O. of the 30th May 1894

DD dep no 214030-5-94
Fid go. 633022-7-91 hrs
2878711-12-84

I agree with the note
that the old system
shd. be reverted to. The
service is unimpaired, it is
true, but ~~the~~ (and more's
the pity, I think) but for this
particular purpose it is con-
venient & equitable to treat
it as if it were graded.
Shd. therefore do so

I think the of change is so great
prior to one by which the
reverted to

Very well - we can wait. Must we go to
India?
29 June

Public Department

C. No. 1425 & D.O. 385

For Orders.

It is not known to what par-
ticular cases the Adj. alludes, but
there is no doubt that the principle in
para 4 of his letter is theoretically
correct. It has, however, hitherto been
the practice not to retain an officer's
lien on an acting appnt. if ^{he is} promoted to
act in a higher appnt. than his last
acting appnt. if the higher acting appnt.
is in a furlough arrangement. Thus

taking K = Collector of Z (on furlough)
A = Permanent Col. of X
B = Permanent S.C. of Y acting as Col.
of Z.
C = Permanent Hd Asst of W acting
as Sub. Col. of Y.
D = Permanent Asst of W acting as
Hd. Asst of W.
E = Assistant of V

A goes on furlough. C is appointed
to act as Col. of X during the absence
of A on furlough or until further orders, D
is appnt. to act as Sub. Col. of Y during
the employment of B on other duty or
until further orders, thus destroying C's
lien on the Sub. Collectorate of Y. E is
appointed to act as Hd. Asst. of W during
the

the employment of C on other duty
or until further orders thus destroying
D's lien on the Head Assistantship
of W. The arrangement being a
furlough one all these officers
~~would~~ draw full acting allowances
But supposing ^{the permanent Col. of Z,} on return from
furlough is promoted to act as
Member of the Board of Revenue
vice a Member on privilege leave,
D being in this privilege leave
arrangement will, under § 120 of
the C.B.R., be restricted to Rs 583.5
for the first thirty days of
such acting appt whilst E, his
junior, would be drawing Rs 760.
The instances in which some of
these officers might be cut in
salary could be multiplied but
the above may be taken as a
typical example. To prevent
officers suffering loss it will
be necessary in future to retain
those acting lions & as stated
in the Bd. of the 30th ultimo to
the Act Genl., every Assistant
acting as Sub. Col. must be
shown with three appts in
the Civil list viz (i) Permanent
Asst of one district (ii) Ag. Hd. Assistant

Assistant acting as Col. will have
three appts - (i) permanent. Hd. Asst of one
district (ii) Ag. Sub. (W. of another
(iii) Ag. Collector of a third. This
will multiply the Civil list entries
& corrections - ~~but~~ that is ^{however} a minor
point. But even such a system
will not abolish the hardship of
a junior officer sometimes drawing
more than his senior. Take the
case of 107 Mr. L. E. Buckley who is
now Asst Trichy, Ag. Hd. Asst. Trichy,
Ag. Sub. Col. Vistna. The permanent
Sub. Col. of Vistna is ⁷⁰ ~~70~~ Mr. ^{E. C.} ~~W. C.~~
~~Mackenzie~~ Ransom who is acting
as Dist Judge Vistna vice Mr.
E. T. Mackenzie on furlough. Supposing
Mr. Mackenzie on return from leave
were appointed to act as Judge of
(say) Kurnool vice Mr. Thorburn
granted privilege leave. Mr.
Mackenzie, Mr. Ransom, Mr. Buckley
& Mr. Slocock (N^o 132) ^{As Hd. Asst} ~~would be~~
Trichinopoly, would be in this
arrangement. Mr. Mackenzie would
fall back upon his pay as D. J.
Vistna for the 1st month, Mr.
Ransom on that of Sub. Col.

(1166)
 Krishna & W. Buckley on that of
 Ag. H. Asst. Puchinoff (760)
 Slocock on that of Asst. Puchinoff
 (560). Furthermore Messrs
 Rawson, Buckley & Slocock would
 each for this month draw less
 than many of their juniors. —
 The fairest plan to all concerned
 would, it is submitted, be to
 revert to the system ~~arranged~~
 advocated in para 3 of the Asst.
 Genl's No. 1623, of 6. June 1891
 [Encl. No. 22.7.91. No. 633] ^{Final} +
 which was in vogue prior to
 December 1884. This system
 is described in paras 1 & 2 of
 the Asst. letter of 9. August 1884
 No. 2513 [marked with a clip in
 G.O. of 11. 12.84 No. 2876]. Under
 it, ~~the~~ the junior officers in
 each grade - i.e. junior by standing
 in the service - ^{are the ones} who would
 suffer by article 120. The system
 was advocated by Mr. Rawson
 in 1891 but rejected by Gnt [G.O.
 633
 22.7.91] on the ground that the
 local Civil Service is not graded.
 Mr. Rawson considers [Encl. No. 385]
 that

There is, moreover, nothing to prevent
 officers higher up in the list of Ag. Collector
 Ag. Sub. Coll. & Ag. H. Asst. than
 Messrs Rawson Buckley & Slocock being
 similarly placed on reduced salary for
 a month.

14
 88

92

the difficulties ~~may~~
 the present papers would be met
 by ~~arranging~~ the adoption of
 such a system. It has been
 applied to the Police department
 [G.O. 1060
 4.5.94 J.S.]. Under these
 circumstances the point is resubmitted
 for consideration. The local Civil Service
 is not actually graded but for
 purposes of promotion it is treated
 like a graded service & the plan
 of working article 120. which was
 in vogue prior to Decr 1884 protected
 senior officers. At present it is quite
 a matter of chance ^{as to which} ~~whether~~
 officer is ^{to be} ~~selected~~ under § 120. ~~and~~
~~the junior officers in each grade should~~
 be the losers.
 It seems fairer
 that the juniors in each grade should

C.S.
 22.7.91

2575/84

Promotions in the Civil Service

He + Lwo

For Orders

7-7-94
504

Public DEPARTMENT.

[5]

Papers to be read in Proceedings:—

Again G.O., dated 11th. December 18 84, No. 2878 Financial

Again G.O., dated 22nd. July 18 91, No. 656

Current No. 4th May 1894, No. 1060 from

1657-Par.
3: A 10.1.8

Printed

Current No. 1425 of 18 94, dated

from

D.O. 385

Order 10th July 1894, No. 504.

On reconsideration Of the decision in G.O. d/ 22nd. July 1891, No. 656 Financial, His Excellency the Governor in Council directs that the system which was in force prior to December 1884 and which is advocated in the Accountant General's letter of the 6th. June 1891 shall No. 1636 be reverted to with effect from the 1st. July 1894. Under this system the junior officer in each grade will be affected by Article 120 of the C.S.R. and the inequalities of treatment alluded to in the Accountant General's letter of the 7th. May 1891 No. 1285 will not arise.

11/7/94

W
9 July

D

For ~~the~~ H.E. the Governor

Note

With reference to His Excellency's query, the sanction of the Government of India is not required. The present system was inaugurated by this Govt. without reference to India & the former one by the Accountant Genl. The Accountant General's office, which has been referred to unofficially, agrees in this view.

CS

6.7.94

To

The Accountant General
Revenue Department
Board of Revenue
All District Judges

CS
5/11

12th Oct 1901

14/9 1904
25/7/94

26/6

Article 120 of the C.S. R

Hm +

H.R. the Governor

R.S.

Public Sp
No. 504

7/10/7/84

Desp 297/84.

District and Session
Judge of

North Arcot, Chittoor.	6
South Arcot, Cuddalore.	6
Bellary.	8
South Canara, Mangalore.	10
Chingleput.	6
Coimbatore.	9
Cuddapah.	6
Ganjam, Berhampore.	6
Godavari, Rajahmundry.	10
Kistna, Masulipatam.	6
Kurnool.	6
Madura.	11
North Malabar, Tellicherry.	8
South Malabar, Calicut.	6
Nellore.	6
Nilgiris, Ootacamund.	6
Salem.	6
Tanjore.	6
Tinnevely, Palamecottah.	8
Trichinopoly.	6
Vizagapatam.	7

Seen by S.A. after exam
10/7

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers :—

G.O., dated 11th December 1884, Mis. No. 2878, Financial.

ABSTRACT.—Directing the Accountant-General to apply the provisions of section 5 of the Pay and Acting Allowance Code to officers who are acting directly for an absentee on privilege leave.

G.O., dated 22nd July 1891, Mis. No. 633, Financial.

Read—endorsement by the Accountant-General, No. 1623, on Proceedings of the Board of Revenue (Land Revenue), dated 14th May 1891, Mii. No. 3364.

3. The system, the adoption of which is suggested in the last paragraph of . . . letter, was followed in this Presidency up to December 1884, but on the suggestion of Mr. Clogstoun, then Accountant-General, Government, in its order, dated 14th December 1884, Mis. No. 2878, Financial, directed its discontinuance in favour of that now followed. I find myself unable to agree with Mr. Clogstoun as to the inconvenience which in paragraph 4 of his No. 3573, dated 20th November, he ascribes to that system, and the repeated objections raised by officers who decline to see the justice of that which succeeded it show how little has been gained by the change in one of the directions indicated by him. Under the system now in force, the man affected by article 120 is often as in the present case a senior officer who has for years acted continuously in a similar appointment, and for whom, it may safely be inferred, another similar appointment would have been provided had the privilege leave not been granted.

At first sight it may appear that a case like Mr. Joseph's could be satisfactorily dealt with under article 120 (i) which provides that the acting officer's emoluments shall not be less than he would have drawn had "such appointment not been made." But obviously in such a case this proviso could take effect only on a declaration being made by the local Government, that if the officer had not been provided for in the privilege leave arrangement he would have been provided with an acting appointment of equal value in some other arrangement, and the result would be that in this Presidency article 120 would practically become a dead letter; for the junior officers who really benefit by a privilege leave vacancy are now unaffected by the article unless they happen to appear in the "arrangement" while all senior officers who appeared in the "arrangement" would then be protected by article 120 (i).

In other Presidencies officers draw their salary not as substantive or acting Collector of this district or Sub-Collector or Head Assistant of that, but as Collectors and Joint Magistrates, or Deputy and Assistant Commissioners of the 1st, 2nd or 3rd grades, and when a senior officer takes privilege leave, the junior acting officer in each grade below him is the officer who is considered to, and really *does*, act in consequence of the privilege leave, and not the officers who locally fill the series of vacancies caused. But although rank in this Presidency is local and not graded, it is

still the junior officer in each rank who, roughly speaking, benefits by the absence of a senior officer on privilege leave, and who should, therefore, in equity suffer from the drawbacks of that position, and I venture to suggest that, for the purpose of article 120, the rank held by an officer may be treated as his grade and the junior officer in each rank be considered as the officer affected.

FORT ST. GEORGE,
6th June 1891.

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

To the Chief Secretary to Government, Public Department.

Order—dated 22nd July 1891, Mis. No. 633, Financial.

The Government considers that as the local Civil Service is not a graded service, a return to the system which was terminated by G.O., No. 2878, dated 11th December 1884, is not advisable.

(True Extract.)

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

To the Board of Revenue.
„ Accountant-General.

G.O., dated 4th May 1894, No. 1060, Judicial.

ABSTRACT.—Approving of the system of gazetting grade promotions in the Police Department suggested by the Accountant-General, and requesting the Inspector-General of Police to submit all draft minutes of appointment involving grade promotions through the Accountant-General.

From T. W. RAWLINS, Esq., Accountant-General to the Government of Madras, to the Chief Secretary to Government, dated Fort St. George, 7th May 1894, No. 1285.

It not unfrequently happens that an Assistant Collector, who is Acting Sub-Collector, having been promoted from an Acting Head Assistantship, or a Head Assistant Collector who has acted as Sub-Collector and is Acting Collector, is involved in some one else's privilege leave arrangement.

2. Under article 120 of the Civil Service Regulations, 2nd Edition, he will then lose acting allowance for the first 30 days of his acting appointment, but the amount of his loss will depend upon the relative lien on the appointment in the intermediate grade which he and the actual incumbent have. Thus A, Assistant Collector of Z and Acting Head Assistant Collector of Y, of which B is the permanent incumbent, is appointed to act as Sub-Collector of X, and C is appointed to act as Head Assistant Collector of Y. As Acting Head Assistant Collector A would draw Rs. 760 and an Acting Sub-Collector Rs. 964-7-1. He falls presently into a privilege arrangement, and, according to the practice of my office, receives for the first 30 days of the period Rs. 760 if C has been appointed to act at Y for him, but if C has been gazetted to act for B, A's allowances are reduced to Rs. 583-5-4 (the minimum salary under article 120, Civil Service Regulations, of an Acting Sub-Collector, and only Rs. 23-5-4 more than the pay of his substantive appointment), even though all the officers who are acting as Head Assistant Collector are junior to him.

3. Several complaints have been made of the inequity of such a practice and it seems to me to be a hardship never contemplated by Government.

4. I imagine that when an officer is appointed to act in an office, the previous acting incumbent of which has been promoted to act in a higher appointment, it is intended that the lien of the actual holder should be subordinate to that of the officer promoted. If so, I have the honour to suggest that the former should be gazetted to act for the latter, and not for the permanent incumbent, in which case the seeming injustice to which I have referred would not occur.

ORDER—dated 10th July 1894, No. 504, Public.

On reconsideration of the decision in G.O., dated 22nd July 1891, No. 633, Financial, His Excellency the Governor in Council directs that the system which was in force prior to December 1884 and which is advocated in the Accountant-General's letter of the 6th June 1891, No. 1623, shall be reverted to with effect from the 1st July 1894. Under this system the junior officer in each grade will be affected by article 120 of the Civil Service Regulations and the inequalities of treatment alluded to in the Accountant-General's letter of the 7th May 1894, No. 1285, will not arise.

(True Extract.)

Chief Secretary.

To the Accountant-General.
„ the Revenue Department.
„ the Board of Revenue.
„ all District Judges.

End. J. Moses.

Gobt. of {1894} Madras.

PUBLIC.

Recd.

Recd.

Encl.

G.O., 10th July 1894, No. 504.

JULY.

Promotions in the Civil Service

Directing that the system
in force prior to Decr 1884
in regard to the application
of art 120 of the C.R.
in privilege leave arrange-
ments of Civil Servants
be reverted to

10TH JULY 1894, No. 504, PUBLIC.

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(True Extract.)

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,, Accountant-General.

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(True Extract.)

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To the Accountant-General.
,, the Revenue Department.
,, the Board of Revenue.
,, all District Judges.

Exd. J. Moses.

Gobt. of {1894} Madras.

PUBLIC.

Issued

Recd.

Encl.

G.O., 10th July 1894, No. 504.

JULY. .

Promotions in the Civil Service.

Directing that the system in force prior to December 1884 in regard to the application of article 120 of the Civil Service Regulations in privilege leave arrangements of Civil Servants be reverted to.